



**School Policy**

**Increments Policy - School Support Staff**

**July 2015 Issue 2**

Document Number: AP-53

## Document Approval

This document was reviewed and approved by the Governing Body as appropriate and effective.

Signed: \_\_\_\_\_

*If this is one of the 2 official copies the Approver shall write "Copy 1" or "Copy 2" and initial here:*

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Position: \_\_\_\_\_

\_\_\_\_\_

## Document Review

The Governing Body will review this policy to ensure that it is appropriate and effective whenever necessary, and not less than once every four years.

## Document Control

There is one controlled paper copy of this document which is kept in the Junior Building in the office. An electronic version is also available on our website in the policies area.

**All other copies (electronic and paper) are uncontrolled.**

## Document History

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North

Yorkshire County Council

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## Increments Policy

NJC (Green Book) Local Government Services Staff

**FOR SCHOOL SUPPORT STAFF**

**(and TEACHERS if the school determines to include as part of teachers' Appraisal criteria – see para 1.4)**

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### Status of Policy and Procedure

Revised October 2014

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## 1. Introduction

- 1.1 In this guide the term 'manager' or 'line manager' will be taken to mean the Headteacher or other designated school manager.
- 1.2 This guide is aimed at supporting managers to plan and carry out effective incremental progression reviews and informing employees about the process.
- 1.3 To aid managers' decision making processes, please see the Increments Decision Chart (Appendix 1).
- 1.4 Individual schools may determine to include teachers in this process following school based consultation on the school's pay policy. Schools may decide to include some or all of the criteria: conduct, capability, attendance, satisfactory appraisal. An increment may be withheld on this basis but increment removal will not apply to teachers and therefore a teacher cannot lose an increment that has already been awarded. Pay review dates will be as stated in the school's pay policy as will the Appeals process.

## 2. Guiding Principles

- 2.1 Increment Award: All employees whose current salary is below the maximum applicable for the pay band of their job will be subject to an annual incremental review; to decide if they have met the criteria to be awarded an increment progression. Increment Removal: All employees whose current salary is at the top of their pay band will also be subject to an annual increment review; to decide if they have met the criteria to retain their payment at the top of their band. Those who do not meet the annual increment review will have an increment removed if at the top of the band, or will not have an increment awarded if their salary is below the maximum point of the pay band.
- 2.2 Employees who are not at the top of their pay band will normally be eligible to be considered for an increment on 1<sup>st</sup> April each year up to and including the maximum of their current pay band, subject to meeting the criteria stated in this document. This increase will be in addition to any annual nationally negotiated cost of living award applicable to the pay of all employees (with the exception of those on pay protection arrangements), effective 1 April each year, which is normally paid as a percentage of basic pay.

- 2.3 Where an employee has reached the maximum of the pay band, they will not be eligible for an incremental increase; however the same performance criteria that apply to staff with pay band headroom will also be applied to staff at the top of the pay band. Those who do not meet the criteria as outlined for increments will have their pay reduced by one spinal column point only. Throughout this guidance the reference to 'removal of an increment' **only** applies to employees at the top of the pay band or at the bar within a career graded pay band. If an increment has been removed the employee is then eligible the following year for an increment subject to the same criteria.
- 2.4 If an employee is currently at the top of the pay band but in receipt of pay protection and does not meet the increments criteria their basic salary will reduce by one spinal column point but their pay protection amount will be adjusted to ensure that the protection is in place for the whole of the protection period of 1 year. At the end of the protection period the employee will be paid the salary point taking account of the loss of an increment.
- 2.5 The normal incremental review occurs on 1<sup>st</sup> April each year. Employees commencing employment after 1<sup>st</sup> October of any year (up to 31<sup>st</sup> March) will be considered for an increment after 6 months continuous service based upon attendance criteria pro rata target from the year in which their employment commenced (see Appendix 6 ). This guide should be used to assess their eligibility at the required time.
- 2.6 Part time employees are subject to the same criteria as set out in this document.
- 2.7 Multiple post holders will be assessed using the criteria for each of their posts separately. As individuals in multiple posts may be on different spinal column points and may excel in one post but may not meet the criteria in another. An exception to this principle is where a conduct incident takes place in relation to one post which may have an impact on the other post.
- 2.8 Where the awarding of an increment is agreed as a result of an appeal process, this will be made effective from the date it would originally have been paid from.
- 2.9 For career graded posts the post-specific criteria could include the need to attain a qualification, and/or have relevant experience with the attainment of key competencies which are essential to the job role. Reference should be made to the employee's job description, person specification which will include clear career progression thresholds, and if required the Job Evaluation profile in order to identify post specific increment criteria.
- 2.10 Whilst the formal consideration and decision increments awards will take place at the scheduled time, managers are advised to raise their

employee's awareness of the effect that attendance, performance and capability can have on both the awarding and removal of increments throughout the year. For instance during discussions held in relation to return to work, appraisal reviews, regular one-to-one's and disciplinary/capability meetings.

