

# *School Teachers' Review Body*

Nineteenth Report – 2010

Chair: Dr Anne Wright, CBE

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# School Teachers' Review Body

## **NINETEENTH REPORT – 2010**

*Chair:* Dr Anne Wright, CBE

Presented to Parliament by the Prime Minister and the  
Secretary of State for Children, Schools and Families  
by Command of Her Majesty  
March 2010

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## TERMS AND ABBREVIATIONS

<b>Consultees</b>	Organisations invited to make representations and provide evidence to STRB
<b>ASCL</b>	Association of School and College Leaders
<b>Aspect</b>	Association of Professionals in Education and Children's Trusts
<b>ATL</b>	Association of Teachers and Lecturers
<b>BATOD</b>	British Association of Teachers of the Deaf
<b>DCSF/the Department</b>	Department for Children, Schools and Families
<b>NAHT</b>	National Association of Head Teachers
<b>Nasen</b>	formerly the National Association for Special Educational Needs
<b>NASUWT</b>	National Association of Schoolmasters Union of Women Teachers
<b>NEOST</b>	National Employers' Organisation for School Teachers
<b>NGA</b>	National Governors' Association
<b>NUT</b>	National Union of Teachers
<b>Ofsted</b>	Office for Standards in Education, Children's Services and Skills
<b>RIG</b>	Rewards and Incentives Group (comprising ASCL, ATL, DCSF, NAHT, NASUWT, NEOST, Voice) <sup>1</sup>
<b>Secretary of State</b>	Secretary of State for Children, Schools and Families
<b>TDA</b>	Training and Development Agency for Schools
<b>UCAC</b>	Undeb Cenedlaethol Athrawon Cymru (National Association of the Teachers of Wales)
<b>Voice</b>	formerly the Professional Association of Teachers (PAT)
<b>Other</b>	
<b>PRUs<sup>2</sup></b>	Pupil Referral Units, now known as short stay schools
<b>Schools and services</b>	Schools and local authority education services in which the STPCD applies
<b>SEN</b>	Special educational needs
<b>SENCO</b>	Special Educational Needs Co-ordinator
<b>STPCD/the document</b>	DCSF (2009) <i>School Teachers' Pay and Conditions Document and Guidance on School Teachers' Pay and Conditions</i> , TSO
<b>STRB/Review Body</b>	School Teachers' Review Body
<b>TLR payment</b>	Teaching and Learning Responsibility payment

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<sup>1</sup> NAHT was a member of RIG at the outset of our consultation on this remit, but was subsequently suspended – paragraph 1.7 refers.

<sup>2</sup> Pupil Referral Units have been re-named short stay schools by section 249 of the Apprenticeships, Skills, Children and Learning Act 2009.



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## THE SCHOOL TEACHERS' REVIEW BODY

### ***Our role***

The School Teachers' Review Body (STRB) was established in 1991 as an independent body to examine and report on such matters relating to the statutory conditions of employment of school teachers in England and Wales as may from time to time be referred to it by the Secretary of State. STRB reports to the Prime Minister and the Secretary of State. The legal foundation for the function and work of STRB is Part Eight of the Education Act 2002. The secretariat for STRB is provided by the Office of Manpower Economics (OME).

The members of STRB are:

Dr Anne Wright, CBE (Chair)

Professor Monojit Chatterji

Professor Peter Dolton

Dewi Jones

Elizabeth Kidd

Esmond Lindop

Stella Pantelides

Jill Pullen

Anne Watts, CBE

### ***Our vision and principles for teachers' pay and conditions***

Through our work on teachers' pay and conditions, we seek to contribute to the achievement of high standards in schools and services and excellent outcomes for pupils throughout England and Wales. We have developed a vision in pursuit of this goal, which we review and amend from time to time.

We envisage a world-class teaching profession which:

- attracts excellent graduates;
- is diverse and representative;
- retains highly motivated and committed teachers;
- is fairly rewarded;
- provides equal opportunities;
- is efficient, effective and accountable;
- is encouraged, supported and trained; and
- is trusted, respected and valued.

We envisage that teachers will work in schools and services where:

- leaders are able to make decisions without detailed rules and guidance;
- governors, heads and teachers are comfortable with the concept of rewards related to performance;
- high quality performance management and professional development are available to all teachers to help them to improve standards;

- schools and services have the confidence and capability to assess performance and reward staff; and
- performance and reward systems are managed effectively, transparently and fairly.

The national framework of teachers' pay and conditions, laid down in the STPCD, should help to achieve this vision; be underpinned by clearly stated objectives; form part of an effective, coherent HR strategy; embody the principles of good regulation, and help to minimise administrative burdens on schools and services. It should also be:

- accessible and understandable for teachers and their employers;
- proportionate – setting national rules, parameters and giving guidance only when essential; and
- enabling – providing workable arrangements and useful management tools, and significant scope and encouragement for local discretion.

### ***Our values and ways of working***

- We embrace the Seven Principles of Public Life;
- we act independently, professionally and fair-mindedly;
- we work as a team with trust, openness and frankness;
- we work to maintain good relations with and among all our consultees;
- we give full consideration to the national interest and the interests of the teaching profession; and
- we strive for continuous improvement in our working practices and judgments.

To maximise our effectiveness and value, and ensure that our work is of the highest achievable quality, we will:

- report on time and with robust analysis and conclusions;
- consult appropriate parties, consider and give due respect to our consultees' representations and examine the evidence they provide and highlight;
- identify and consider relevant statistical, economic and research evidence, including where necessary, seeking external information;
- look to OME for analytical, policy, drafting and administrative support;
- keep in touch with schools and services on the ground;
- meet to identify, analyse, discuss and advise on issues fundamental to our role;
- not only react to remit matters, but be proactive as we judge appropriate in support of our vision; and
- be accessible to those who might wish to consult us either publicly or privately, while safeguarding our independence.



# CHAPTER 1

## Introduction and Summary of Recommendations

### *Introduction*

1.1 On 8 October 2009 the Secretary of State wrote to the Chair of the School Teachers' Review Body (STRB) inviting us to consider two issues – new criteria for school leadership posts and revision of the existing arrangements for special educational needs (SEN) allowances – and to make recommendations. That remit letter is reproduced in full at Appendix A.

1.2 In this introductory chapter we reflect on the Secretary of State's response to the recommendations in our last report, describe the background to our current remit and outline the structure of this report.

### **Secretary of State's response to Part Two of our Eighteenth Report**

1.3 Our last report – STRB's Eighteenth Report Part Two – was submitted to the Secretary of State on 12 June 2009<sup>1</sup>. The report was published by the Government on 9 July 2009. The Secretary of State accepted our recommendations that the indicative pay awards for September 2009 and September 2010 should be confirmed, along with adjustments to the main and upper pay scale in inner London from those dates. These recommendations represented the second and third year of a three year pay award first recommended by the STRB in January 2008. In a Parliamentary statement on 9 July 2009, the Secretary of State also agreed our recommendation on data collection and analysis. The Secretary of State invited consultees' views on our two recommendations designed to improve the quality and quantity of mathematics teachers: greater use of existing pay flexibilities and the introduction of new incentive measures.

### **Background to our remit**

1.4 In this report, we make recommendations on SEN allowances and on criteria for leadership. Our recommendations on SEN allowances build on our previous consideration of the same subject. In our Eighteenth Report Part One, published in March 2009, we considered whether existing SEN allowances should be reformed. In that report we concluded that there should continue to be a system of additional reward for teachers working in SEN roles, but that the existing arrangement involving two fixed value allowances was unhelpfully rigid. We proposed a new range for SEN allowances with criteria to guide schools in selecting an appropriate spot value within this range. We recommended that a working group should review eligibility for this new form of SEN allowance and the criteria for allocating teachers to an appropriate point on the SEN range. We also recommended that STPCD guidance be amended to ensure that, for an interim period pending the outcome of the working group's review, all teachers

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<sup>1</sup> STRB (2009) *Eighteenth Report Part Two*, TSO (Cm 7652).

in Pupil Referral Units (PRUs) should receive either an SEN 1 allowance or additional payment of at least equivalent value with effect from September 2009.

1.5 The Secretary of State agreed that there should continue to be additional reward for teachers of pupils with special educational needs, in the form of a new SEN range and welcomed the recommendation that further work be done to establish the criteria for making those payments, noting he would appreciate consultees' views on the nature of the criteria. He was not minded to accept the recommendation on reward for teachers in alternative provision as he thought that this would pre-empt the further work on criteria.

### **Conduct of our review**

1.6 In his remit letter for this report the Secretary of State set out several matters to which we were to have particular regard when considering our recommendations. This letter is at Appendix A. The following chapters and Appendix B describe how we have conducted our work.

