



School Teachers' Review Body

Eighteenth Report Part One – 2009

Chair: Dr Anne Wright, CBE

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EIGHTEENTH REPORT PART ONE – 2009

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Presented to Parliament by the Prime Minister and the
Secretary of State for Children, Schools and Families
by Command of Her Majesty
March 2009

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TERMS AND ABBREVIATIONS

Consultees	Organisations invited to make representations and provide evidence to STRB
ADCS	Association of Directors of Children's Services
Aspect	Association of Professionals in Education and Children's Trusts
ASCL	Association of School and College Leaders
ATL	Association of Teachers and Lecturers
BATOD	British Association of Teachers of the Deaf
DCSF/the Department	Department for Children, Schools and Families
GTCE	General Teaching Council for England
GW	Governors Wales
NAHT	National Association of Head Teachers
NASUWT	National Association of Schoolmasters Union of Women Teachers
nasen	formerly the National Association for Special Educational Needs
NEOST	National Employers' Organisation for School Teachers
NGA	National Governors Association
NUT	National Union of Teachers
RIG	Rewards and Incentives Group (comprising ASCL, ATL, DCSF, NAHT, NASUWT, NEOST and Voice)
Secretary of State	Secretary of State for Children, Schools and Families
SEC	Special Education Consortium
TDA	Training and Development Agency for Schools
UCAC	Undeb Cenedlaethol Athrawon Cymru (National Association of the Teachers of Wales)
Voice	formerly the Professional Association of Teachers (PAT)
WAG	Welsh Assembly Government
Other	
AST	Advanced Skills Teacher
CPD	Continuing Professional Development
CPI	Consumer Price Index
Current pay award	Teachers' pay award for the period from September 2008 to August 2011
ECM	DfES (2004) <i>Every Child Matters</i>
ETS	Excellent Teacher Scheme
GTCW	General Teaching Council for Wales
HMT	Her Majesty's Treasury

ISR	Individual School Range as defined by paragraph 12.1.2 of the STPCD
National Agreement	DfES (2003) <i>Raising Standards and Tackling Workload: a National Agreement</i>
NCSL	National College for School Leadership
OME	Office of Manpower Economics
PPA time	Planning, Preparation and Assessment time, provided for in the STPCD
PRU	Pupil Referral Unit
RPI	Retail Price Index
Schools and services	Schools and local authority education services in which the STPCD applies
SEN	Special Educational Needs
SENCO	Special Educational Needs Co-ordinator
STPCD	DCSF (2008) <i>School Teachers' Pay and Conditions Document and Guidance on School Teachers' Pay and Conditions</i> , TSO
STRB/Review Body	School Teachers' Review Body
TLR payment	Teaching and Learning Responsibility payment
Unattached teacher	Teacher who does not work for a particular school, is employed otherwise than at a school, or in a pupil referral unit
UPS	Upper Pay Scale
WAMG	Workload Agreement Monitoring Group

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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 from 1 August 2008)

Bill Cockburn, CBE TD (Chair until 31 July 2008)

Jennifer Board (until 31 December 2008)

Monojit Chatterji

Dewi Jones

Elizabeth Kidd

Esmond Lindop

Bruce Warman

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 judgements.

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 25 June 2008, the Secretary of State asked us to consider a range of matters relating to teachers' pay and conditions. We were asked to report on most of these in January 2009 and on our review of the second and third year of the three year pay award in June 2009. Our Eighteenth Report will therefore be in two parts, of which this is the first. Our remit is reproduced in Appendix A.

1.2 In this introduction, we reflect on the Secretary of State's response to our most recent recommendations and the background to our current remit, highlight some challenges that we have faced, and outline the structure of the report.

Secretary of State's response to our recent recommendations

1.3 Part Two of our Seventeenth Report was submitted to the Secretary of State on 17 March 2008¹. The report was published by the Government on 9 April 2008. In a Parliamentary statement on that date, the Secretary of State announced how he proposed to respond to our recommendations and invited comments from teachers' representatives and other relevant organisations on our report and his proposed response.

1.4 We recommended that the Department, in consultation with all interested parties, undertake work to create an overarching statement of responsibilities for all teachers, supplemented if required with high level additions for particular categories of teachers and that existing statements of professional responsibilities in the STPCD be removed. The Secretary of State agreed that work should take account of our draft statement for teachers and that the existing statements in the STPCD should be replaced in due course.

1.5 In response to our recommendation that the Department work to improve the local effectiveness of governance in managing and rewarding teachers, the Secretary of State asked the Schools' Minister, Jim Knight, to set up a working group of stakeholders to discuss the principles for reforming governance in England².

¹ STRB (2008) *Seventeenth Report Part Two*, TSO (Cm 7352)

² School governance in Wales is a matter for the Welsh Assembly Government.

1.6 The Secretary of State also supported our view that further work to reflect more completely the full range of leadership arrangements would improve the consistency and transparency of the remuneration of members of the leadership group. He believed that this work should link with work to develop a new set of professional responsibilities for all teachers. He expressed the view that we should aim, as far as possible, to bring payments within the scope of the national framework, with the aim of improving consistency and transparency. He acknowledged our comments on future pay arrangements for the leadership group as a whole and said broader changes to leadership group pay arrangements should be considered as part of our next remit.

1.7 The Secretary of State welcomed our recommendation that data on diversity in the school workforce should be improved. He acknowledged that the Department would not collect such data centrally until the introduction of the School Workforce Census in 2010 but noted his intention to make best use of external sources of data to fill gaps in the interim.