2.11 Timeline of necessary actions for annual review of increments is shown below. This should commence in the April with the decision on increments to be made the following March/April:

<b>Action</b>	<b>Month</b>
Employee has annual appraisal completed by line manager	April – June or Sept – October (teachers)
6 month review of appraisal	October – December or March – April (teachers)
For staff who are in the attendance management process, manager to inform staff of impact on increment. On-going monitoring and management of sickness absence will take place. Staff should be informed at Return to Work meeting if their attendance is likely to result in the withholding or removal of an increment.	On-going
Manager checks attendance data for accuracy and consider whether or not an increment should be awarded on the basis of attendance, conduct, capability or appraisal.	March or Sept (teachers)
Manager completes this process for all direct report staff in time for school to notify HR Admin using the electronic form so that increments can be processed through payroll in April.	Late March or by 31 Oct (teachers)
Manager to discuss any negative outcomes with relevant employees prior to sending letters to employees who have not been awarded an increment or had an increment removed (See Appendix 3a and 3b), and to retain notes of this discussion and share these with the employee. Employee has right to Step 2 Appeal	March or by 31 October (teachers)
Where the Manager proposes an exception (See Appendix 2) this will be reviewed with Head Teacher and advice from HR (Chair of Governors also involved if one-off absence of over 3 months applies or HT wishes to consult with CofG)	March/April or by 31 October (teachers)
If an exception is not agreed - manager to inform employee who has 10 days within which to appeal to Step 3 in writing.	March/April or by 31 October (teachers)
Where an employee appeals, they must identify their reasons for appealing against the decision on the Increment Review Form and submit this to their	April or by 31 October (teachers)

manager.	
Where required, Manager arranges Step 2 appeals meeting for employee to attend with their representative (if required). Discussion and outcome recorded by the manager.	April or October/November (teachers)
Manager to arrange Step 3 appeal hearing to involve Governors Panel HR Representative (if required) Line Manager Employee Employee's Trade Union Representative or work colleague (if required by the employee).	April/May or November/December (teachers)
Payroll to check that pension contributions are correctly banded where increments have not been agreed.	April
Updated pay to employee	April Payroll onwards or October payroll onwards (teachers – backdated to 01 Sept)

### 3. Responsibilities

- 3.1 Line managers are responsible for conducting the incremental progression reviews and communicating the outcome to employees in a timely manner. Managers will review staff who report directly to them. A template letter is included for staff who have had their increment withheld (Appendix 3a) and for those at the top of the pay band who have had their increment removed (Appendix 3b). Managers should retain notes on their discussion with staff who have had their increment withheld and share them with the employee concerned. It is the responsibility of line managers to ensure that their staff receive the appropriate letters.
- 3.2 For managers of staff in multiple posts who are subject to conduct and/or disciplinary issues, it is a requirement of the manager dealing with the incident to inform the manager of any other post held by that employee. A decision then needs to be taken by the manager of the other post(s) as to whether the incident should have an impact on increments for the post they manage. HR support should be sought in this regard. HR Services are responsible for advising on the exceptions and appeals process. Line managers should liaise with their HR advisers.
- 3.3 The Payroll team is responsible for ensuring that increments are awarded or withdrawn for eligible employees and checking pension contributions are correctly banded.
- 3.4 Employees are responsible for bringing any issues to the attention of their line manager if they do not agree with the outcome. Employees

are required to inform their manager in writing as soon as possible, within 10 days after receiving their notification of withheld or removed increment, if they intend to appeal.

#### **4. Criteria for review of increments**

In order to be eligible for an annual increment or to retain an increment at the top of the pay band in the year under review, employees must achieve acceptable standards of performance.

Specifically, the areas where a minimum acceptable level of performance must be attained are:

- a) Conduct
- b) Capability
- c) Satisfactory Appraisal
- d) Attendance

##### **4.1 Conduct**

This relates to unsatisfactory conduct during the year under review. If an employee is the subject of a pre-disciplinary investigation and/or precautionary action as part of the disciplinary policy and procedure, when the review is being completed, then the employee will not be eligible to be considered for an increment. Precautionary action as part of the disciplinary policy and procedure could include suspension or temporary redeployment. If following an investigation, no further action is taken against the employee or, the outcome of a disciplinary hearing is that there is no case to answer, then the increment should be awarded if all other criteria are met. In relation to removing an increment for employees at the top of the pay band this will not take place until the outcome of the disciplinary process is known and a sanction is issued.