1.7 As for previous reports, we invited consultees to submit evidence on the remit matters for our consideration. The Rewards and Incentives Group (RIG), with the Welsh Assembly Government, has provided joint evidence to us for a number of years since the partners signed up to the National Agreement on Workforce Reform, "*Raising Standards and Tackling Workload*" in 2003. In its submission to us, the National Association of Head Teachers (NAHT) explained that, although it had been party to the development of RIG evidence, it had reluctantly decided to disassociate itself from RIG's submission and submit separate evidence because it thought that the interests of its members were in danger of being compromised. NAHT was subsequently suspended from RIG.

1.8 We would like to thank our consultees for their submissions and oral representations. We are also grateful to those schools and local authorities we visited in the summer and autumn terms of 2009.

### **Structure of this report**

1.9 This report follows the pattern of our previous reports. It is prefaced, as previously, by our vision and principles for teachers' pay and conditions which we have kept in mind as we addressed the issues in this report.

## ***Summary of recommendations***

### **Special Educational Needs (SEN) Allowances (Chapter 2)**

#### **We recommend that:**

- SEN allowances should continue to be paid to teachers working in specified SEN roles but that the present system of two separate and defined SEN allowances be replaced with spot value allowances that fall within a specified SEN range.

- The new SEN range start at £2,001 and the maximum be set at £3,954<sup>2</sup>, to be uprated in line with any general uprating of teachers' pay. Schools and authorities should determine the spot values for individual posts, taking account of local context and specified factors<sup>3</sup>.
- SEN allowances be paid to those teaching:
  - in SEN posts that require a mandatory SEN qualification (all settings);
  - in special schools, and in designated special classes or units in schools and local authorities.
- SEN allowances be paid to those teaching in non-designated settings, including PRUs, that are analogous to designated special classes or units where the post:
  - involves a substantial element of working directly with children with special educational needs;
  - requires the exercise of a teacher's professional skills and judgement in the teaching of children with special educational needs and
  - has a greater level of involvement in the teaching of children with special educational needs than is the normal requirement of teachers throughout the school or authority.
- In other exceptional cases, payment of SEN allowances be at the discretion of the school or local authority.
- School and local authorities set out clearly in their teachers' pay policies the arrangements for rewarding teachers with SEN responsibilities.

### Criteria for Leadership (Chapter 3)

#### We recommend that:

- subject to review in any future STRB consideration of school leadership issues, the STPCD be revised to include the following additional section on criteria, with effect from September 2010: Before establishing, or making an appointment to, any deputy head teacher or assistant head teacher post, the relevant body must be satisfied that:
  - (i) the post carries a substantial element of whole school responsibility that is not required of all classroom teachers or TLR holders;
  - (ii) the holder of the post plays a major role, with full accountability, under the overall direction of the head teacher, in –
    - a. formulating the aims and objectives of the school;
    - b. establishing, developing and implementing the policies through which they are to be achieved;
    - c. managing staff and resources to that end;

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<sup>2</sup> September 2010 values.

<sup>3</sup> See paragraph 2.49.

- d. monitoring progress towards the achievement of the school's aims, objectives and policies; and
  - e. undertaking any professional duties delegated by the head teacher, including, for example: duties that impact on the standards of achievement and behaviour of pupils across the school; duties that involve working with external bodies and agencies; or duties that impact on securing pupils' access to their educational entitlements.
- that there should be an additional requirement for deputy head teacher posts to carry a level of responsibility exceeding that expected of an assistant head teacher employed in the same school, including, where appropriate, responsibility for discharging the responsibilities of the head teacher in his / her absence.

# CHAPTER 2

## Special Educational Needs Allowances

### *Introduction*

2.1 The Secretary of State has asked us to consider for recommendation:

*“what revised criteria should be introduced for SEN allowances in light of the increased inclusion of pupils with SEN and disabilities in mainstream settings, including in respect of unattached teachers working in alternative provision; and, within the existing cost basis, whether the value(s) remain appropriate”.*

2.2 This remit follows on from a previous remit<sup>1</sup> reported on in our Eighteenth Report Part One. In that report we made the following recommendations:

- *additional reward should continue to be paid to teachers working in SEN roles but that the present system of two separate and defined SEN allowances be replaced with an SEN range;*
- *the new SEN range start at around £1,000 and that the maximum be broadly equivalent to the value of the SEN 2 allowance (currently £3,865);*
- *a working group be established to review eligibility for the new form of SEN allowance and the criteria for allocating teachers to an appropriate point on the SEN range and to consider related issues, including those highlighted<sup>2</sup>;*
- *the working group’s recommendations be referred back to this Review Body as part of a future remit;*
- *and STPCD guidance be amended to ensure that, for an interim period pending the outcome of the working group’s review, all teachers in PRUs receive either an SEN 1 allowance or additional payment of at least equivalent value with effect from September 2009.*

2.3 Responding to our report, the Secretary of State agreed that there should continue to be additional reward for teachers of pupils with special educational needs and that this should be in the form of a new SEN range. He also welcomed the recommendation of further work to establish the criteria for making those payments. On the question of allowances for teachers in Pupil Referral Units (PRUs), the Secretary of State said that, rather than pre-empt the work still to be done on criteria, he would consider the issue in the light of our further recommendations.

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<sup>1</sup> to consider “whether, within the existing cost basis, SEN allowances should be reformed in light of the increased inclusion of pupils with SEN and disabilities in mainstream settings, including in respect of unattached teachers working in alternative provision such as PRUs; and if a separate allowance is to be retained whether the value(s) remain appropriate”.

<sup>2</sup> STRB (2009) *Eighteenth Report Part One*, TSO (Cm 7546) paragraph 5.46.

2.4 While further work in this area has taken place, we note with regret that it did not prove possible to establish a working group in the form we proposed. We had hoped that a group of experts drawn from the full range of our consultees would provide us with advice about the best way to organise SEN allowances, informed by a wide range of practical experience. A number of consultees expressed disappointment about the limited nature of the working group that was established.

## Context

### The trend towards inclusion

- The proportion of children with statements of special educational needs grew in the 1990s from around 2.5% to 3% but has remained relatively stable in recent years<sup>3</sup>. In England, the proportion of these pupils educated in mainstream schools increased considerably during the 1990s, since when it has decreased slightly<sup>4</sup>. The corresponding figures for Wales have remained more stable over this period.
- In England, the proportion of pupils on the special educational needs register without statements has increased in recent years (from 14% in 2004 to 18% in 2009). The equivalent figures for Wales have remained stable at around 17%. Virtually all these children are taught in mainstream schools.
- In England, this equates to an increase since 2004 of 236,000 pupils with special educational needs without statements in mainstream schools (169,000 of this increase is in secondary schools and 57,000 in primary schools)<sup>5</sup>.
- The number of maintained special schools in England has fallen from 1,171 in 1997 to 985 in 2009<sup>6</sup>. The corresponding numbers in Wales are 50 and 44<sup>7</sup>.
- The number of children in maintained special schools in England has fallen from 95,000 in 1997 to 85,000 in 2009<sup>8</sup>. The corresponding numbers in Wales are 3,700 and 4,100<sup>9</sup>.

<sup>3</sup> 2.7% in England and 3.1% in Wales in 2009 (OME analysis of DCSF and Welsh Assembly Government data).

<sup>4</sup> House of Commons (2006), *Education and Skills Committee, Special Educational Needs, Third Report Volume One*.

<sup>5</sup> OME analysis of DCSF and Welsh Assembly Government data.

<sup>6</sup> DCSF (2009), *Schools, Pupils and their Characteristics, January 2009*; House of Commons (2006), *Education and Skills Committee, Special Educational Needs, Third Report Volume One*.

<sup>7</sup> OME analysis of Welsh Assembly Government data.

<sup>8</sup> DCSF (2009), *Schools, Pupils and their Characteristics, January 2009*; House of Commons (2006), *Education and Skills Committee, Special Educational Needs, Third Report Volume One*.

<sup>9</sup> OME analysis of Welsh Assembly Government data.

### Further background statistics

- In 2009, around 240,000 (3%) of pupils in England and Wales had been assessed and issued with a statement of SEN. A further 1.5 million (18%) were on the SEN Register without statements (of whom around one third were categorised as 'School Action Plus'<sup>10</sup>)<sup>11</sup>.
- Nearly all pupils with special educational needs but without statements were educated in mainstream schools. Additionally, in England 56% of pupils with statements of SEN were educated in mainstream schools, 37% in special schools and 7% in other settings. The corresponding figures for Wales were 68%, 27% and 5%.
- Just over 3% (15,500) of full-time equivalent teachers in the maintained sector in England and Wales were employed in special schools and 1.5% (7,000) in services run by local authorities (unattached teachers)<sup>12</sup>. Some of these will be services for children with special educational needs.
- In 2008, almost all teachers in special schools, approximately 50% of unattached teachers and 2% of teachers in mainstream schools received an SEN allowance<sup>13</sup>.
- In January 2009, overall teacher vacancy rates in special schools (1.4%) were double the rate for mainstream schools (0.6%). There were regional variations in vacancy rates, with the East of England, London and the South East having the highest rates<sup>14</sup>.

