

NY Increments Policy & Procedure (Feb 2015)

Springhead School Nov 2023

Currently due for review by NYC revisit Spring 2024

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 3.4)

This policy was last reviewed on	Nov 2023
This policy is scheduled for review on	Spring 2024

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Access: If you require this information in an alternative format, such as large type, audio cassette or Braille, please contact NYHR

1.0 Scope

This policy and procedure covers staff on NJC, Soulbury, JNC terms and conditions and Centrally Employed Teachers. This policy and procedure will cover TEACHERS if the school determines to include as part of teachers' Appraisal criteria – see para 3.4)

2.0 Increment Policy

The pay band for most posts allows for progression through the band, usually on an annual basis, **subject to satisfactory performance**. There is no automatic entitlement to an additional increment. The increments policy seeks to encourage and reward good performance (including a positive approach to attendance) in a fair and equitable manner. On an annual basis an employee's manager will review performance to decide if an increment should be awarded for satisfactory performance, or potentially withheld or removed for unsatisfactory performance. The procedure sets out managers' and employees' mutual responsibilities. There are clear criteria for assessing satisfactory performance, together with examples of how managers may exercise discretion.

3.0 Introduction

- 3.1 In this guide the term 'manager' or 'line manager' will be taken to mean the Headteacher or other designated school manager.
- 3.2 This guide is aimed at supporting managers to plan and carry out effective incremental progression reviews and inform employees about the process.
- 3.3 To aid managers' decision-making processes, please see the Increments Decision Chart (para 5).
- 3.4 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.

4. Guiding Principles

- 4.1 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 criteria 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.

- 4.2 Employees who are not at the top of their pay band will normally be eligible to be considered for an increment on 1st 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.
- 4.3 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 meeting the same criteria.
- 4.4 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.
- 4.5 The normal incremental review occurs on 1st April each year (teachers 1st September). Employees commencing employment after 1st October of any year (up to 31st 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 (this does not apply to teachers). This guide should be used to assess their eligibility at the required time.
- 4.6 Part time employees are subject to the same criteria as set out in this document.
- 4.7 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.
- 4.8 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.

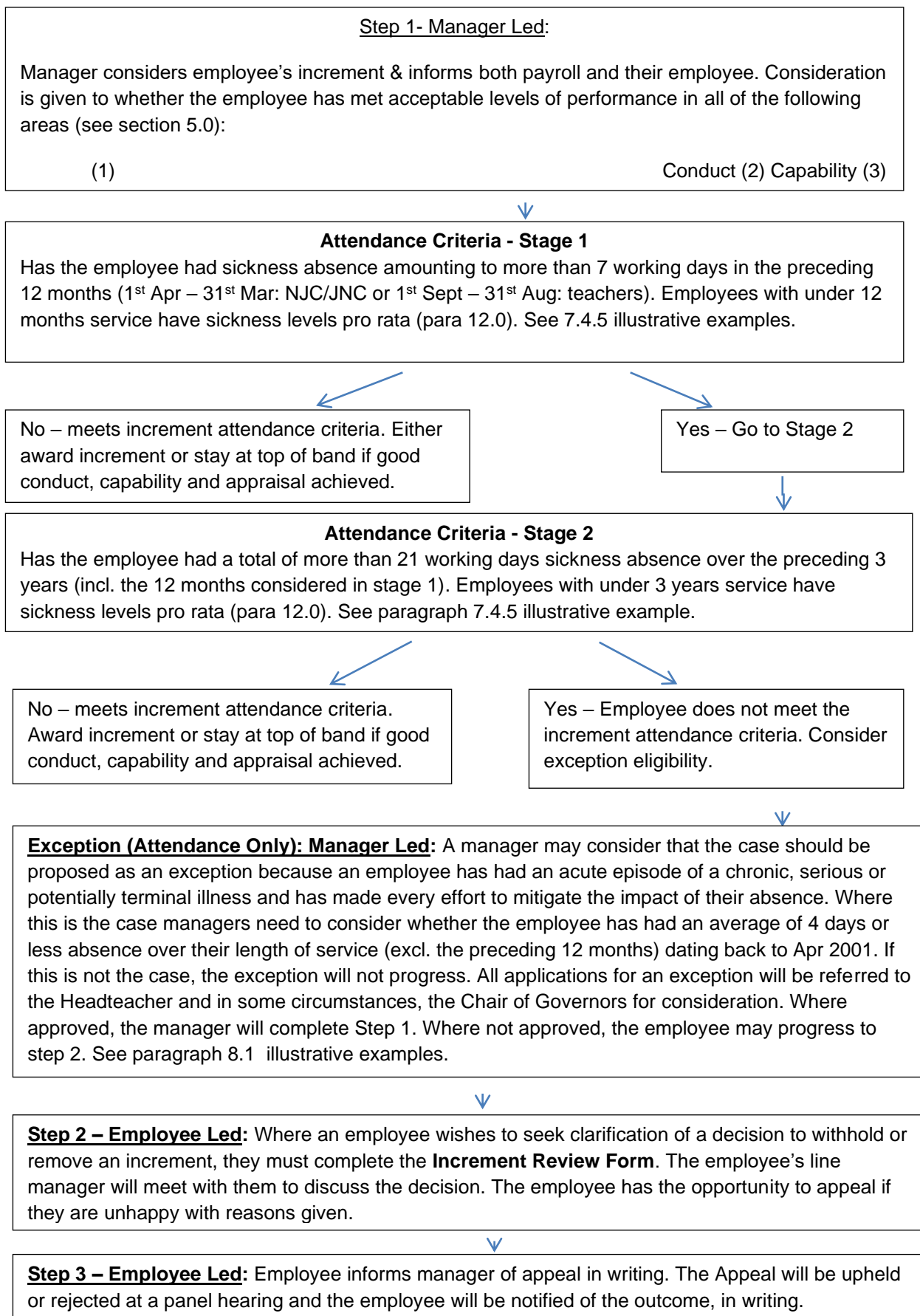
- 4.9 For career graded posts the post-specific criteria could include the need to attain a qualification, and/or have relevant experience involving the attainment of key competencies which are essential to the job role. Reference should be made to the employee's job description and person specification which will include clear career progression thresholds, and, if required, the Job Evaluation profile in order to identify post specific increment criteria.
- 4.10 Whilst the formal consideration and decision regarding increments awards will take place at the scheduled time, managers are advised to raise their employees 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-ones and disciplinary/capability meetings.
- 4.11 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 (Teachers Appraisal cycle is Sept-Oct to the following Sept-Oct).