1.8 The Secretary of State indicated his intention to implement our proposals on short-notice teachers from September 2008 in a two-stage process. He invited comments on our recommendation that another title should be considered for “unattached” teachers and endorsed our recommendation that more should be done to ensure all local authorities had written pay policies for teachers employed in local authority services.

1.9 Although the Secretary of State agreed with us about the importance of a clear regulatory framework, he decided not to accept our recommendation that the Department should review the regulatory framework for teachers’ and head teachers’ responsibilities and activities against better regulation principles, believing that such work could most efficiently be taken forward as part of ongoing work.

Background to our remit

1.10 Our remit for the Eighteenth Report covers both pay and other matters. In our Seventeenth Report Part One we made recommendations for a three-year pay award, with a substantive award for September 2008 and indicative awards for September 2009 and September 2010 subject to a mid-term review of those awards in June 2009. In this report, we make recommendations on pay for September 2009, pending our review in June 2009. This would enable a teachers’ pay award to be implemented for September 2009. The recommendation is made without prejudice to the findings of our review on which we will report in Part Two. Our consideration of these pay matters is set out in Chapter 2.

1.11 After the conclusion of our work on the Seventeenth Report Part Two and shortly before we received this remit, we were required to consider another matter in relation to pay. In April 2008 the percentage increase in the average value of the monthly Retail Price Index (RPI) between the twelve months ending in March 2007 and the twelve months ending in March 2008

exceeded the upper threshold for the review mechanism³ specified in our Fifteenth Report⁴. In response to this development, a number of consultees wrote to us asking us to consider the case for seeking a remit from the Secretary of State to review the relevant teachers' pay award⁵.

1.12 In accordance with the process outlined in our Fifteenth Report, we examined carefully the evidence that had become available since our last review of teachers' pay, from September 2007 to June 2008. We concluded that the evidence was not sufficiently compelling to persuade us that we should seek a remit to review teachers' pay. Our responses to consultees are set out in full at Appendix B.

1.13 The matters on which we are now asked to report concern different aspects of teachers' pay and conditions. Most of them flow from recommendations we have made in recent reports. Some arise from recommendations we have ourselves made for further work or where we have asked for further evidence. The issue affecting the Excellent Teacher Scheme originates from a specific anomaly that had arisen in relation to the relevant pay bands.

This report

1.14 This document is prefaced by our vision and principles for teachers' pay and conditions, which we have kept in mind as we addressed the issues in this report. In previous reports we have made clear our belief that concentrating on the outcomes of teacher endeavour is more likely to lead to improvements in children's education than focusing on a list of inputs. Whilst we continue to believe that this is so, teachers' representatives have emphasised the great value placed on the inclusion of statements of responsibilities based upon inputs in the STPCD. It is a vital document for all teachers, local authorities and governing bodies and it is important that the document meets their needs. We accept that there is a place for both input and output related measures. We have concluded that an over-arching statement of purpose, accompanied by statements of responsibilities for teachers and head teachers, should be included in the STPCD in a section separate from conditions of employment, as set out in Chapter 3.

1.15 In his response to our recommendation on the professional responsibilities of teachers⁶, the Secretary of State expressed the view that statements of responsibilities and conditions of employment were inextricably linked. We, however, remain of the view that changes could be made to the statements of professional responsibilities in advance of any changes to conditions of employment. We see no good reason to delay making agreed changes that would assist teachers and their employers and minimise

³ The review mechanism was based on the RPI all items index rounded to one decimal place, based on January 1987 = 100 (CHAW). OME first calculated an arithmetic average of the twelve monthly CHAW indices from April 2006 to March 2007 and rounded this to one decimal place (with the result called Y0). Then, the arithmetic average of 12 monthly CHAW indices from April 2007 to March 2008 was calculated and rounded to one decimal place (with the result called Y1). The annual inflation rate for the purposes of the review mechanism was then the percentage change from Y0 to Y1, again rounded to one decimal place. The review mechanism specified that if this percentage was below 1.75% or above 3.25%, any of the consultees could ask STRB to consider the case for seeking a remit from the Secretary of State to review teachers' pay.

⁴ STRB (2005) *Fifteenth Report*, TSO (Cm 6663) paragraph 3.69

⁵ Correspondence from consultees at Appendix B.

⁶ Op.cit. STRB *Seventeenth Report Part Two*.

administrative burdens simply because there might be unresolved issues around some conditions of employment. The advantage of including such revised statements would be the enhanced clarity that would ensue.

1.16 In previous reports we have expressed the view that the complex and dynamic nature of the environment in which teachers work raises important issues about the professionalism of teachers and the structure of the current reward system. It also highlights the need for effective governance. We are mindful that the system is still in a state of flux but we remain of the view that there is a need for a fundamental review of the system of reward for the leadership group. In particular, we express concerns in Chapter 4 that some current models of school leadership fall outside the STPCD. New structures of school leadership and governance are developing, often in response to particular local needs, without an overall framework to guide or define appropriate remuneration or conditions of employment. We consider that some of these new arrangements give cause for concern related to effective decision making, governance and management. We urge the Department to rectify the position as soon as practicable, not least because of the critical nature of the head teacher's role in ensuring the success of a school.

1.17 Since we last looked at Special Educational Needs allowances in our Seventeenth Report Part One, we have had the opportunity of seeing the relevant DCSF commissioned research⁷. This highlights wide variation in the application of guidelines and an inconsistent approach to the awarding of allowances in practice. Our further exploration and proposals for change in this complex and sensitive area are set out in Chapter 5.