2.5 As we noted in our Eighteenth Report Part One, the provision of education for children and young people with special educational needs is an evolving area.

2.6 Recent years have seen reductions in the number of special schools catering for pupils with special educational needs. At the same time, there have been increases in the overall numbers of pupils assessed as having special educational needs, especially those without statements, virtually all of whom are taught in mainstream schools. These changes, together with the Government's commitment to greater inclusion, have resulted in a significant increase in the proportion of pupils with special educational needs being educated in mainstream schools. The result is that, increasingly, teachers are working in classes which include children who have significant special educational needs.

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<sup>10</sup> School Action and School Action Plus are part of the graduated responses to meeting a child's special educational needs, as set out in the Special Educational Needs (SEN) Code of Practice. School Action is additional or different support provided by the school itself when a pupil is identified as having special educational needs. School Action Plus is triggered when a pupil continues to make little or no progress despite having received extra support from the school through School Action. School Action Plus involves seeking advice or support from specialists outside the school.

<sup>11</sup> DCSF (2009) *Special Educational Needs in England, January 2009*, Welsh Assembly Government (2009), *Pupils with Statements of Special Educational Needs, January 2009*.

<sup>12</sup> DCSF (2009) *School workforce in England, January 2009*, Welsh Assembly Government (2009), *Teachers in Service vacancies and sickness absence, January 2009*.

<sup>13</sup> OME (2008) *Teachers' Pay Survey 2008*. Equates to approximately 10,600 teachers in special schools, 4,100 unattached teachers and 7,600 teachers in mainstream schools.

<sup>14</sup> DCSF (2009) *School workforce in England, January 2009*. Statistics are for England.

2.7 Our Eighteenth Report also noted that other developments<sup>15</sup> were contributing to an increasingly wide diversity of schools, services and roles in which teachers are working with pupils with various challenging conditions. The report went on to highlight evidence suggesting a variety of approaches by local authorities to meeting the needs of children with special educational needs. This manifests itself most obviously in differing policies concerning the making of statements of special educational needs and approaches to School Action and School Action Plus. The result is that children with the same or similar learning difficulties can often be categorised differently and receive differing forms of provision and levels of support depending on the approach used in their particular area. These differences, in turn, contribute to considerable variation in the interpretation of guidelines relating to the awarding of SEN allowances for teachers. Our own visits to a small sample of schools and local authorities have provided us with direct evidence of the range of different approaches schools take to these issues, including a number of schools that organised their special educational provision so that the responsibility for the teaching of children with special educational needs was shared by all teachers.

### ***Representations from Consultees***

#### **STRB recommendations in its Eighteenth Report Part One**

2.8 A number of consultees commented on the recommendation in our Eighteenth Report Part One that a working group be established to review eligibility for an SEN range and to consider a number of related issues. NUT noted that the working group, as recommended, had not been established. BATOD expressed its interest in the working group and noted its willingness to participate if required. Governors Wales and Nasen also endorsed the setting up of a working group.

#### **Principles**

2.9 Turning to general principles, all consultees were in agreement that SEN allowances should be retained in some form.

2.10 RIG argued that SEN allowances should primarily address the additional challenge rather than any consideration of organisational duties or management function. It emphasised the importance of fulfilling criteria rather than working in a particular type of setting as a qualification for additional payment. RIG believed that this was particularly relevant outside special schools and designated SEN settings. In mainstream schools, RIG said that the way that SEN provision was organised should largely determine whether teachers met the criteria for reward. In RIG's view, teachers in ordinary schools that met the required criteria should receive an SEN allowance by right.

2.11 RIG also proposed five principles which it thought should inform any new approach to SEN allowances: a new structure of reward must be capable of being applied to teachers working in any educational setting; any criteria established

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<sup>15</sup> Including personalised learning, the *Every Child Matters* and *21<sup>st</sup> Century Schools* agendas (in England) and *Rights To Action* and *School Effectiveness Framework* (in Wales).



at national level must be sufficiently flexible to allow schools and other establishments to determine staffing and reward structures appropriate to their own requirements; eligibility criteria should sit alongside the criteria established for Teaching and Learning Responsibility (TLR) payments; any new system of reward should take into account the extent to which there was a requirement for teachers to hold particular qualifications when teaching pupils with particular needs; and assimilation to any new system should allow for safeguarding of salaries where a teacher would otherwise suffer a reduction in their overall salary.

2.12 NUT also proposed some principles. It said that SEN allowances were an important part of the pay system, providing recognition and reward for the skills and experience needed to teach pupils with special educational needs and the demands of such teaching. NUT also maintained that SEN allowances should be mandatory for those who meet the criteria for such payments.

2.13 NAHT emphasised the principle of supporting a national framework with local flexibility. Where there was to be discretion to pay allowances, it believed this should lie with individual governing bodies rather than the local authority.

2.14 BATOD said that a suitable rewards framework was essential to address shortages of specialist teachers, including teachers of the deaf. It believed that there was a need for a realistic, professional scale for committed teachers who choose an SEN career pathway rather than leadership and management responsibility. It also emphasised the need for any reward system to address the working context for unattached SEN teachers. This point was also made by UCAC and Nasen.

2.15 Ofsted provided a list of key characteristics that underpinned the successful teaching of disabled pupils and those with special educational needs.

### **Criteria**

2.16 We turn next to the issue of criteria that might be applied to determine eligibility for an SEN allowance. Several consultees pointed out that continued reliance on the number of pupils with statements would be problematic given the wide variety of local authority practice in this area.

2.17 RIG proposed the following detailed criteria for eligibility for additional SEN payments:

- teaching in a special school, in a designated special class in a mainstream school, or in a designated setting for pupils with special educational needs; or
- teaching in a mainstream school, or unattached teachers in an alternative provision, for the nature and challenge of their teaching role in the context of the school's SEN policy. Before awarding an SEN payment, the relevant body would have to be satisfied that the teacher's duties included a substantial role that:
  - has a focus on teaching and learning for pupils with SEN;
  - requires the exercise of a teacher's professional skills and judgement in this area; and

- has a greater involvement with SEN than is required of every teacher in the school.

2.18 NUT maintained that the criteria for SEN allowances for teachers should provide equivalent pay for comparable SEN teaching whatever the setting. It said that teachers in PRUs and unattached teachers with similar involvement in SEN teaching should receive such payment as an entitlement. In NUT's view, the criteria and accompanying guidance on SEN allowances for teachers in mainstream classes should continue to permit the payment of SEN allowances to teachers with an appropriate degree of SEN teaching involvement and should reflect changing practice, for example, by making reference to School Action Plus alongside reference to statements of special educational needs. It added that it remained important to allow teachers in ordinary classes in mainstream schools the opportunity to receive SEN payments and that these should be mandatory where teachers met the appropriate criteria. NUT expressed concern at the possibility of introducing an element of local discretion. It added that it would be important to define clearly what constituted a special class or special unit.

2.19 UCAC said that if a range was introduced, it should recognise experience, training and qualifications, apply to teachers of pupils with special educational needs in all settings and recognise the extra challenges of working in a Welsh-medium setting. UCAC also proposed that all teachers working wholly or mainly with pupils with special educational needs should be covered by the range.

2.20 NAHT believed that all teachers in special schools should continue to receive SEN payments but it maintained that, as the inclusion agenda required all teachers to teach children on the SEN register, additional payments were not appropriate merely to recognise the relative number of children with special educational needs in a given class. NAHT told us it could not see the justification for paying teachers an additional allowance for what should be regarded as 'core skills'. It maintained that in SEN contexts, the key issue was often appropriate levels of support for the teachers concerned, rather than additional payment. NAHT also advocated more sharing of good practice between schools. It noted that some teachers in special schools already shared practice with mainstream colleagues but could see scope for greater use of Advanced Skills Teacher (AST) roles in this area. Such ASTs would have specialist SEN skills and take a leadership role with regard to SEN policy and practice in their own and other schools.

2.21 Ofsted also pointed out that, given the proportion of children with special educational needs in mainstream schools, it was important to recognise that all teachers were expected to demonstrate effective practice for all the children in their classes. It suggested that only where these aspects of provision are required for a large majority of a teacher's pupils should allowances be considered appropriate.