Action	Month
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 (Teachers = November).	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	March or by 31 October (teachers)

share these with the employee. Employee has right to Step 2 Appeal	
Where the Manager proposes an exception 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 C of G)	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 manager.	April or by 31 October (teachers)
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 (support staff backdated to 01 April, teachers – backdated to 01 Sept)

5. Increments Decision Chart.

Steps are set out in the increment decision process flowchart below:



6 Responsibilities

6.1 Manager

1. Ensure any absence is recorded accurately throughout the year to underpin the review process. Ensure records are checked, accurate and that there is a clear shared understanding of the increment review process
2. Ensure any conduct or capability issues are clearly discussed with the employee and recorded to underpin the review process.
3. Support staff to minimise sickness absence by considering creative alternatives to normal working arrangements e.g. working from home, temporary change of working location or hours, temporary change to duties, where this is possible. Record such attempts to minimise sickness absence.
4. Review performance in good time prior to the increment review date. Performance incorporates:
 - Conduct
 - Capability
 - Appraisal
 - Attendance
5. Keep staff informed of the outcome of the increment review process at each step. Notify the employee of their recorded sickness and investigate any disputed information. Complete the increment review form as appropriate.
6. Complete the approval process and notify payroll of the outcome. It is a management requirement to complete the annual increment review process, including formal notification to the employee, prior to the payroll deadline.
7. Where an employee does not meet the satisfactory attendance criteria consider whether there are grounds for an exception, reviewing previous absences over the employee's employment history back to 2001. Any manager proposed exception to be approved by the Headteacher, along with the Chair of Governors in some circumstances.
8. Advise staff of their right and the process to appeal against a withheld or withdrawn increment decision, having ensured the above points have been completed prior to an employee appeal being submitted.
9. 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. NYHR support should be sought in this regard. HR Schools are responsible for advising on the exceptions and appeals process. Line managers should liaise with their HR advisers.

6.2 Employee

1. Strive to attain the highest standards of performance in terms of conduct, capability, appraisal and attendance.

2. Seek to minimise sickness absence. Proactively consider and suggest to managers options to work flexibly where possible during any period of sickness or injury to maintain a good attendance record.
3. Ensure any absence is reported correctly to their line manager.