1.18 We continue to support the principles behind the Excellent Teacher Scheme⁸ although we still have reservations about the title. Our present remit requires us to look only at the issue of pay bands for this scheme. Our observations and recommendations are in Chapter 6.

Conduct of our review

1.19 Appendix C describes how we have conducted our work. We would like to thank our consultees for their submissions and oral representations. We are grateful to those schools and local authorities we visited in the summer and autumn terms of 2008. We would also like to thank NCSL for providing us with an opportunity to discuss leadership matters with school leaders.

1.20 Finally, we wish to place on record our sincere thanks to Bill Cockburn CBE TD, who left STRB in July 2008 after six years as Chair. He was an excellent Chair, committed to the task of creating an effective and supportive framework for the teaching profession. He maintained throughout his term of office an unflinching regard for evidence-based decision making. Bill was also largely instrumental in the development of the STRB's vision for teachers' pay and conditions. We wish him well in his new post as Chair of the Senior Salaries Review Body.

⁷ Johnson, F., Pye, J., Higton, J., Lister, C., Jeans, D., Tracey, L., Farrell, P. and Fielden, S. (2008) *The allocation of Special Educational Needs Allowances in England and Wales*, DCSF

⁸ Op.cit. STRB, *Fifteenth Report*, paragraphs 5.2, 5.13; STRB (2006) *Sixteenth Report*, TSO (Cm 7007), paragraph 4.16; and STRB (2008) *Seventeenth Report Part One*, TSO (Cm7252) paragraph 7.65.

Summary of recommendations

Pay matters (Chapter 2)

We recommend that:

- teachers' pay be increased by 2.3% from 1 September 2009 pending the outcome of our June 2009 review of the appropriateness of the indicative pay increases of 2.3% in teachers' pay that we proposed for both September 2009 and September 2010;
- there be an adjustment to the main and upper pay scale for inner London as proposed in our Seventeenth Report Part One: a minimum starting salary (M1) of £26,000 for teachers in band A and consequential adjustments to the main pay scale from September 2009; and an enhancement in the value of the upper pay scale in band A from September 2009; and
- in the event that we subsequently revise these recommendations for September 2009, consequent adjustments be made to teachers' pay reflecting any such revision.

Teachers' Professional Responsibilities and Conditions of Employment (Chapter 3)

We recommend that:

- the Department consult all interested parties on our draft statements of purpose and professional responsibilities;
- the Department re-structure the STPCD to make it more coherent and user-friendly, providing separate sections on teachers' responsibilities and conditions of employment. The Department should also consider how best the provisions in the STPCD could be communicated to interested parties;
- the Department, in consultation with all interested parties, investigate the causes of long working hours for teachers and head teachers; make proposals for addressing the issues identified, and return these results to us for further recommendation;
- the Department include, in the relevant section of the STPCD, a statement specifying that all teachers will have a reasonable expectation of access to and participation in continuing professional development; and
- the Department include, in the relevant section of the STPCD, advice on the implications of the Working Time Regulations 1998 for teachers and school leaders.

Leadership Group (Chapter 4)

We recommend that as an interim arrangement, pending a fundamental review of the system of reward for the leadership group:

- where a head teacher becomes accountable for more than one school on a temporary basis, the STPCD be amended so that the head teacher's pay is based on a head teacher group calculated either on the basis of the total number of pupils across all of the schools involved, or by determining a head teacher group that is up to two groups higher than any of the schools the head teacher would be running, whichever method produces the higher group. In such circumstances, the relevant body should determine the seven point individual school range (ISR) that will be used to determine the head teacher's salary and decide the appropriate starting point for the head teacher on that range. Where one or more of the constituent schools is a group 7 or group 8 school, we recommend that the head teacher's seven point ISR be based on the group size of the largest school and uplifted by between 5% and 20% at the discretion of the relevant body. The existing discretion in paragraphs 12.2.5 and 12.2.6 should not apply. Safeguarding provisions should not be applicable to temporary arrangements;
- where a head teacher becomes accountable for more than one school on a permanent basis (i.e. a hard federation with a single governing body), the STPCD be amended so that the head teacher's pay is based on a head teacher group for the federation, calculated on the basis of total pupil units across all schools in the federation. In such circumstances, the relevant body should determine the head teacher's seven point ISR and the appropriate starting point on that range. Where one or more of the schools in the federation is a group 7 or group 8 school, we recommend that the head teacher's seven point ISR be based on the group size of the largest school in the federation, uplifted by between 5% and 20% at the discretion of the relevant body. The existing discretion in paragraphs 12.2.5 and 12.2.6 of the STPCD should continue to apply;
- for both temporary and permanent arrangements described above, the Department provide clear statutory guidance for the relevant body on assessing the appropriate level of uplift. This should make clear that increases approaching the maximum 20% should only be given in exceptional circumstances. Guidance should cover arrangements for ending temporary arrangements;
- the existing provision as specified in paragraph 52 of the STPCD (concerning additional payments) be amended to enable the relevant body(ies) to make appropriate and proportionate payments for the cost of services provided by one school to another and for the governing body of the providing school to decide what payment, if any, should be made to the head teacher and other staff;