## **Pupil Referral Units (PRUs)<sup>16</sup>**

2.22 RIG told us that teachers in PRUs should only receive SEN payments in those instances where a unit was equivalent to a designated SEN setting. Where this was not the case, RIG argued that teachers in PRUs should have to meet the criteria it proposed for mainstream settings before they were eligible for an SEN allowance. NUT and UCAC, on the other hand, maintained that all teachers working in PRUs should be eligible for SEN allowances.

### **Form and value of payment**

2.23 As to the future form and nature of SEN allowances, there was a broad consensus among consultees that any new range for SEN payments should have a minimum value equal to no less than the current SEN1 allowance. RIG suggested that the range minimum and maximum be set to equate to the current allowance values.

2.24 NUT thought that the current two-tier structure for payments should be retained in its present form. The current structure was also supported by UCAC.

2.25 RIG believed that discretion to determine the value of payments should lie with the relevant body. It suggested that the relevant body should consider the following factors when deciding on the relative worth of the allowance to be awarded:

- any mandatory qualifications or experience required for the role;
- qualifications or experience of the teacher relevant to the role; and
- the relative “weight” of the job.

2.26 RIG added that it would expect teachers to receive a higher level of SEN payment in cases where their post required a specific mandatory SEN qualification, or a qualification recognised by the school as being relevant, or where they had particular relevant experience. NUT said that entitlement to the higher levels of payment should be based on the length of sustained involvement in SEN teaching, reflecting additional expertise and/or qualifications so acquired. NUT also suggested that teachers on SEN1 should progress to SEN2 after two years experience, while others could be immediately entitled to SEN2 based on qualifications.

2.27 UCAC said the proposed new arrangements should allow teachers to progress up the SEN range as they gathered appropriate professional development e.g. training, research, and experience. Given the challenges associated with the work and the lack of accredited courses in some fields of special education, UCAC maintained that relevant experience and learning should be recognised as of being equal value to relevant qualifications. It also emphasised the need for clear accompanying guidance on selecting a spot salary.

2.28 NAHT said that the current allowance values were insufficient, especially for rewarding Special Educational Needs Co-ordinators (SENCOs).

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<sup>16</sup> Pupil Referral Units have been re-named short stay schools by section 249 of the Apprenticeships, Skills, Children and Learning Act 2009.

## **Costs**

2.29 RIG said it believed that any reform should not increase the overall costs of SEN allowances. NUT disagreed, saying that it did not believe that any new system should be constrained by current costs. It believed that reform should not preclude an increase in eligibility and that DCSF should budget for a likely increase.

## **SENCOs**

2.30 Several consultees noted the range of approaches currently being used to reward SENCOs. RIG and NUT said that SENCOs should, in some circumstances, be entitled to both a TLR and a SEN allowance. NAHT said that SENCOs were more appropriately rewarded with a TLR or by being placed on the leadership scale, but agreed that they could, in some circumstances, also be paid an SEN allowance. Nasen asked that STRB additionally consider the position of the (now) mandatory SENCO posts in the pay system. It cited its own research highlighting disparities in the treatment of SENCOs. It argued that all SENCOs should be entitled to a TLR payment.

## ***Our views and recommendations***

### **Background**

2.31 We have been asked to consider: *“what revised criteria should be introduced for SEN allowances in light of the increased inclusion of pupils with SEN and disabilities in mainstream settings, including in respect of unattached teachers working in alternative provision; and, within the existing cost basis, whether the value(s) remain appropriate”*

2.32 We recognise the need for a reward system that is flexible enough to accommodate the wide variety of present roles and arrangements. At the same time, it is equally important to design a national framework that will help to deliver a broad consistency of approach, be compatible with the trend toward greater inclusion and encourage transparency and equity.

2.33 As mentioned above, there is considerable variety in the approaches adopted within local authorities to making provision for children with special educational needs. This is clearly demonstrated by the wide variation in the percentage of pupils with statements of special educational needs to be found in local authorities. The lowest percentage is less than 1% while the highest is above 4%. A variety of approaches to special education can be beneficial. However, such variety does make the creation of a consistent national reward system difficult. This can be seen in the problems associated with the current criteria for awarding SEN allowances with its reliance on the number of pupils with SEN statements.

2.34 We referred earlier to trends toward greater inclusion. Such developments mean that, increasingly, all teachers require a core level of expertise to be able to teach effectively classes that include children with special educational needs. This underlines the need for robust initial teacher training, ongoing

continuous professional development and the effective use of support. We see all three ingredients as vital in ensuring that teachers are properly equipped to meet the challenges that come with SEN responsibilities. We note that these issues have been addressed in the recent report by Brian Lamb OBE which focuses on parental confidence in the special educational needs system<sup>17</sup>.

2.35 In our Eighteenth Report Part One, we recorded that consultees had given a range of reasons for awarding SEN allowances. Our view was that the allowances should be regarded, first, as a recognition of the challenging nature of the role and, second, as an acknowledgement that successful teaching of such pupils requires additional skills and experience. That remains our view.

2.36 We also continue to believe that SEN allowances should remain distinct from TLR payments. SEN allowances are awarded in recognition of the additional challenge and expertise required to teach children with special educational needs effectively. They are not designed to reward leadership and management responsibilities. In most circumstances, TLRs are likely to be a more appropriate way of rewarding staff in SEN settings who have these wider management responsibilities.

### **Award of allowances**

#### *Mandatory qualifications*

2.37 In our Eighteenth Report Part One, we said that allowances were appropriate for posts requiring a mandatory qualification<sup>18</sup>. We emphasised that we did not support reward for acquiring qualifications *per se* and that any payment of an SEN allowance should be linked to a post involving teaching that required a mandatory qualification. An SEN allowance should not be awarded to a person for simply holding such a qualification. We remain of this view.

#### *Special schools and designated special classes or units*

2.38 This year, as previously, there has been broad support from consultees for the retention of SEN allowances for those working as teachers in the following settings:

- those teaching in special schools;
- those teaching in a designated special class or a designated unit in a mainstream school or elsewhere.

2.39 We agree with consultees that SEN allowances remain appropriate in special schools and designated special classes and units and believe that all teachers in these settings should continue to receive allowances.

#### *Non-designated classes in mainstream schools and local authority settings*

2.40 As set out earlier, we recognise that the inclusion agenda and other developments have led to an increase in the number of children assessed as having significant special educational needs being taught in ordinary classes

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<sup>17</sup> DCSF (2009) *Lamb Inquiry Special Educational Needs and Parental Confidence*.

<sup>18</sup> Mandatory qualifications for teachers of pupils with sensory impairments.

in mainstream schools. As a result, the teaching and learning of these children is increasingly regarded as part and parcel of every teacher's core responsibilities. Given this is the case, our expectation is that allowances for those working in ordinary classes should continue to be the exception rather than the rule and be restricted to those whose predominant role is teaching pupils with special educational needs.

2.41 However, where a school or local authority structures its special educational provision so that some teachers are deployed in a way that is analogous to teachers in designated special classes or units, we believe that payment of an SEN allowance is appropriate.

2.42 We believe, therefore, that teachers in mainstream schools and unattached teachers should receive an allowance where they are teaching in a post that:

- involves a substantial element of working directly with children with special educational needs;
- requires the exercise of a teacher's professional skills and judgement in the teaching of children with special educational needs; and
- has a greater level of involvement in the teaching of children with special educational needs than is the normal requirement of teachers throughout the school or authority.

2.43 We believe that the provisions set out in paragraphs 2.41 and 2.42 above will cover the vast majority of situations in which it is appropriate for teachers working in non-designated settings to receive an SEN allowance. However, given the diversity of arrangements for making special educational provision, we are conscious that there may be other, exceptional circumstances where schools or authorities organise their provision in a different fashion but which still make demands on teachers providing special education which they consider to be equivalent to those placed on teachers in special schools or classes. In such instances, we believe that payment of SEN allowances should be at the discretion of the school or authority.

#### *Pupil Referral Units (PRUs)*

2.44 Consultees differed in their preferred approach to the payment of SEN allowances to teachers in PRUs. We recommended last year that, pending further investigation of these issues, all teachers in PRUs should receive some form of additional SEN payment. The evidence we have examined since has demonstrated that, while the majority of PRUs are challenging environments in which to teach, not all PRUs are set up to cater predominantly for children on the special educational needs register. We were told, for example, that some PRUs cater for pupils unable to attend school for medical reasons or for pregnant schoolgirls and schoolgirl mothers.