6.3 Payroll

The Payroll team is responsible for ensuring that increments are awarded or withdrawn for eligible employees, in accordance with school instructions and checking pension contributions are correctly banded.

7.0 Satisfactory Performance

7.1 Conduct: Unsatisfactory performance is where there is a live warning in place. Any single warning will only impact on 1 increment review. Where there is a live conduct investigation the increment review is delayed until the investigation is completed i.e. an increment would not be withdrawn whilst the investigation is on-going.

7.2 Capability: Unsatisfactory performance is where an employee is currently being managed under the developing performance or capability procedure, at the date of the increment review. This includes any discussion with a shared record, and the employee should be in no doubt that there are concerns about their performance which require improvement. Performance or capability issues which have been successfully concluded by the increment review date are discounted.

7.3 Appraisal: Unsatisfactory performance is an unsatisfactory appraisal review in the 12 months prior to the increment review.

7.4 Attendance: Some sickness absence is discounted for considering satisfactory performance, as follows:

7.4.1 Maternity related absence: If the cause of sickness absence was related to pregnancy then this must be excluded from the sickness absence calculation for increment purposes.

7.4.2 Disability-related absence: If the cause of absence was related to a disability then the employee's manager should consider whether 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. Whilst from a school perspective, up to 10 days disability related sickness absence may be considered reasonable in terms of service delivery, each case should be decided on its own merits with advice sought from Health and Wellbeing services. Employees may choose to complete a disability passport, if this has been adopted by the school, which may record DRSL entitlement.

It may not be reasonable to discount disability related absence in every case. Information on reasonable adjustments can be found in the Manager's Guide to Attendance. Health and Wellbeing Services and HR can advise when dealing with a disabled employee in relation to increment reviews.

7.4.3 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, e.g. if someone has had 3 months extended unpaid leave during the 12 month review period, the manager should consider the latest 12 months total of paid employment.

7.4.4 Work-related absence

If an employee has been absent due to an injury or illness sustained in the course of their work where the County Council acknowledges liability or the case is undisputed, the manager may wish to consider applying for an exception. See Flowchart at 5.0 for Attendance Criteria.

7.4.5 Application of Attendance Criteria: Illustrative Examples

Stage 1

An employee has sickness absence amounting to 6 working days in the preceding 12 months. The attendance criteria have been met. No need to move to Stage 2.

Stage 2

An employee has sickness absence amounting to 10 working days, in the preceding 12 months. This is more than the permitted 7 working days, so move to Stage 2. The employee has had 1 working day of sickness absence in year 2 and 1 working day of sickness absence in year 3. This is a total of 12 working days in 3 years. The attendance increment criteria have been met.

8.0 Exceptions (Manager Led)

A **manager** can recommend an **exception** to the normal decision to withhold or withdraw an increment in a limited set of circumstances. Exceptions can only be considered where

1. The employee's previous attendance is "good" (defined below – Stage 3) **and**
2. The absence has been a single occurrence or relates to a single acute episode of a chronic, serious or potentially terminal illness, **and**
3. The employee has made every effort to mitigate the impact of their absence.

Good attendance is no more than an average 4 days sickness absence for each year of service with the Council, averaged over the employee's length of service (excluding the current year) dating back to 2001/02.

Exceptions can also be considered for an employee who meets the exceptions criteria above and:

- Who plans to retire, where the withdrawal or withholding of an increment would impact on pension entitlement, **or**
- Who has disability-related absence which has not been discounted as DRSL, **or**
- Whose absence relates to an injury or illness sustained in the course of their work where the County Council acknowledges liability or the case is undisputed. (see 7.4.4 above).

8.1 Stage 3: Eligibility for an Exception

Managers must follow this process to calculate an employee's eligibility before recommending an exception.

Has the employee had no more than an average of 4 days sickness absence for each year of service with the Council, (excluding the preceding 12 months) dating back to April 2001?

Year	No. of working days lost due to sickness absence	Procedure
1	90	Move to stage 2
2	0	
3	0	Mgr considers exception. Moves to stage 3.
4	2	
5	1	
6	0	
		Total: 3 days over 5 years (excl. preceding year). Ave: 0.6 days per year. Manager may apply for an exception.