- a separate discretion be added to the STPCD to allow the relevant body to remunerate a head teacher who takes on additional responsibility and accountability for the provision of extended services on site for children and young people as part of the local authority's area plan. Where the additional responsibilities fall outside education or teaching there should, given the present scope of the STPCD, be separate contracts of employment that provide for appropriate payment;
- the Department, in consultation with all interested parties, draw up statutory guidance on the application of paragraph 52 of the STPCD (concerning additional payments) and the separate discretion above (enabling remuneration for additional responsibilities for the provision of extended services) based upon our operating principles following paragraph 4.40; and
- the STPCD be amended to require the relevant body, when considering the pay range for other members of staff, to take into account and record any additional responsibilities that are placed upon them when the head teacher has:
 - taken on responsibility for one or more additional schools on either a temporary or permanent basis;
 - accepted an external role; or
 - taken on extra responsibility in respect of extended services; and

the Department provide clear statutory guidance on factors for consideration in these circumstances. Safeguarding provisions should not apply to temporary adjustments to teachers' pay.

We further recommend that:

- a future remit provide for this Review Body, in consultation with all interested parties, to consider what changes there should be to pay arrangements for the leadership group as a whole; and
- the Department clarify the definition and status of “executive head teacher” and, if appropriate, make any necessary adjustments to ensure that there is a firm legal basis for the role as soon as possible.

Special Educational Needs Allowances (Chapter 5)

We recommend that:

- 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 or around £1,000 and that the maximum be broadly equivalent to the value of the SEN 2 allowance (currently £3,778);
- 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 in paragraph 5.46;
- the working group's recommendations be referred back to this Review Body as part of a future remit; and
- the 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.

Excellent Teachers (Chapter 6)

We recommend that:

- there be four pay bands for holders of Excellent Teacher posts; the minima should be 8% above U3 in the relevant school and the maxima should be equal to the new minima plus the value of the maximum TLR1; and
- once the findings of the review of the ETS are known the matter be referred back to this Review Body as part of a future remit.

CHAPTER 2

Pay

Introduction

2.1 The Secretary of State's remit letter of 25 June to the STRB (reproduced in full at Appendix A) contained three items related to school teachers' pay:

a. whether teachers' pay should be increased by 2.3% from 1 September 2009 pending the outcome of your review of teachers' pay for the period from 1 September 2008 and your further recommendations on the continuing appropriateness of a 2.3% increase for 2009 and 2010 (see g below). A firm recommendation on this basis is necessary to allow for teachers' salaries to be increased in September 2009;

b. whether there should be an adjustment to the main and upper pay scale for inner London as proposed in your 17th Report Part 1;

g. whether the teachers' pay increases of 2.3% that you proposed for both 2009–10 and 2010–11 continue to be appropriate. This applies to the values and range minima and maxima of all current pay scales and allowances; the main and upper pay scales, the pay spine for the leadership group, Advanced Skills Teachers, unqualified teachers, Excellent Teachers, and TLRs.

2.2 Our 2009 Report will have two parts. Items a) and b) above invite us to indicate – in Part One – whether we wish to confirm the indicative figure of 2.3% for teachers' pay for September 2009 together with a starting salary of £26,000 for teachers in inner London with consequent adjustments to the main and upper pay scales in band A. Item g) requires us to carry out – in Part Two of the report – a review of the continued appropriateness of the same indicative pay award of 2.3% for September 2009, as well as a review of the indicative 2.3% award for September 2010.

2.3 The first and second remit items (a) and b) above) are for interim recommendation – requesting that we confirm the indicative 2.3% award in our Seventeenth Report Part One and the changes to the pay scales in band A – in order that teachers might receive an increase in pay in September 2009. They arise because the regulations governing teachers' pay cannot be amended without changes to the School Teachers' Pay and Conditions Document, which in turn require an explicit prior recommendation from STRB¹. In the absence of such a recommendation in Part One of this report, teachers' employers would be unable to give teachers a pay increase in September 2009 and any such award would be delayed by several months.

¹ Education Act 2002 Part 8 Section 125(1)

2.4 Remit item g), the third pay-related part of the remit, fulfils a commitment given by the Secretary of State to carry out a thorough review of teachers' current three year pay award. In order to take account of the latest information relevant to teachers' pay, we will be unable to complete Part Two before June 2009. This will be too late to influence arrangements for the implementation of the teachers' pay award for September 2009, hence the parallel request for a recommendation on the indicative 2.3% award for September 2009 in this first part of our report.

2.5 The chair of STRB, Dr Anne Wright, responded to the Secretary of State's remit letter on 1 August 2008 (her letter may also be found at Appendix A) and indicated that we were minded to make such a recommendation in Part One of our report in January 2009. Her letter, a copy of which was sent to the other consultees, emphasised that our confirmation of 2.3% and the changes to the London pay scales for September 2009 would be conditional upon such recommendations being understood to be without prejudice to the outcome of our subsequent review of teachers' pay. Adjustments to the pay award could be made at a later date if the recommended figure was subsequently varied either way as a result of our review of the indicative awards in June 2009.

2.6 On 14 August the Secretary of State replied (copy at Appendix A) confirming that an STRB recommendation on teachers' pay for September 2009 would "in no way prejudice the outcome of your subsequent report which will review the appropriateness of a 2.3% increase for 2009 and 2010".