2.45 Nevertheless, most PRUs contain pupils whose needs ordinary schools have been unable to meet and they present teachers with significant challenges. In line with our recommendations relating to other non-designated settings above, we believe it is right to award SEN allowances to those teachers working in PRUs that, in terms of challenge and the demands placed on teachers, are

the equivalent of designated special units or classes catering for children on the SEN register.

### *Pay policies*

2.46 We believe that there should be clarity about the policy of schools and authorities on the reward of teachers. This is especially so in the area of special education given the wide range of approaches to the provision of special educational needs teaching. We believe therefore that it should be a specific requirement for all schools and authorities to set out in their written pay policies the relevant arrangements for rewarding teachers with SEN responsibilities.

### **Form and value of payments**

2.47 Our Eighteenth Report Part One stressed the need for flexibility and for some discretion over non-mandatory SEN payments. We regarded the current option of two fixed-value allowances as unnecessarily rigid and recommended that it be replaced by a system which established a range within which schools and authorities were allowed to decide the appropriate value of an allowance for a particular post. We remain of this view.

2.48 In our Eighteenth Report Part One, we proposed that the lower value of the proposed range be set at £1,000. We thought that a wider range would provide schools with greater flexibility, including the ability to consider additional reward on a pro-rata basis where appropriate. However, a clear majority of consultees regarded a range minimum set at £1,000 as inappropriately low, arguing that such a sum would be seen as devaluing the additional challenge and expertise that the SEN allowance was designed to reward. We have revised our views in light of the strength of these representations and have concluded that the range minimum and maximum should equate to the values of the existing SEN1 and SEN2 allowances<sup>19</sup>.

2.49 We recommend that it should be for schools and local authority employers to determine an appropriate spot value for each of their individual posts. When doing so we believe that they should be required to take into account the following factors:

- any mandatory qualifications required for the post;
- the qualifications or expertise of the teacher relevant to the role; and
- the relative demands of the job.

We would expect that SEN allowances would only be towards the top of the range in cases where posts score heavily against the specified factors.

2.50 We do not agree with those who propose that entitlement to a higher value of allowance should follow automatically after a set number of years served. We believe consideration of possible changes to the remuneration of SEN posts should form part of wider periodic reviews of staffing structures. Any changes to the value of an allowance for a particular post should reflect changes in the level of the factors set out above.

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<sup>19</sup> The values of the SEN1 and SEN2 allowances applicable from September 2010 are £2,001 and £3,954.

2.51 Where changes lead to either the cessation of payment or the reduction of an allowance, standard safeguarding procedures should apply.

### SENCOs

2.52 We have noted the enhanced status of the SENCO role, as set out in recent legislation<sup>20</sup>. It is clear that the predominant role of SENCOs is one of management, coordination and advice, although we recognise that the precise job will vary according to context. In the course of our consideration of SEN allowances we have been aware of the importance of the SENCO in ensuring the delivery of good quality special educational provision. We also note the range of approaches to rewarding SENCOs. The Secretary of State's remit for this report does not extend to SENCOs but we suggest that it would be appropriate for a future remit to invite us to examine the role in some detail.

### Costs

2.53 It is our view that the approach that we are recommending should not result in an expansion in the numbers of teachers eligible for SEN allowances. Given that we are also proposing that the range minimum and maximum match the values of the existing SEN allowances, and that the spot value of any allowance awarded be rigorously assessed against a number of factors, we believe that there is no reason for our proposals to result in increased costs. It will, of course, be for schools to manage the costs of allowances within their wider budgets.

### Looking forward

2.54 Recent years have seen an increased commitment to inclusion and it is now generally accepted that good teaching in ordinary classes in mainstream schools includes effective teaching of young people with special educational needs. The introduction of teaching assistants to support classroom learning has been an important development in recent years and has contributed to good inclusion practice. Going forward, we believe that improved initial teacher training and well targeted continuous professional development are essential to secure and extend the gains that have been made. SEN allowances may have a place in the SEN strategies of mainstream schools but, as they seek to develop the expertise of their staff in the field of special education, we believe that schools should be encouraged to utilise the whole range of potential rewards available, including the option of appointing specialist teachers of SEN as Excellent Teachers and Advanced Skills Teachers.

2.55 **We recommend that:**

- **SEN allowances should continue to be paid to teachers working in specified SEN roles but that the present system of two separate and defined SEN allowances be replaced with spot value allowances that fall within a specified SEN range.**

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<sup>20</sup> The Education (Special Educational Needs Co-ordinators) (England) Regulations 2008 (2008 No. 2945).



- The new SEN range start at £2,001 and the maximum be set at £3,954<sup>21</sup>, to be uprated in line with any general uprating of teachers' pay. Schools and authorities should determine the spot values for individual posts, taking account of local context and specified factors<sup>22</sup>.
- SEN allowances be paid to those teaching:
  - in SEN posts that require a mandatory SEN qualification (all settings);
  - in special schools, and in designated special classes or units in schools and local authorities.
- SEN allowances be paid to those teaching in non-designated settings, including PRUs, that are analogous to designated special classes or units where the post:
  - involves a substantial element of working directly with children with special educational needs;
  - requires the exercise of a teacher's professional skills and judgement in the teaching of children with special educational needs and
  - has a greater level of involvement in the teaching of children with special educational needs than is the normal requirement of teachers throughout the school or authority.
- In other exceptional cases, payment of SEN allowances be at the discretion of the school or local authority.
- School and local authorities set out clearly in their teachers' pay policies the arrangements for rewarding teachers with SEN responsibilities.

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<sup>21</sup> September 2010 values.

<sup>22</sup> See paragraph 2.49.

# CHAPTER 3

## Criteria for leadership

### *Introduction*

- 3.1 The Secretary of State asked us to consider for recommendation:  
*“without prejudice to the longer term review of leadership pay and linked work on roles and responsibilities and leadership standards, what criteria should be established for leadership roles and progression, analogous to the framework for teaching and learning responsibility (TLR) posts, and, which provide a consistent, transparent, fair national framework that could be used by the relevant body when establishing Deputy Head Teacher and Assistant Head Teacher posts.”*
- 3.2 We have commented in several reports over the last few years on the evolving landscape of school leadership. In our Fifteenth Report in 2005 we recommended that the Secretary of State invite us to undertake a fundamental review of school leadership to include consideration of how changing roles and responsibilities should be reflected in the future pay structure of the leadership group. Since then, in addition to our recommendations on leadership pay, we have set out our vision for school leadership and made recommendations concerning teachers’ professional roles and responsibilities.
- 3.3 In our Thirteenth Report Part One we recommended that the existing management allowance system in schools be replaced. In response, RIG proposed the adoption of Teaching and Learning Responsibility (TLR) payments, a proposal which we accepted in our Fourteenth Report. Schools are required to follow the guidance for TLR payments set out in paragraphs 21 to 24 of the STPCD. That guidance sets out certain criteria that must be met before a TLR payment can be awarded.

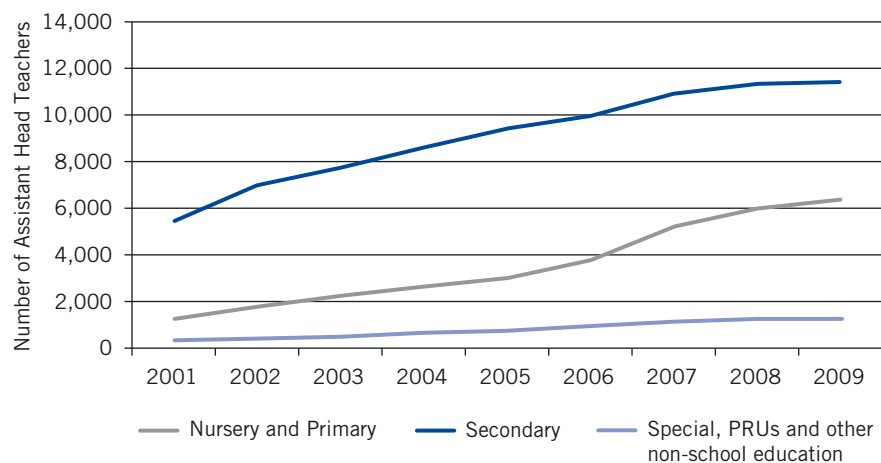
## Context

### Background statistics

- The proportion of leaders as a percentage of all teachers has increased since 2001 in all phases (primary, secondary, special) in England. This is largely the result of the growth in the number of assistant head teachers.
- The size of the leadership group in a school varies by phase. Primary and special schools have fewer teachers in the leadership group than secondary schools.
- In primary schools in England the number of assistant head teacher posts increased from 1,200 in 2001 to 6,400 in 2009.
- In secondary schools in England the number of assistant head teacher posts increased from 5,500 in 2001 to 11,500 in 2009<sup>1</sup>.