Year	No. of working days lost due to sickness absence	Procedure
1	70	Move to stage 2
2	3	
3	2	Mgr considers exception. Moves to stage 3.
4	3	
5	7	
6	10	
7	0	
8	2	
		Total: 27 days over 7 years (excl. preceding year). Ave: 3.85 days per year. Manager may apply for an exception.

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 initial 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.

9.0 Exceptional Circumstances

Normally where an exception or appeal has been upheld in a previous year the absence will not be discounted when considering good attendance. Rarely it is possible that:

- an employee does not meet the exceptions criteria due to absence slightly above the current year 7 day trigger, **but**
- the manager believes the current year absence is linked to a previously lengthy absence for a single acute episode of a chronic, serious or potentially terminal illness, **then**
- the manager can make an 'exceptional circumstance' request to discount the previous year in which the lengthy absence occurred.

Any such 'exceptional circumstance' request should be made by the manager to the Chair of Governors, who will consider any case on its merit.

10.0 Appeal (Employee Led)

An employee who has had an increment withheld or withdrawn following increment review has a right of appeal. Staff must set out the grounds of any appeal in writing, using the Increment Review form (appendix 5) to their manager within 10 working days of being notified of the outcome of their increment review. If an increment is agreed on appeal it will be effective from the date it would originally have been applied. Staff cannot access the 'Resolving Issues at Work' procedure to appeal an increment review outcome. Full details of the appeal process are available on the Increments page of the intranet.

☞ **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.**

11. 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.

12. Increment Procedure Application

1. Incremental reviews will take place from 1st April (for employees on NJC or JNC terms and conditions) or 1st September (for employees on Soulbury or Teachers' terms and conditions).
2. Those who do not satisfy the criteria 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
3. Increment removal does not apply to Teachers due to statutory terms and conditions.
4. The procedure for support staff receiving pay protection is set out in the pay protection policy.
5. New staff who join NYCC or take up a new/changed post (with different duties and responsibilities) on the same or a different grade between 2nd October and 31 March (NJC) or 2nd March and 31 August (Soulbury) should have an incremental review after 6 months service.
6. JNC* increments are normally payable at 1st April unless the member of staff has transferred to JNC from a teaching or Soulbury post in which increments were paid on 1st September. In those circumstances annual increments will be payable on the 1st September. All JNC increments are subject to having completed 26 weeks satisfactory service.
7. Multiple post holders will be assessed using the criteria for each of their posts separately, **except** where a conduct incident takes place in relation to one post which may have an impact on the other post.
8. Employees with under 12 months service have sickness levels pro rata:

Length of Service:	More than:
Up to 6 months	3.5 days
6 months service	4 days absence
7 months service	4.5 days absence
8 months service	5.5 days absence
9 months service	6 days absence
10 months service	6.5 days absence
11 months service	7.5 days absence
12 months service	8 days absence

9. For an employee with less than 3 years' service, the average sickness absence is considered in relation to their service and pro rata limits.

Absence levels for staff with less than 3 years service (the minimum days absence that would instigate an increment being withheld or removed):

	Completed months service	Remove/withhold increment threshold
Less than 12 months service	up to 6 months	3.5
	6 months	4
	7 months	4.5
	8 months	5.5
	9 months	6
	10 months	6.5
	11 months	7.5
	12 months	8
More than 12 months service less than two years service	13 months	8.5
	14 months	9
	15 months	10

	Completed months service	Remove/withhold increment threshold
	16 months	10.5
	17 months	11
	18 months	11.5
	19 months	12
	20 months	13
	21 months	13.5
	22 months	14
	23 months	14.5
Less than three years service more than two years service	24 months	15
	25 months	15.5
	26 months	16
	27 months	17

	Completed months service	Remove/withhold increment threshold
	28 months	17.5
	29 months	18
	30 months	18.5
	31 months	19
	32 months	20
	33 months	20.5
	34 months	21
	35 months	21.5
Three yrs+	36 months +	22

10. A working day is defined as a working session, of whatever length. Working sessions that straddle two calendar days count as one working session.
11. Where a continuous period of absence crosses two review periods, the withholding or removal of an increment should apply only to one period. If an increment was withheld in the previous year an employee can still be awarded an increment the following year provided all criteria are satisfied (excluding the occasion of absence which overlapped the review periods).

Appendix 1

Increment Review Form

This form is to be used to record each step of the exception or appeal process. It is then to be retained on the employee's electronic personal file. Please ensure it is fully completed. Staff must inform their manager within 10 days of being notified of the outcome of their increment review of their intention to appeal.