2.7 Given that the pay review in Part Two would be carried out from January 2009 to report in June 2009, Dr Wright's letter also indicated that the Review Body would not actively seek written or oral submissions on items a) and b) for the Part One report as substantive written and oral submissions on both matters would shortly be sought for Part Two. On 19 August 2008 the Review Body wrote again to consultees to clarify the procedure to be adopted in relation to the January report (copy of letter at Appendix A). In particular, it specified that, whilst the Review Body was not actively seeking evidence in relation to items a) and b) for the Part One January report, it was open to all consultees to submit views and evidence on these items if they considered it appropriate to do so, and any such representations would be considered and reflected in the January report.

2.8 Subsequently, consultees were approached by the Review Body in a letter dated 23 September 2008 and asked to submit evidence by 12 February 2009 for the STRB review of the indicative pay awards of 2.3% for the second and third year of the teachers' pay award. The Part Two report containing the outcome of the review is scheduled to report by 12 June 2009.

Representations from consultees

2.9 Most consultees accepted the proposed interim arrangements as appropriate in the given circumstances. Consequently, although many made passing reference to pay in their written or oral evidence, most did not submit evidence of any substance relating to the three year pay award.

2.10 NUT did submit such evidence. It argued that STRB should recommend a higher percentage increase for September 2009 in its January report. The union argued that teachers had experienced a cut in real pay which was causing damage to teacher recruitment, retention and morale. It referred in particular to a report the union had commissioned from IDS² which we understand is likely to be resubmitted in revised and updated form as part of NUT's evidence for Part Two of our report. We will consider it in more detail at that time. NUT proposed that all teachers' pay should be increased by £3,000 or 10% whichever was greater.

2.11 UCAC was the only other body to make a significant reference to the three year pay award at this time, albeit in more general terms. It maintained that it was crucial to review the 2.3% increase to ensure teachers received a "higher, fairer, award". It questioned the need for a special pay deal for inner London maintaining that teachers in Wales suffered from equivalent spiralling costs. It recognised there were budgetary constraints, but argued that savings should be found elsewhere to enable a decent pay increase which should be based on the RPI and not CPI.

Our views and recommendations

2.12 It is our firm view that teachers should not be disadvantaged by the timing of our substantive review. With that in mind, we considered the views of the NUT and UCAC carefully. However, we were not persuaded that it would be appropriate to pre-empt the programmed review and make recommendations about the pay awards for 2009 and 2010 without access to the latest relevant data and without hearing evidence from all interested parties on these specific matters. We therefore decided to recommend that the indicative figure of a 2.3% increase be confirmed for 2009 and, similarly, to recommend that the minimum starting salary for a teacher in inner London be set at £26,000 from September 2009, with appropriate adjustments to the main and upper pay scale in band A³. We will return to the evidence presented by both unions in the next few months and look forward to further discussion with them and other consultees on this matter.

² IDS (2008) *An examination of teachers' pay A report for the National Union of Teachers by Incomes Data Services August 2008* <<http://www.teachers.org.uk/resources/pdf/IDS-Teachers-pay-report-Aug08.pdf>>

³ The consequent adjustments to the main and upper pay scales in Band A are shown at page 144 of the STRB (2008) Seventeenth Report Part One.

2.13 We recommend that:

- teachers' pay be increased by 2.3% from 1 September 2009 pending the outcome of our June 2009 review of the appropriateness of the indicative pay increases of 2.3% in teachers' pay that we proposed for both September 2009 and September 2010;
- there be an adjustment to the main and upper pay scale for inner London as proposed in our Seventeenth Report Part One: a minimum starting salary (M1) of £26,000 for teachers in band A and consequential adjustments to the main pay scale from September 2009; and an enhancement in the value of the upper pay scale in band A from September 2009; and
- in the event that we subsequently revise these recommendations for September 2009, consequent adjustments be made to teachers' pay reflecting any such revision.

CHAPTER 3

Teachers' Professional Responsibilities and Conditions of Employment

Introduction

3.1 Our work on teachers' professional responsibilities has built on work undertaken since 2005, when we were asked to consider the extent to which the professional duties of teachers and the leadership group should be revised to reflect specific developments in education. The background is set out in our Fifteenth and Sixteenth Reports and our Seventeenth Report Part Two¹.

3.2 In the course of our previous deliberations we identified some shortcomings in the existing duties. We defined teachers' professional responsibilities as "*the professional functions of teachers and areas over which they had authority and for which they were accountable*"² and outlined principles to guide work on new statements, noting that a concise and flexible statement would be important in the context of the new professionalism agenda for teachers and changes in schools.

3.3 In our Seventeenth Report Part Two we presented a draft statement of responsibilities³, drawing on the principles we had set out previously. We recommended that the Department, in consultation with interested parties, take account of this in creating an overarching statement of responsibilities for all teachers.

3.4 In our current remit, the Secretary of State has asked us to consider for recommendation:

taking account of the linked work on professional roles and responsibilities and conditions of employment, consider what changes or modifications are needed, which would take effect from September 2009, to the conditions of employment set out in parts 8-12 of the School Teachers' Pay and Conditions Document.

¹ STRB (2005) *Fifteenth Report*, TSO (Cm 6663), paragraphs 8.1 – 8.6; STRB (2006) *Sixteenth Report*, TSO (Cm 7007) paragraphs 8.1 – 8.6 and STRB (2008) *Seventeenth Report Part Two*, TSO (Cm 7352) paragraphs 2.1 – 2.6

² Op.cit. STRB *Seventeenth Report Part Two*, paragraph 2.2

³ Ibid. page 15

Context

3.5 As outlined in our previous reports, the STPCD presently includes:

- statements of professional duties for different groups of teachers⁴;
- (in the same parts of the STPCD) provisions on aspects of teachers' conditions of employment⁵;
- guidance on the role of teachers on the upper pay scale and in the leadership group⁶;
- professional standards, revised in 2007⁷; and
- provisions setting criteria, parameters and guidance for additional payments, for example Teaching and Learning Responsibility (TLR) payments and Special Educational Needs (SEN) allowances.