3.4 There has been a steady increase over recent years in the size of school leadership teams and, in particular, in the number of assistant head teachers. Figure 3.1 shows the growth in the number of assistant head teachers in schools.

Figure 3.1 Full-time Assistant Head Teachers, England, 2001-2009



<sup>1</sup> DCSF (2009) *School workforce in England, January 2009*. Data on the number of assistant head teachers in Wales, and consequently the proportion of leaders as a percentage of all teachers, is not available.

### **Representations from consultees**

3.5 In their evidence to us RIG maintained that the development of criteria for leadership posts was an integral part of the changes made to the STPCD as a result of the workforce remodelling agenda. It proposed a set of criteria for deciding whether a post qualified for payment on the leadership spine, as follows:

*“the relevant body must be satisfied that, in the context of the teacher’s duties, the role includes a significant responsibility that is not required of all classroom teachers or TLR holders, and that the role –*

- (a) is focused on teaching and learning;*
- (b) requires the exercise of a teacher’s professional skills and judgment;*
- (c) requires the teacher to lead and manage the school through;*
  - (i) development of teaching and learning priorities across the school;*
  - (ii) accountability for the standards of achievement and behaviour of pupils across the school;*
  - (iii) accountability for the planning and deployment of the school’s resources;*
  - (iv) leading policy development and implementation across the school in accordance with statutory provisions;*
  - (v) managing whole school operational activity;*
  - (vi) working with external bodies and agencies; and*
  - (vii) securing pupils’ access to their educational entitlements.*
- (d) has an impact on the educational progress of the school’s pupils;*
- (e) involves leading, developing and enhancing the teaching practice of the school’s staff;*
- (f) includes line management responsibility for a significant number of people and/or the line management of other line managers”<sup>2</sup>.*

3.6 RIG proposed that each one of the above criteria should be met before a post could be regarded as appropriate for an assistant head teacher. The same criteria should apply for a deputy head teacher post, with the additional requirement that the relevant body must be satisfied that the post carried responsibilities exceeding those expected of an assistant head teacher in the same school. The post of a deputy should also include, when appropriate, responsibility for discharging in full the duties of the head teacher in his or her absence.

3.7 RIG’s intention was that the criteria it proposed would underpin the development of new leadership standards and revised teacher and head teachers’ responsibilities which it expected to be introduced in 2010. It said that criteria, standards and responsibilities were all key elements that would assist progress towards the wider set of leadership reforms of leadership pay and models planned for 2011.

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<sup>2</sup> RIG (2009) Submission to STRB paragraph 3.10.

3.8 Other consultees took a different view. NUT said it was far from clear what problem the new leadership criteria were designed to address. At the same time, it expressed concern about the growth in the number of leadership posts.

3.9 There were also differing views around the timing of the consideration of leadership criteria. RIG asked STRB to endorse their proposals for implementation during 2010. Governors Wales, NAHT and NUT argued that this matter should not be addressed now, but should be deferred and considered later as part of the expected wider review of leadership pay.

3.10 NAHT suggested that some other consultees regarded the growth in leadership posts as unwelcome. It said it could not accept RIG's proposal that an assistant head teacher post would have to meet every one of the proposed criteria, regarding the proposal as inflexible and incompatible with the many different contexts and sizes of schools. It also saw the RIG proposal as inconsistent with STRB's leadership group reward principles. NAHT wanted to preserve existing flexibilities for head teachers to deploy their staff according to their strengths. NAHT disagreed with NUT about the growing number of leadership posts, believing schools should continue to be able to determine their own staffing structures.

3.11 UCAC said the criteria should not be overly prescriptive and should allow for a high level of local flexibility to enable every school to determine the nature of its leadership posts. UCAC proposed its own criteria for an assistant head teacher post, some of which were similar to RIG's; notably on professional judgements of a teacher, impact on educational progress of pupils and line management responsibilities. UCAC also thought the posts should be focused on leadership and management and said the post should require the post holder *"to lead, manage and develop whole school policies or initiatives, e.g. the curriculum, assessment, the skills agenda, a particular Key Stage, teaching and learning, staff development, the school's response to national policies / initiatives etc"*<sup>3</sup>.

3.12 Views differed as to the effect of the introduction of TLRs on school leadership. Some thought that the increase in assistant head teacher posts was connected to a reduction in the number of management posts caused by the introduction of TLRs. NUT suggested this had led to fewer opportunities for career development and reported anecdotal evidence that large leadership teams created more work for other teachers. NAHT argued that larger leadership teams provided more opportunities for progression and pointed out that assistant head teacher posts provided an alternative route to headship, thus aiding succession planning. NAHT warned that one consequence of adopting fixed criteria would be a reduction in the number of leadership posts, with a consequent adverse impact on the recruitment of future school leaders.

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<sup>3</sup> UCAC (2009) Submission to STRB paragraph 3.3.

3.13 NUT and UCAC were both of the view that the existing framework for TLR payments was not working well and argued that it would be a mistake to introduce any criteria for the leadership group that were based upon the TLR model. They called for a major review of the TLR arrangements in the near future, as did BATOD and NAHT.

3.14 Ofsted provided a set of key characteristics for leadership and management, extracted from school inspection reports. These characteristics included, amongst others, an *ambitious and shared vision for the school which provides clear direction, a focus on teaching and learning, and ensures improved outcomes for all, and consistent and rigorous monitoring and evaluation of teaching and learning, pupil progress and well-being*<sup>4</sup>.

## ***Our views and recommendations***

### **General views**

3.15 In principle, we welcome the idea of establishing a set of criteria for school leadership. We believe that such criteria should be consistent with our stated aspiration that the teachers' pay system should become progressively more accessible and understandable. It is also important that the criteria are consistent with leaders' professional duties, provide flexibility for individual schools and support distributed school leadership.

3.16 We found the criteria proposed by RIG and by UCAC helpful and thought-provoking. In particular, we noted the requirement for school leaders to have whole school responsibility and accountability for outcomes. We also found RIG's proposed criteria valuable in the way they provided an indication of the direction of travel for school leadership in the evolving school landscape. We thought that RIG's analysis clearly demonstrated the growing complexity of school leadership and the additional skills and competencies now required of a leadership team.

3.17 However, there was no clear consensus on these matters in the written and oral representations made to us by consultees. On the one hand, RIG was in favour of a fixed set of criteria, all of which would have to be met before a post could merit payment on the leadership pay spine. On the other hand, other consultees, including NAHT and NUT, were strongly opposed to the wholesale adoption of these criteria, believing that the requirement that they must all be met was too restrictive.

3.18 It is important to be clear about how any list of criteria might apply in practice. We noted other consultees' concerns about the practicality of applying the RIG criteria, and we had similar doubts ourselves. For example, it was not altogether clear whether the proposed criteria were to be applied to a job description or a person specification, whether there should be any weighting for the criteria or how they might relate to professional standards, responsibilities and the skills required for such posts.

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<sup>4</sup> Ofsted (2009) Submission to STRB.

3.19 We were also concerned with the proposal that all the criteria had to be met. We believe that head teachers should be able to organise their leadership teams and make use of complementary sets of skills and experiences in ways which best suit the needs of their schools. In many ways we think the various responsibilities of school leadership are best viewed in relationship to the leadership team as a whole. We are not convinced that all members of the leadership team should be required to meet every one of the RIG criteria. Indeed, in some circumstances it might be an inefficient and ineffective use of resource to do so.

3.20 Timing was also an issue. RIG told us it saw the introduction of the proposed criteria in 2010 as an essential step in developing a national framework, underpinning the development of leadership standards and revised teacher and head teacher responsibilities to be introduced in 2010 as key elements towards wider leadership reforms. Other consultees were of the view that consideration of leadership criteria should be deferred to a wider review of school leadership. We also had some concerns about adopting a set of detailed criteria at this stage and that doing so in isolation might compromise a future major review of school leadership.

3.21 During the course of our deliberations we considered existing provisions of the STPCD related to school leaders and we looked, in particular, at Part 10 – *Conditions of Employment of Deputy Head Teachers and Assistant Head Teachers*, in which there is a section on “*Professional duties*”. The relevant extract from paragraph 62 is reproduced below.