STEP 1

This **section** should be completed by

1] Any employee who wishes to seek clarification of a decision to withhold or remove an increment. It is important to include every aspect you wish to be considered

or

2] For cases where an exception is to be proposed, this section may be completed by the manager.

1. Full Name	2. E-mail or postal address for correspondence:
3. Employee Reference Number	
4. Post Occupied:	
5. Directorate and Service Area	
6. Date of appointment to Post:	7. Present Pay Band/Spinal Column Point:
8. Date from which present spinal column point applied:	
9. Indicate below the element to which your appeal relates:	
• Conduct / Disciplinary Issue	Yes No
• Capability Issue	Yes No
• Satisfactory Appraisal Issue	Yes No
• Attendance/Sickness Absence Issue	Yes No
If Attendance Issue, please confirm the following: How many days sickness absence in current year: How many periods of sickness absence in the current year: Reason for sickness absence:	
Was any of the absence due to disability? If so, how many days?	

Average number of days sickness absence to demonstrate 'good' attendance:

(Good attendance is described as 4 or less working days per year. Managers should look at absences over the employee's length of service, excluding the current year dating back to 2001/02)

10. Outline below relevant information in support of your appeal (Please continue on an additional sheet if necessary and provide any supporting documentary evidence as appropriate). This area can be completed in conjunction with your line manager. If the reason for the exception is attendance/sickness absence then please complete the following table:

Dates Absent	Reason for Absence	Number of Working Days Lost	Reference Year (starting with current year 01 April – 31 Mar)	Disability Related sick Leave (DRSL) – Number of Days
e.g. 01.04.2013 – 15.04.2013	Infection	6	Year 1	0

Please include any other relevant information regarding temporary or permanent changes to working conditions (i.e. home working, reduced hours)

11. Signature

12. Date

SUBMIT TO YOUR LINE MANAGER	
STEP 1 Received by:	Date:

STEP 2 – Meeting (to be completed before forwarding to HR)

Line Manager must provide copies of documentation to evidence what support they have provided to support the employee e.g. working from home, risk assessments, occupational health referrals, etc.

(NB: This form will not be processed further by HR without this documentation)

Date letter sent acknowledging receipt of form from Step 1

Date of Step 2 meeting

Manager name

Individual name

Employee Representative (if present)

Outcome of Step 2 (State the reasons for the decision – continue on additional sheet if needed)

Employees please note: If you wish to appeal to Step 3 you should submit this paperwork to your line manager as soon as possible after receiving this form, outlining the reasons for your appeal

Date copy of this form sent to individual:

Does individual wish to progress to Step 3?

YES

NO

STEP 3 - Appeal

Received written notification from individual of their request to progress to step 3

Date received:

Date of Step 3 meeting

Chair Person name

HR Representative name

Individual name

Employee Representative

Outcome of Step 3 (**state the reasons** for the decision - continue on additional sheet if needed)

Appeal upheld / Appeal rejected

Reasons:

Date copy of form sent to individual:

EXCEPTIONS ONLY:

Manager wishes to apply for an exception

YES/NO

DMT Exception supported Reasons:	DMT Exception not supported Reasons:
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Appendix 2a

Template letter - Individual not to receive increment

Date

Dear

Following consideration of the increments criteria I regret to advise that, unfortunately, you have not met the criteria necessary to receive an annual increment this year.

The reason for this being (select reason):

Your conduct is presently under investigation and/or there was a disciplinary warning issued during the period under review.

There have been concerns raised over your work performance.

Your staff appraisal was not deemed to be satisfactory this year.

Your level of sickness absence was above the acceptable level required for the granting of an increment

We have already discussed the detail surrounding the above decision, however if you require further clarification, please arrange to discuss this with me as soon as possible.

This decision will not affect your right to receive a standard of living increase if and when agreed following local and national negotiations (unless pay protection applies to your salary).

You have the right to appeal against this decision. If you wish to appeal, please complete the increment review form available on the intranet, outlining the reasons for your appeal and return it to me as soon as possible, or within 10 days of the date of this letter. You may be supported by a Trade Union representative or a work colleague at any appeal hearing.

Yours sincerely

Line manager

Copy to personal file.

Appendix 2b

Template letter – Individual to have their increment removed

Date

Dear

Following consideration of the increments criteria I regret to advise that, unfortunately, you have not met the performance criteria and will have your increment removed this year as you are currently at the top of your pay band.