If an employee has a live disciplinary warning on their file during the period for which the review is being undertaken, they will not be eligible to receive an increment during that year and will have the increment removed if they are already at the top of the pay band. If the period of warning crosses two years the increment would be withheld only once (in the first year). When disciplinary sanctions are issued, it should be made clear in the disciplinary outcome letter that if an employee has not reached the top of the pay band for their post they will not receive an increment the following year and will have their increment removed if they are already at the top of the pay band, due to the disciplinary warning.

##### **4.2 Performance under review on grounds of capability**

- If an employee has been managed due to issues of under performance during the review period, either formally or informally, then the employee would not be awarded an increment in that review period and

will have their increment removed if they are already at the top of the pay band.

- For performance issues dealt with and completed wholly in the year under review - if the performance improves to the standard required by the manager, and as identified in the behaviour and skills required for the post, within the timescale set for informal action then the awarding of an increment can be considered.

### **4.3 Satisfactory Appraisal**

To qualify for an increment employees must have had a satisfactory appraisal. If the outcome of the appraisal is unsatisfactory then the employee should be made aware that their increment will be withheld, or removed if they are at the top of the pay band. This should be confirmed verbally at the time of the appraisal and followed up in writing. If the appraisal process has not been completed within the past twelve months this cannot be used as grounds for withholding an increment.

### **4.4 Attendance**

- 4.4.1 If the cause of sickness absence was related to pregnancy then this must not be taken into account in the employee's sickness absence total figure for increment review.
- 4.4.2 Unacceptable attendance levels which would, in general, debar an employee from incremental award or would result in an increment removal (if at top of the band) are shown below.

***Acceptable attendance is determined by using the following criteria:***

***Only if individuals exceed the acceptable attendance level in the latest 12 months do managers need to consider the attendance in the preceding 2 years plus the current year.***

Stage 1: Has the employee had sickness absence amounting to more than 7 working days in the preceding 12 months? (The 12 months are from 1<sup>st</sup> April to 31<sup>st</sup> March for NJCstaff).

- *If not, an increment should be awarded on attendance grounds; they have achieved acceptable attendance levels in the 1 year reference period*
- *If they have, there are unacceptable levels of absence in the 1 year reference period - go to stage 2*

Stage 2: Has the employee had a total of more than 21 days sickness absence over the preceding 3 years (including the preceding 12 months (1 year reference period) considered in Stage 1).

- *If not, an increment should be awarded on attendance grounds; they have achieved acceptable attendance levels in the 3 year reference period.*

*- If they have exceeded 21 days sickness absence, there is an unacceptable level of absence in the 3 year reference period - then an increment should be withheld (if head room in the salary band) or should be removed (if at top of the band).*

**Illustrative Examples:**

- Absence record 6 days year 1 (stage 1 decision) – no requirement to move to Stage 2 only use year 1 reference period, decision would be to award or uphold increment on attendance grounds.
- Absence record 10 days year 1 – move to stage 2 decision: 1 day in year 2, 1 day in year 3 = total 12 days. This is lower than 21 days in 3 year reference period – decision would be to award or uphold increment on attendance grounds
- Absence record 12 days year 1 – move to stage 2 decision: 15 days in year 2, 9 days in year 3 – total 36 days. This is higher than 21 days in 3 year reference period – decision would be to withhold or to remove an increment on attendance grounds.
- Absence record 90 days year 1 – This is higher than 21 days in 3 year reference period – decision would be to withhold or to remove an increment. (Please see exceptions section 5, for instances when a one-off absence occurs for someone who otherwise has a good long term attendance record).

4.4.3 Where an employee has had less than 3 years' service with the Council the average sickness absence is determined in relation to the number of months/years they have worked for NYCC and applied according to the limits identified above based on their actual months of service in that period. See table in Appendix 6.

4.4.4 For the purposes of this Policy a working day is defined as a working session, of whatever length. Working sessions that straddle two calendar days count as one working session.

4.4.5 Where a continuous period of absence crosses two review periods, the withholding or removal of an increment should only be applied to one period; if an increment was withheld in the previous year an employee can still be awarded an increment the following year provided that the individual satisfies the attendance criteria.