Representations from consultees

Response to previous STRB recommendations

3.6 In response to STRB's views and recommendations in the Seventeenth Report Part Two, RIG said that:

- work on professional standards for the leadership group and on the responsibilities and conditions of employment for all teachers was critical to the direction of travel of the education service and to the future of the teaching workforce;
- it remained of the view that responsibilities and employment conditions were inextricably linked; and
- there was a need to ensure that the workforce reform agenda was taken forward speedily.

3.7 NUT said statements of responsibilities were needed for a number of categories of teachers, including holders of TLRs. It called for an unambiguous entitlement to headship, leadership and management time; an entitlement to a sabbatical for all teachers once every seven years and an entitlement to CPD.

New statements of responsibilities

3.8 Most consultees agreed with STRB's view that there should be an overarching statement of teachers' professional responsibilities and suggested these should be supplemented by generic statements of responsibilities for all teachers, with high-level additions for other categories of teachers.

⁴ DCSF (2008) *School Teachers' Pay and Conditions Document 2008 and Guidance on School Teachers' Pay and Conditions*, TSO, Section 2 Parts 9 (head teachers), 10 (deputy and assistant head teachers), 11 (Advanced Skills Teachers and Excellent Teachers) and 12 (teachers other than head teachers)

⁵ Conditions of employment covered by the above parts of the STPCD include working time, work-life balance, PPA time, maximum cover time, management time, headship time and a list of administrative and clerical tasks that teachers should not undertake.

⁶ Ibid. Section 3, page 161 (application of upper pay scale progression criteria) and page 159 (application of leadership group pay progression criteria)

⁷ Ibid. Section 1 pages 8-14. In addition to the professional standards in the STPCD, cited above, a wider framework of standards applies for teachers in England and Wales respectively. For example, there are standards in each country for qualification as a teacher (QTS), completion of induction and headship. For further information, see <<http://www.tda.gov.uk/teachers/professionalstandards/standards.aspx>>

3.9 RIG broadly endorsed the STRB's *Vision for Leadership*⁸ but reiterated its view that the description of responsibilities should focus on inputs. RIG maintained that responsibilities and conditions of employment were inextricably linked, and said revised statements of responsibilities should only be introduced once appropriate contractual safeguards were in place.

3.10 TDA commented that any changes to conditions of employment needed to be consistent with the new professionalism agenda.

3.11 NUT proposed there should be a separate statement of responsibilities for teachers in receipt of TLR payments, as their duties would differ considerably from those of other teachers. The omission of such a statement diminished the role of these teachers. NUT also said the statement of responsibilities for deputy and assistant heads should be expanded to bring out more clearly the specific senior roles and responsibilities attached to these posts. NUT also agreed with the proposal in our Sixteenth Report that the current structure of the STPCD could be improved by separating professional responsibilities from conditions of employment.

3.12 UCAC contended there was a need to remove anomalies to provide greater clarity about teachers' responsibilities, but expressed reservations that STRB's draft statement would lead to increased workload for heads and governing bodies in negotiating local job descriptions.

3.13 UCAC also said there was a lack of clarity regarding who could deputise for the head teacher in their absence and wanted to see a clear distinction between the roles of assistant and deputy head teachers, as well as clarity about the respective roles and responsibilities of teachers and teaching assistants.

3.14 BATOD proposed that the STPCD should be more specific about the conditions of employment of head teachers in specialist services.

3.15 NGA called for the STPCD to be modernised and made more flexible to take account of the changes that have occurred to school leadership responsibilities and organisation.

3.16 Governors Wales maintained that the statements of roles and responsibilities should include responsibilities in respect of the development and well-being of pupils within *Every Child Matters* (England)/*Rights to Action* (Wales)⁹, and said the conditions of employment for head teachers should specify the responsibility to the school's governing body.

⁸ Op.cit. STRB *Seventeenth Report Part Two*, page 32

⁹ For information, see <<http://www.everychildmatters.gov.uk>> (England); and Welsh Assembly Government (2004) *Children and Young People: Rights to Action*

Conditions of employment

Working time

3.17 RIG noted that the most recent OME survey of teachers' workloads did not show the reduction in working hours that had been envisaged when the National Agreement was signed. It argued that current STPCD provisions on "directed time" did not go far enough in putting effective limits on overall working time as there was no limit on the hours teachers worked over and above the 1265 hours of directed time. It also noted the lack of provisions on directed time or number of working days for head teachers and ASTs.

3.18 RIG wanted to consider options for reducing workload in the context of a 2009 timetable and suggested possible solutions could include setting a statutory limit on working time, or establishing further strategies to tackle workload and reduce working hours. RIG believed that a contractual limit was compatible with professionalism, noting that the EU Working Time Directive applied to professional groups. RIG's view was that STRB should acknowledge that the introduction of an overall limit on working time in the STPCD would deliver important benefits for learners as well as teachers and head teachers. RIG asked that STRB make a substantive recommendation that further work should be undertaken to investigate and identify the most appropriate limit to be introduced in England and Wales, with a view to identifying the most appropriate maximum limit on working hours.