**Part 10 – Conditions of Employment of Deputy Head Teachers and Assistant Head Teachers**

**Professional duties**

- 62.1 A person appointed as a deputy or assistant head teacher in a school, in addition to carrying out the professional duties of a teacher other than a head teacher (as described in Part 12) including those duties particularly assigned by the head teacher, must –
- 62.2 play a major role under the overall direction of the head teacher in –
- (a) formulating the aims and objectives of the school;
  - (b) establishing the policies through which they are to be achieved;
  - (c) managing staff and resources to that end; and
  - (d) monitoring progress towards their achievement;
- 62.3 undertake any professional duties of the head teacher reasonably delegated by the head teacher;
- 62.4 in the case of a deputy head teacher only, undertake to the extent required by the head teacher or the relevant body or, in the case of a foundation, voluntary aided or foundation special school, the governing body, the professional duties of the head teacher in the event of the absence of the head teacher from the school.

3.22 We compared the RIG criteria with the professional duties of assistant and deputy head teachers set out in paragraph 62 of the STPCD and found there was considerable common ground. It seemed to us that a post must be focused on teaching and learning if it was to fulfil the duties in paragraph 62.2, making a separate reference unnecessary. Similarly, other criteria proposed by RIG would need to be met in order to fulfil some of the duties and criteria defined in paragraphs 62 and 15.2(a)<sup>5</sup> of the document.

3.23 One of the criteria proposed by RIG was that a leadership post should have responsibility for “*managing whole school operational activity*”. UCAC similarly proposed that such a post should carry responsibility for leading, managing and developing “*whole school policies or initiatives...*”. Indeed, there was general agreement that both assistant head teacher and deputy head teacher posts should have whole school responsibility. We concur with this view. Consequently, we believe that it is not appropriate to use assistant head teacher posts for narrower roles or purposes, e.g. solely as a means of recruiting or retaining leaders of curriculum areas.

3.24 The proposals from RIG and others have helped crystallise our thinking in respect of three key areas of school leadership: the need to ensure that criteria apply across a leadership team, the importance of all members of a leadership team having whole school responsibility and the need to ensure that individual members of a leadership team are accountable for their specific area of work.

### **Our conclusions**

3.25 We think it is appropriate that criteria for assistant and deputy head teacher posts should be set out in the STPCD. We believe that some important points have been made by consultees regarding appropriate criteria, notably on whole school responsibility and accountability. We also place considerable importance on the sharing of responsibilities across a leadership team. Our recommendations, therefore, emphasise these aspects of school leadership, reflect the existing professional duties set out elsewhere in the document and strengthen them by reference to some of RIG’s proposed criteria which are not captured elsewhere. We believe our recommendations should assist schools in determining whether a post is appropriately placed on the leadership spine, while at the same time, leaving scope for further modification if required as a consequence of a more fundamental review of leadership.

### **Criteria for assistant head teacher posts**

3.26 Taking account of our observations expressed in paragraphs 3.15 – 3.24 above, we believe that all deputy head teacher and assistant head teacher posts should carry a substantial element of whole school responsibility and that holders of such posts should be accountable. We propose that, alongside these overarching criteria, other supporting criteria should reflect the professional duties which are set out in paragraph 62 of the STPCD and which cover many

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<sup>5</sup> STPCD (2009) 15.2 *For the purpose of determining the salary of an assistant head teacher who is not subject to the 2002 Regulations or the 2006 Regulations- (a) the relevant body and the assistant head teacher must seek to agree performance objectives relating to school leadership and management and pupil progress, and in default of agreement the relevant body must set such performance objectives;*



of the same areas as criteria proposed by consultees. We further propose that these criteria be supplemented, on an indicative basis, by some of RIG's suggestions that reflect the changing nature of leaders' collective responsibilities.

3.27 We recommend that, with effect from September 2010, the STPCD should be revised to include the following additional section on criteria:

Before establishing, or making an appointment to, any assistant head teacher post, the relevant body must be satisfied that:

- (i) the post carries a substantial element of whole school responsibility that is not required of all classroom teachers or TLR holders;
- (ii) the holder of the post will have a major role, with full accountability, as part of the leadership team under the overall direction of the head teacher, in –
  - (a) formulating the aims and objectives of the school;
  - (b) establishing, developing and implementing the policies through which they are to be achieved;
  - (c) managing staff and resources to that end;
  - (d) monitoring progress towards the achievement of the school's aims, objectives and policies; and
  - (e) undertaking any professional duties delegated by the head teacher, including, for example, duties that impact on responsibility for the standards of achievement and behaviour of pupils across the school; duties that involve working with external bodies and agencies; or duties that impact on securing pupils' access to their educational entitlements.

3.28 Given that we want to allow for the possibility of further change in light of a review of school leadership as a whole, these recommendations should not be viewed as immutable.

#### **Criteria for deputy head teacher posts**

3.29 It is our view that the criteria for deputy head teacher posts should mirror those for assistant head teacher posts with an additional criterion that the post should carry a level of responsibility exceeding that expected of an assistant head teacher employed in the same school, including, when appropriate, responsibility for discharging the responsibilities of the head teacher in his / her absence.

#### **Deputising role in the absence of the head teacher**

3.30 Changes in leadership arrangements for schools mean that there are many possible permutations of school leadership teams and it is not unusual for smaller schools to have no deputy head teachers. This is a cause for concern only insofar as it is important at all times to know who will deputise in the head teacher's absence. It is our view, therefore, that all schools should have clear arrangements, agreed with the governing body, setting out where responsibility lies for deputising in the absence of the head teacher.

### **Assistant head teachers in Wales**

3.31 During our consideration of assistant head teacher posts we became aware of a lack of official data on the number of assistant head teachers in Wales. We understand that this issue is being addressed by the Welsh Assembly Government.

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

3.32 Our current remit does not extend to making recommendations on TLRs. However, the issue of TLR payments has been raised by several consultees in the course of our work on this report. Their comments reflect observations made on the same topic during many of our recent visits to schools. Some teachers and school leaders have commented on the need for better alignment between the level of payment for TLR holders and those on the leadership pay spine. In light of these observations and given that the system of TLR payments has now been in place for over four years, Ministers may wish to ask us to review the efficacy of the TLR system in the next few years.

#### **3.33 We recommend that:**

- **subject to review in any future STRB consideration of school leadership issues, the STPCD be revised to include the following additional section on criteria, with effect from September 2010: Before establishing, or making an appointment to, any deputy head teacher or assistant head teacher post, the relevant body must be satisfied that:**
  - (i) the post carries a substantial element of whole school responsibility that is not required of all classroom teachers or TLR holders;**
  - (ii) the holder of the post will play a major role, with full accountability, as part of the leadership team under the overall direction of the head teacher, in –**
    - (a) formulating the aims and objectives of the school;**
    - (b) establishing, developing and implementing the policies through which they are to be achieved;**
    - (c) managing staff and resources to that end;**
    - (d) monitoring progress towards the achievement of the school's aims, objectives and policies; and**
    - (e) undertaking any professional duties delegated by the head teacher, including, for example: duties that impact on the standards of achievement and behaviour of pupils across the school; duties that involve working with external bodies and agencies; or duties that impact on securing pupils' access to their educational entitlements.**
- **that there should be an additional requirement for deputy head teacher posts to carry a level of responsibility exceeding that expected of an assistant head teacher employed in the same school, including, where appropriate, responsibility for discharging the responsibilities of the head teacher in his / her absence.**

# APPENDIX A

## Remit and directions from the Secretary of State



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Secretary of State

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66-74 Victoria Street  
LONDON  
SW1E 6SW

8 October 2009

Dear Anne

### STRB REMIT: MATTERS FOR REPORT

I am writing to set out some issues on which the Government seeks recommendations from the School Teachers' Review Body (STRB), and a timetable for reporting on these.

Thanks to your previous work, including the most recent STRB recommendations, we will be implementing pay increases of 2.3 per cent for 2009/10 and 2010/11, and in September 2009 changes to pay arrangements for members of the leadership group and Excellent Teachers.

Following on from earlier work on reward for teachers of pupils with special educational needs (SEN), and most recently the recommendation in your 18<sup>th</sup> Part One Report that we should retain a separate SEN allowance, we are now asking you to consider what the appropriate criteria and values might be for such payments.

We are also following up on some important longer term matters concerning leadership roles, building on earlier work on roles and professional responsibilities and conditions of employment, and taking forward your recommendation on restructuring the STPCD.

We have noted the STRB's concern to learn more about the causes of long working hours for teachers and head teachers, which we share. This is a matter to which we attach high priority, and will make proposals for addressing the issues identified and return in a future remit. In taking this work forward we shall also be implementing your recommendation to provide advice on the implications of the Working Time



children, schools and families

Regulations 1998 for teachers and school leaders.

We are continuing to work to inform the ongoing review of leadership pay to support evolving 21<sup>st</sup> century school models and shall be seeking specific recommendations from the STRB in a further remit with a view to implementing long term arrangements for leadership pay in September 2011. In the meantime, we will work with the STRB Secretariat to establish the nature of the evidence the STRB would require to enable it to reach informed recommendations.