*Illustrative Examples:*

- *Period of 40 days absence, 20 days prior to and 20 days after 31<sup>st</sup> March. Manager takes the absence into consideration for the current review period (the year up to 31<sup>st</sup> March). Stage 1 Decision determines more than 7 days absence, Stage 2 Decision determines more than 21 days absence over the 3 year reference period, decision would be to remove or withhold an increment. The following year the manager would discount the 40 day period in the Stage 1 decision making but would take it into account when considering the Stage 2 decision.*
- *Period of 8 days absence, 2 days prior to and 6 days after 31<sup>st</sup> March. Manager takes the absence into consideration for the current review period (year up to 31<sup>st</sup> March). Stage 1 Decision determines more than 7 days absence. Stage 2 Decision would depend on any other absences over the 3 year reference period, if this was the only absence, would*

*determine absence of less than 21 days over the 3 year reference period and the decision may be to award or uphold an increment.*

- 4.4.6 In a minority of cases, staff whose illness prevents them from attending their usual place of work may make a reasonable offer to work in a different capacity / location but their manager may be unable to accept this offer. In such instances the manager may decide to exempt this period of absence from counting as sickness absence for incremental progression purposes only. However the absence will be recorded and taken into account for attendance management purposes (e.g. sick pay). Where this is the case, it may be applicable to award the increment for the year in question but does not mean the absence will be discounted when considering past absence in future years (e.g. can be taken into account when considering the Stage 2 Decision, 3 year reference period).
- 4.4.7 Where it is proposed to withhold an increment, or remove the increment for staff at the top of the pay band, on attendance grounds, the line manager should, when informing the employee, give details of the attendance record and allow the employee the opportunity to comment. The manager is responsible for recording these discussions on the Increment Review form (Appendix 7).
- 4.4.8 If there is any dispute about the attendance data used, this should be resolved wherever possible before the employee takes the matter to appeal on the grounds that the data is inaccurate.
- 4.4.9 **Extended Unpaid Leave**  
Where an employee has taken extended unpaid leave within the preceding 12 months, this period should be ignored, with the same amount of time being considered prior to the 12 months review period. For example, if someone has had 3 months extended unpaid leave during the 12 month review period, the manager should consider the previous 15 months.
- 4.4.10 **Work-related absence**  
If an employee has been absent due to work-related issues and wishes to appeal against the withholding or removal of an increment on these grounds, the manager may wish to consider applying an exception (see section 5).
- 4.4.12 **Disability-related absence**  
The Equality Act (2010) provides a legal framework to protect disabled employees from discrimination. Managers have a legal duty to make reasonable adjustments to enable employees to remain in employment and be able to manage work commitments. Information on reasonable adjustments can be found in the [Manager's Guide to Attendance](#).

However, this does not mean that employers must tolerate high levels of sickness absence or any inabilities to undertake the jobs, key duties and responsibilities. The fact that the Equality Act applies to an employee does not mean that increments must be awarded annually. Line managers must seek advice from [Health and Wellbeing Services](#) when dealing with a disabled employee in relation to increment reviews.

If the cause of absence was related to a disability then the employee's line manager should consider whether it would be appropriate to determine that

all or any of that absence should be counted as Disability Related Sick Leave (DRSL) and excluded from the sickness absence calculation for increment purposes. Each case will be determined based on individual circumstances; as a reasonable adjustment the Authority **may** discount disability related sickness for the award of increments as long as the sickness absence is directly related to the disability. It may not be reasonable to discount disability related absence in every case. Advice and guidance should be sought from [Health and Wellbeing Services](#) to ascertain the amount of discount for disability related sickness which may need to be considered for an employee.

Factors that should be considered in making this decision include:

- The degree to which the employee exceeds the unacceptable absence trigger;
- Other reasonable adjustments put in place to assist the employee in managing their attendance;
- The extent to which the employee and their manager have attempted to enable a return to work or to carry out work in other ways at the earliest opportunity;
- The extent to which the employee and their manager have sought to find solutions to manage predictable absence resulting from their condition via flexible working times, use of unpaid leave/flexi time etc.

## 5. Exceptions to Attendance Criteria:

5.1 If an employee has exceeded the specified attendance targets then the increment will be withheld, or removed for those at the top of the band.

5.2 On rare occasions managers may wish to support the employee and apply an exception to the increment attendance criteria policy.

A manager may consider that the case should be proposed as an exception; because it is a one-off absence where the employee's previous attendance is "good". Good attendance is no more than 3 days sickness absence, on average, in any year of service with the Council. The 3 days should be averaged over the employee's length of service, including the current year. However, because attendance records can only be checked dating back to 2001/02, the reference period is no longer than the period dating back to 2001/02. In other words, in order for an exemption to be considered attendance must satisfy all stages detailed in section 4.4.2 plus a further appraisal of absence covering the full length of service (Stage 3 below).