3.19 NUT proposed a new section on entitlement to work-life balance. The STPCD currently places a responsibility on head teachers to ensure teachers have a satisfactory balance and NUT proposed that there should be a corresponding *entitlement* to work-life balance for teachers. It sought a minimum weekly entitlement to leadership and management time for head teachers of 50% of the school timetable, rising to 60% by September 2009 and an entitlement to 20% PPA time for all teachers from 2009. It also proposed strengthening head teachers' entitlement to headship time and a statutory minimum level of management time for all teachers with leadership and management responsibilities, as well as an entitlement to a sabbatical on a regular basis for head teachers.

Structure of the STPCD

3.20 NUT proposed the STPCD should have separate sections covering "Responsibilities" and "Contractual Entitlements". The latter section should be arranged by type of entitlement (working time, PPA time etc), with the entitlement (or otherwise) of each type of teacher clearly set out.

Our Approach

3.21 We have previously expressed our views on these matters in our Fifteenth, Sixteenth and Seventeenth Part Two Reports. We remain of the view that the substance of statements of responsibilities and of conditions of employment are separate matters. This approach accordingly has shaped our views and recommendations.

Our views and recommendations

Professional responsibilities

3.22 We previously recommended that the STPCD should describe only the main responsibilities for which teachers are remunerated and be concise, enabling and flexible. This remains our position. Our further consideration of consultees' views led us to conclude that, in keeping with our previously expressed views, an over-arching statement of purpose should preface a statement of responsibilities.

3.23 Although we noted consultees' preferences for separate statements of responsibilities for different categories of teacher, we concluded that there should be a single generic list of responsibilities for all teachers. We remain of the view that separate statements of responsibilities for all categories of teachers would lead to unnecessary complexity in the STPCD and could be unduly restrictive in their effect. The generic statement could be supplemented for pay purposes as needed at a local level, for example, with short additions to describe high-level responsibilities for certain categories of teachers. We do not think that this is likely to lead to an increase in workload; regular reviews of the responsibilities attaching to particular posts should be a routine part of school management. We believe that a statement of purpose and professional responsibilities provides a framework, complementary to other frameworks of professional standards that school leaders and governors usually refer to when considering how best to organise the school to meet the needs of their pupils. We believe this framework should apply also in respect of teachers and head teachers working in the broader area of schools' remit.

3.24 We believe there should be a separate statement of responsibilities for head teachers, given their pivotal role and unique responsibilities. We agree that the head teacher's relationship with the governing body is an important function of their role and have reflected this in our draft statement of head teachers' responsibilities.

3.25 Whilst the illustrative lists of responsibilities prepared by RIG¹⁰ met our criteria for concise, enabling and flexible statements, we considered that there were some important omissions. We have therefore prepared a draft statement of purpose and statements of responsibilities for teachers and head teachers that focus on what we take to be the essence of their responsibilities.

¹⁰ RIG (2008) *Submission to STRB*, paragraphs 8.14 and 8.26

A STATEMENT OF PURPOSE AND PROFESSIONAL RESPONSIBILITIES FOR TEACHERS

Teachers work with children and young people to help them realise their full potential.

Teachers use professional judgement and their pedagogical skills to provide a learning environment in which all pupils are treated equitably and where each receives an education that meets his or her needs. They carry out their role in a wide variety of settings to achieve the best for their pupils. Working with colleagues and other relevant professionals, teachers engage with the families of the children and young people in their care and with local communities.

As professionals, teachers act in accordance with the values¹¹, code of practice¹² and standards¹³ of their profession to fulfil the requirements of their employment.

Teachers' professional responsibilities

Subject to STPCD Part 2 paragraphs 73 (Exercise of general professional duties) and 74 (Exercise of particular duties), teachers have professional responsibilities to:

Teaching and assessment

Plan and teach effective lessons and sequences of lessons to the classes assigned to them within the context of the school's plans, curriculum and schemes of work.

Assess, monitor and accurately record the learning needs, progress and achievements of assigned pupils.

Take part in arrangements for external examinations.

Whole school organisation, strategy and development

Contribute to the development, implementation and evaluation of the school's policies, practices and procedures in such a way as to support the school's values and vision.

Work with others on curriculum and/or pupil development to secure co-ordinated outcomes.

Cover for absent teachers subject to the relevant specified limit in any school year.

¹¹ GTCE (2006) *Statement of Professional Values and Practice*; GTCW (2006) *Statement of Professional Values and Practice* and GTCW *Statement of Professional Values and Practice and Professionalism in Practice*

¹² GTCE (2004) *Code of Conduct and Practice for Registered Teachers*

¹³ Op.cit. DCSF, *School Teachers' Pay and Conditions Document 2008*, Section 2 Annex 1 and 2

Health, safety and discipline

Promote the safety and well-being of the pupils in their care.

Maintain good order and discipline among the pupils within the learning environment.

Management of staff and resources

Direct and supervise support staff assigned to them.

Contribute to the recruitment, selection, appointment and professional development of other teachers and support staff.

Make good use of the resources delegated to them.

Professional development

Participate in arrangements for the appraisal and review of his or her performance, and, where appropriate, that of other teachers and support staff.

Participate in arrangements for induction, further training and professional development.

Communication with pupils, parents and carers

Communicate effectively with pupils, parents and carers.

Working with colleagues and other relevant professionals

Collaborate with colleagues and other relevant professionals within and beyond the school to promote the welfare of pupils and to secure improved outcomes for them.