The reason for this being:

Your conduct is presently under investigation and/or there was a disciplinary warning issued during the period under review.

There have been concerns raised over your work performance.

Your staff appraisal was not deemed to be satisfactory this year.

Your level of sickness absence was above the acceptable level.

We have already discussed the detail surrounding the above decision, however if you require further clarification, please arrange to discuss this with me as soon as possible.

This decision will not affect your right to receive a standard of living increase if and when agreed following local and national negotiations (unless pay protection applies to your salary).

You have the right to appeal against this decision. If you wish to appeal, please complete the increment review form available on the intranet, outlining the reasons for your appeal and return it to me as soon as possible or within 10 days from the date of this letter. You may be supported by a Trade Union representative or a work colleague at any appeal hearing.

Yours sincerely

Line manager

Copy to personal file

Appendix 3

Template letter - Individual recommended to be considered as an 'exception'

Date

Dear

Following consideration of the increments criteria I write to advise that you have not met the increments criteria this year. However, following our meeting I am instigating the process to consider the possibility of an exception being granted in your case.

The reason for this being: (detail here)

We have already discussed the detail surrounding the above decision; however if you require further clarification please arrange to discuss this with me as soon as possible.

Once the 'exception process' has concluded I will inform you of the decision.

If you decide to appeal you will need to complete the increment review form, and this will commence only after the exception process has concluded. This will instigate the final step of the appeal process whereby you will be invited to attend a hearing with an assistant director, HR representative, at which you may be accompanied by a Trade Union representative or work colleague, after which I will confirm the outcome to you.

Yours sincerely

Line manager

Copy to personal file.

Appendix 4:

Template letter – outcome of exceptions process

Date

Dear

As you are aware I instigated the process to consider the possibility of an exception being granted to *award an increment/retain your point at the top of the pay band following consideration of *exceptions for your absence*.

The outcome of the exceptions process is (select which option)

Option 1

To award the increment, this will be backdated to(state date)

or

To retain the pay point at the top of the pay band.

Option 2

Not to award the increment for the following reasons (state reasons)

or

To reduce the increment from the top of the pay band by one increment for the following reasons (state reasons)....

As we have previously informed you, you have the right of appeal.

If you wish to appeal you should do this in writing within 10 days from the date of this letter.

Yours sincerely

Line manager/ Assistant director/Head of HR (or their representative)

Copy to personal file.

Appendix 5:

Increment appeal process

Introduction

Those employees who are eligible to be considered for an increment, but who are not awarded an increment as a result of unsatisfactory conduct, capability, appraisal or attendance, will have the right of appeal. This also applies to employees at the top of the pay band who have not met the same criteria for increments and have had their pay reduced by one spinal column point.

This three step process satisfies the requirements of the ACAS Code of Practice on Grievances. Once this three step appeal process is concluded, the individual does not have access to the Resolving Issues at Work Procedure for this issue.

The increment review form should be used to record the outcome at each step and should then be retained on the individual's personal file for a period of twelve months.

Individuals have the right to be accompanied by a trade union representative or work colleague at steps two and three. However it is normal that the individual will be accompanied at step 3, the formal appeal meeting.

If further guidance on this process is required please view information provided on staff information, if you require further assistance after reviewing this information please contact the NYHR team on NYHR@northyorks.gov.uk or 01609 798343.

Schools - In this document, the word 'Manager' should be interpreted as 'Headteacher' or other school manager. It is expected that appeals will be heard by panels of two or three non-staff governors. The process applies to support staff only.

Note: The exceptions process (detailed in the increments policy) is entirely separate to the appeals process and should be concluded prior to the progression of an appeal.

Appeal process

Step 1

Employee puts their appeal in writing by completing the increment review form available on the intranet.

Following notification of the decision to withhold or remove an increment, an employee may complete the increment review form ([appendix 1](#)) and send to their manager as soon as possible. The purpose of this step is to make the manager aware that the individual is dissatisfied with the decision to remove or withhold an increment, and why.

Step 2

Manager and employee meet to discuss the situation.

The manager must acknowledge receipt of the form as soon as possible and arrange to meet with the individual to discuss the decision making process, relevant to their case.

The manager will confirm the outcome of the meeting by noting the decision and reasons for it on the increment review form at step 2. The employee will be provided with a copy of the form and be advised that if they are still dissatisfied with the decision then they have the right of appeal (step 3 of the process).