### When is it appropriate to consider applying an exception?

Managers would consider stages 1 and 2 (Section 4.4.2). If the employee does not meet the attendance criteria but has only had a 'one-off' absence they have discretion to consider it in accordance with stage 3 below:

**Stage 3** (For consideration for exceptions only): Has the employee had an average of 3 days or less absence over their length of service (excluding the preceding 12 months – 1 year reference period) dating back to April 2001.  
*- If their average is 3 days or less, an exception can be considered as they could be considered to have achieved acceptable attendance levels for their length of service.*

*- If not, an increment should be withheld or removed on attendance grounds; as there are unacceptable levels of absence in the length of service reference period an exception should not be considered.*

5.3 All applications for an exception to the policy on the grounds of attendance should be referred to the Headteacher\* (if the Headteacher is not the line manager) to ensure consistency (\* see below for absence of more the 3 months). If the Headteacher is the line manager they may wish to discuss the issue with the Chair of Governors before making a decision

Illustrative example

- Stage 1 Absence record 90 days year 1 – move to stage 2 decision: 0 days in year 2, 0 days in year 3 – total 90 days. This is higher than 21 days – decision would be to withhold or to remove an increment. Manager believes that this is a one-off absence against an otherwise exemplary attendance record, consider full service history attendance stage 3 exception: record is 2 days year 4, 1 days year 5, 0 days year 6 = total 3 days over 5 years (excluding most recent year), length of service average 0.6 days. Decision: manager may apply an exception.
- Stage 1 Absence record 70 days year 1 – move to stage 2 decision: 3 days in year 2, 2 days in year 3 – total 75 days. This is higher than 21 days – decision would be to withhold or to remove an increment. Manager believes that this is a one-off absence in year 1 against an otherwise exemplary attendance record,
- consider full service history attendance stage 3 exception: record is 3 days year 4, 7 days year 5, 10 days year 6, 0 days year 7, 2 days year 8 = total 27 days over 7 years (excluding most recent year), length of service average 3.85 days. Decision manager would not normally apply an exception.

In the event that the manager wishes to consider an exception, this process is to be concluded prior to progressing with an employee's appeal and should be completed in a timely manner.

5.4 Where an exception/appeal has been upheld in a previous year, the absence will NOT be discounted when considering 'good attendance'.

5.5 Exceptions will not normally be granted if an employee has had an absence of more than 3 months. These cases would be on very exceptional grounds in that the circumstances are rare/unusual and/or the context is such that they should be deemed an exception. This context could include:

- Injury/illness caused by work where the County Council (school in the case of Aided schools) acknowledges liability;
- An employee whose performance and commitment to work has previously been exceptional;
- Cases where in the face of a serious condition/illness an employee with a previously excellent attendance and commitment record has made every reasonable attempt to minimise the impact of their absence.

Any disability and its impact on the absence should be fully considered.

5.6 Exceptions Process

Important Note:

The exception process is entirely separate to the appeals process and is to be concluded prior to the commencement of an appeals process.

The exception process is instigated and progressed by the responsible manager normally immediately after the increment decision is taken using the designated increment decision making criteria and before an appeal process commences.

If the employee is not satisfied with the increment decision they have the opportunity to appeal.

**If an exception is awarded, the manager will progress the increment award, and inform the employee without the need for the employee to progress with an appeals process.**

If an exception is rejected at either stage 2 or stage 3, the managers will remove or withhold the increment, inform the employee and the employee will have the opportunity to appeal following the appeals procedure.

See template letters in Appendices 3, 4 and 5.

☞ **If the employee's pay point is changed as a result of this process it will be the line manager's responsibility to ensure that the salary is changed from the effective date.**

## **6. Appeals Process**

- 6.1 Employees who are not awarded an increment or who have had their increment removed following increment review will have the right of appeal. Staff must inform their manager within 10 days of being notified of the outcome of their increment review of their intent to appeal. Employees must submit their appeal in writing by using the Increment Review form (Appendix 7) to outline the grounds of their appeal.
- 6.2 The 3 step appeals process satisfies the legal requirements for addressing staff disputes / grievances and therefore staff do not have access to the 'Resolving Issues at Work' procedure.
- 6.3 Full details of the appeals process are available in Appendix 9.

## **7. Schools' Electronic Form Return**

Schools will be requested to complete and return an electronic form. Notification and guidance will be issued by HR at the appropriate times.