We will be taking forward the recommendation from your 17<sup>th</sup> Part One Report that we should carry out a review of the structure of the four pay bands in line with the review of school funding arrangements and expect to return to this in a further remit next year.

**Considerations to which the STRB is to have particular regard**

These considerations are:

- a. the need to make all recommendations affordable within the context of a requirement for responsibility in all public sector pay settlements and awards that are consistent with the achievement of the Government's inflation target of 2 per cent;
- b. recruitment and retention data and wider economic and labour market conditions;
- c. the need to ensure consistent and reasonable pay arrangements which encourage teacher professionalism together with supporting recruitment and retention;
- d. the importance of promoting simplification of the pay system;
- e. the context of the new professionalism agenda and the range of work taken forward and in progress in delivering our vision for 21<sup>st</sup> century schools in England; and
- f. the need for coherence across the teachers' pay system.

The Review Body must also have regard to relevant legal obligations of relevant bodies, particularly anti-discrimination legislation relating to gender, race, sexual orientation, religion and belief, age and disability.

**Matters for recommendation**

I refer to the STRB the following matters for recommendation:

- a. what revised criteria should be introduced for SEN allowances in light of

the increased inclusion of pupils with SEN and disabilities in mainstream settings, including in respect of unattached teachers working in alternative provision; and within the existing cost basis whether the value(s) remain appropriate;

b. without prejudice to the longer term review of leadership pay and linked work on roles and responsibilities and leadership standards, what criteria should be established for leadership roles and progression, analogous to the framework for teaching and learning responsibility (TLR) posts, and, which provide a consistent, transparent, fair national framework that could be used by the relevant body when establishing Deputy Head Teacher and Assistant Head Teacher posts.

**Timescale for report**

In order to allow adequate time for consideration of and consultation on your recommendations, I require you to report to me by 12 March 2010 on all matters for recommendation covered by a. and b. above

I remain, as ever, very grateful to the STRB for its work and look forward to receiving its recommendations.

A handwritten signature in blue ink, appearing to read 'Ed Balls', with a stylized flourish below it.

ED BALLS MP

# APPENDIX B

## Conduct of the Review

B1 On 8 October 2009, the Secretary of State for Children, Schools and Families asked us to consider two matters relating to teachers' pay and conditions – Special Educational Needs (SEN) allowances and leadership criteria. We were asked to submit a report by 12 March 2010. We were asked to have regard to a number of considerations. The Secretary of State's letter is at Appendix A. Our work to respond to these matters took place between October 2009 and March 2010.

### *Consultation*

B2 On 8 October 2009 we gave the following organisations the opportunity to make written representations and provide evidence concerning the matters on which we were due to report in March 2010:

#### **Government organisations**

Department for Children, Schools and Families (DCSF)  
General Teaching Council for England (GTCE)  
Training and Development Agency for Schools (TDA)  
Welsh Assembly Government

#### **Organisations representing teachers**

Association of Professionals in Education and Children's Trusts (Aspect)  
Association of School and College Leaders (ASCL)  
Association of Teachers and Lecturers (ATL)  
British Association of Teachers for the Deaf (BATOD)  
National Association of Head Teachers (NAHT)  
NASEN  
National Association of Schoolmasters Union of Women Teachers (NASUWT)  
National Union of Teachers (NUT)  
Special Education Consortium (SEC)  
Undeb Cenedlaethol Athrawon Cymru (National Association of the Teachers of Wales) (UCAC)  
Voice

#### **Association of local authorities**

Association of Directors of Children's Services (ADCS)  
Association of Directors of Education in Wales (ADEW)  
National Employers' Organisation for School Teachers (NEOST)

#### **Organisations representing governors**

Governors Wales  
National Governors' Association (NGA)

B3 On 18 October 2009 we also invited the following organisations to make written representations and provide evidence on SEN allowances:

the Communication Trust  
the Dyslexia SpLD Trust  
Federation of leaders in special education (FLSE)  
National Association of BESD schools (NAES)  
Professional Association of Teachers of Students with Specific Learning Difficulties (PATOSS)  
Royal National Institute for the Blind (on behalf of VIEW)  
Specialist Schools and Academies Trust

B4 We invited the above consultees to respond in writing by 4 December 2009 and asked them to copy their submissions to other consultees. We gave consultees an opportunity to comment in writing on other consultees' submissions by 4 January 2010.

B5 We also notified the following organisations of our remit in October 2009:

Agency for Jewish Education  
Catholic Education Services for England and Wales  
Her Majesty's Inspectorate for Education and Training in Wales (Estyn)  
Foundation and Aided Schools' National Association (FASNA)  
Free Church Education Unit  
General Synod of the Church of England  
General Teaching Council for Wales (GTCW)  
Information for School and College Governors (ISCG)  
National College for School Leadership (NCSL)  
Office for Standards in Education, Children's Services and Skills (Ofsted)  
The Education Office of the Methodist Church

B6 The following consultees made written submissions in December 2009: BATOD<sup>1</sup>, Governors Wales<sup>2</sup>, NAHT<sup>3</sup>, Nasen, NUT<sup>4</sup>, Ofsted, RIG (joint submission)<sup>5</sup> and UCAC<sup>6</sup>. Aspect made a late submission on 11 January 2010 and the National Governors' Association submitted comments on 25 January 2010. These were seen by the Review Body but not treated as part of the formal submission process and have not been referred to in this report.

B7 Teachers' pay and conditions of service have not been devolved to the Welsh Assembly Government and remain the responsibility of the Department for Children, Schools and Families (DSCF). The Minister for Children, Education, Lifelong Learning and Skills contributed to and supported the RIG submission.

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<sup>1</sup> BATOD (2009) <<http://www.batod.org.uk/index.php?id=/articles/teaching/payandcond/strb/strb1209.htm>>

<sup>2</sup> Governors Wales (2009) <<http://www.governorswales.org.uk/publications/2010/03/24/submission-school-teachers-review-body>>.

<sup>3</sup> NAHT (2009) <<http://www.naht.org.uk/welcome/resources/key-topics/salaries/naht-submits-independent-evidence-to-strb/>>.

<sup>4</sup> NUT (2009) <<http://www.teachers.org.uk/node/10636>>.

<sup>5</sup> RIG (2009) First submission to STRB: <<http://www.teachernet.gov.uk/docbank/index.cfm?id=13317>> .

<sup>6</sup> UCAC (2009) Submission to STRB: <<http://www.athrawon.com/images/Upload/Ymgynghoriad%20STRB%20Evidence%20Rhagfyr%20December%202009XSOUK.pdf>>.

B8 The following consultees were invited to make oral representations: BATOD, NAHT, Nasen, NUT, RIG (invited to make joint representations with the Secretary of State) and UCAC. All of these groups except BATOD made representations at meetings in January 2010.

B9 NAHT and NUT each made a supplementary written submission in response to other consultees' submissions in January 2010.

### ***Visits and Meetings***

B10 In total, STRB had 6 working meetings between October 2009 and 12 March 2010, when the report was submitted. This does not include oral representation meetings with consultees.

B11 The Chair attended a meeting with the Chancellor of the Exchequer and the Cabinet Secretary in September 2009. She met the Secretary of State for Children Schools and Families, the Rt Hon Ed Balls MP in October 2009 and again with the Minister of State for School and Learners, Vernon Coaker, in December 2009. She also met the General Secretary of NUT, Christine Blower, in July and the General Secretary of NASUWT, Chris Keates, during October. With Professor Chatterji, she attended an annual presentation by HMT for Review Body Chairs and Economists in July 2009. The Chair also attended meetings about the review of senior public sector pay for all pay review body chairs in January and February 2010.

B12 Between July 2009 and March 2010 members of STRB visited the following areas:

- Plymouth
- Staffordshire
- Leeds
- Lambeth

B13 In total 11 schools were visited: 4 secondary schools, 6 primary schools and 1 special school. This included a federation of secondary schools, a federation of primary schools, and a federation that included a secondary, primary and special school on the same site. In each school, STRB members met groups of teachers and leaders to discuss pay and conditions. During the visits to Plymouth and Staffordshire STRB members additionally met officials of local authorities and in Staffordshire STRB members met two Chairs of school governing bodies. In Leeds they met Education Leeds, which is a not-for-profit company, formed in April 2001 and wholly owned by Leeds City Council. In Plymouth members also met a group of school leaders.

B14 In September 2009 STRB members were given a presentation by Jon Coles, Director General, DCSF on the White Paper, *Your child, your schools, our future: building a 21<sup>st</sup> century schools system*.





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