The employee should notify their line manager in writing as soon as possible after receiving the copy of the form, detailing the reasons for their dissatisfaction with the decision.

If the employee decides to appeal then the manager will send a copy of the form to the chair of the appeal meeting, together with any other evidence relevant to the employee's case. The manager would organise the appeal/chair in liaison with HR. The employee will be provided with a copy of all the evidence provided by the manager to the chair of the appeal meeting, in a reasonable time period before the appeal meeting takes place.

Step 3

Appeal to next level

An appeal meeting will be set up and chaired by an assistant director (or equivalent level manager). The assistant director will not have been previously involved with the individual case. It is recommended that a HR representative advises the chairperson.

The manager should make available to the panel chair a comprehensive pack of information to include: increment appeal form, meeting notes, absence history, sick note certificates, return to work forms, copies of letters, occupational health referrals and any other relevant information to be considered by the panel. This must be submitted within a reasonable time and no later than five working days before the hearing.

Participants in the appeal meeting will be:

The chairperson

HR representative (if required by the chairperson)

Employee

Employee's Trade Union representative or work colleague (if required by the employee).

The chairperson will note the reason provided on the form for the increment decision, and any other evidence provided by the manager. If the employee or chairperson believes that any clarification of the evidence is required they should request the manager to provide written clarification to both the employee and chairperson, assisted by the HR representative (if required by the chairperson) in advance of the appeal meeting.

The individual and / or their representative then have the opportunity to present their case against the increment decision. The chairperson (and HR representative) will have the opportunity to ask questions.

The meeting will conclude to allow the chairperson to consider the information provided in consultation with the HR representative (if applicable).

Appeals relating to absences of more than three months will be held by a sub group of management board, consisting of two members of the board. There is an opportunity to attend with representation. The outcome will be confirmed in writing.

The final decision will be recorded on the form by the manager and a copy sent to the employee. A covering letter may also be sent.

The outcome of step 3 is final. Individuals cannot make a further appeal through the resolving issues at work procedure.

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 by liaising with employment support service.

Appendix 6:

Individual appeal outcome letter

Date

Dear

Following my earlier letter to you regarding the final step of the appeal process, and following an appeal meeting on (date) to consider the circumstances (which you were invited to attend with a representative), I have now been informed of the decision of the assistant director and can confirm the outcome of the final step of your appeal:

(Appeal upheld)

That your appeal has been upheld on the basis of and therefore you will receive your increment with effect from

or

That your appeal has been upheld on the basis of and therefore, your spinal column point will not be reduced.

(Appeal rejected)

That your case has not been agreed and therefore you will not be awarded an increment. In coming to a decision, the assistant director was guided by the increment policy and also listened very carefully to your points, and [for cases relating to attendance] he/she also took the opportunity to clarify your attendance level in previous years. It was concluded that your absence in (current year) was (xx) working days and that the absence in the period (last three years) was (xx) days. This does exceed the acceptable level of attendance as laid down in the increment policy. Your attendance record over the period (start date or 01/04/2001 to end current year) was also considered and it concluded that this totalled (xx) days over a period of (xx) years. In conclusion, the attendance levels outlined above were in excess of the acceptable level of attendance. Therefore the assistant director was unable to uphold your appeal.

There is no further right of appeal. This decision will not affect your right to receive a standard of living increase if and when agreed following local and national negotiations (unless pay protection applies to your salary).

or

That your case has not been agreed and therefore your spinal column point will reduce by one point as you are at the top of the pay band. In coming to a decision, the assistant director was guided by the increment policy and also listened very carefully to your points, taking the opportunity to clarify your attendance level in previous years. It was concluded that your absence in (current year) was (xx) working days and that the absence in the period (last three years) was (xx) days. This does exceed the acceptable level of attendance as laid down in the increment policy. Your attendance record over the period (start date or 01/04/2001 to end current year) was also considered and it concluded that this totalled (xx)

days over a period of (xx) years. In conclusion, the attendance levels outlined above were in excess of the acceptable level of attendance. Therefore the assistant director was unable to uphold your appeal.

There is no further right of appeal. This decision will not affect your right to receive a standard of living increase if and when agreed following local and national negotiations (unless pay protection applies to your salary).

If you require any further information, please contact me.

Yours sincerely

Line manager

*Delete as appropriate

Copy to personal file