These responsibilities should be read and interpreted in the context of the principles of the remodelled workforce and the associated National Agreement.

Head Teachers' Professional Responsibilities¹⁴

Subject to STPCD Part 9 paragraphs 57 (Overriding requirements), 58 (General functions) and 59 (Consultation), head teachers' professional responsibilities are to:

Whole school organisation, strategy and development

Provide overall strategic leadership to the school, shaping the school's values and establishing its ethos, putting the needs of children and young people at the heart of the school.

Work with the governing body and members of the school leadership team in the interests of effective and efficient management, delegating authority where appropriate.

Ensure the effective development, implementation and evaluation of the school's policies, practices and procedures.

¹⁴ Heads of services staffed by "unattached" teachers, e.g. services for hearing or visually-impaired children and young people, would have equivalent professional responsibilities.

Teaching and assessment

Promote independent learning and lead and manage effective teaching, learning and assessment within the school, with the aim of encouraging all pupils to realise their potential. Ensure that all pupils have a voice in the learning process.

Governing Body

Keep the governing body fully informed of all relevant developments, involving it in strategic decisions and, wherever appropriate, seeking its guidance and agreement.

Health, safety and discipline

Promote the safety and well-being of pupils and staff and maintain a secure and orderly learning environment.

Management of staff and resources

Appoint, lead, manage and develop the school workforce, including assessing and managing performance of staff.

Plan, organise and deploy resources within the school.

Strive to promote harmonious working relationships within the school.

Lead and manage all the school's employees with a proper regard for their well-being and legitimate expectations, including the expectation of a healthy balance between work and other commitments.

Professional development

Lead by example, promoting the participation of staff in relevant continuing professional development.

Communication with pupils, parents and carers

Consult and communicate regularly and effectively with staff, pupils, parents and carers.

Working with colleagues and other relevant professionals

Collaborate and co-operate with colleagues and relevant external agencies and external bodies in the interests and well-being of children and young people in the school and the wider community, contributing to and participating in the wider system of children's services as appropriate.

Conditions of employment*Working time*

3.26 We are aware of consultees' concerns about the heavy workload of teachers. In 2002 STRB carried out a special review of approaches to reducing teacher workload and made recommendations which culminated in the National Agreement in January 2003 and the establishment of the Workload Agreement Monitoring Group (WAMG). At the time STRB recommended specific targets for reducing teachers' average working hours, as captured in the annual teachers' workload survey, from 52 hours in 2002 to 45 hours over a four year period from September 2003¹⁵.

¹⁵ STRB (2002) *Special Review of Approaches to Reducing Teacher Workload*, TSO (Cm 5497) paragraph 53

3.27 Following the National Agreement, measures were introduced designed specifically to address the issue of heavy workload for teachers. As a consequence, there is now a statutory entitlement in the STPCD to planning, preparation and assessment (PPA) time for all teachers, amounting to not less than 10% of their timetabled teaching time. We also note that the STPCD provisions are subject to the Working Time Regulations 1998¹⁶.

3.28 We have previously commented on the significant increase in the number of support staff working in schools and it is apparent that the numbers are continuing to increase. Since 2003, the number of school support staff, including administrative staff, in maintained schools in England has increased by 44% to 322,400 in January 2008¹⁷. The increase in teaching assistants, from 121,200 in January 2003 to 175,700 in January 2008, has contributed to this rise. In maintained schools in Wales the number of support staff, including administrative staff, increased by 38% to 16,946 over the same period, including a 43% increase in the number of teaching assistants, from 8,345 to 11,938¹⁸.

3.29 We have been monitoring over recent years the annual teachers' workload survey in which teachers and head teachers are required to complete a detailed log of all their teaching duties and other work-related activities for a complete week (seven days) both inside and outside school hours and including both directed and non-directed time¹⁹. We note that, despite the significant additional support introduced by the National Agreement, changes in hours recorded have been negligible over the last few years.

3.30 Many consultees cited the workload survey results as evidence that teachers and head teachers were facing unacceptable workloads. We recognise that the survey results give rise to serious and legitimate questions about workload, although they clearly are at odds with the results that one might reasonably have expected given the nature and extent of the changes introduced to support teachers as part of the National Agreement. Amongst other things, the disparity between the scale of the investment and apparent minimal impact on teacher workload raises questions about the way work is allocated and managed.

3.31 We believe there is scope for school leaders to take a more active role in managing workload issues and supporting staff. Paragraph 13 of Section 4 of the STPCD specifically notes that head teachers should ensure that teachers are not carrying out administrative and clerical tasks, as well as specifying that all teachers and head teachers should enjoy a reasonable work/life balance.

3.32 Given our expectations that these initiatives would have had some clear and positive impact in reducing teachers' working time, we are keen to understand why this appears not to have been the case.

¹⁶ Op.cit. DCSF *School Teachers' Pay and Conditions Document 2008 and Guidance on School Teachers' Pay and Conditions*, DCSF paragraph 56.4

¹⁷ DCSF (2008) *School Workforce in England (including Local Authority level figures)*, January 2008

¹⁸ Welsh Assembly Government (2008) *Schools in Wales: General Statistics 2008*

¹⁹ Directed time is the 1265 hours that teachers are required to be available for work, as set out in paragraph 77.4 of the STPCD. Non-directed time is the additional time teachers are required to work as necessary to discharge their professional duties effectively, as set out in paragraph 77.13 of the STPCD.

3.33 There are many possible causes and remedies. For example, there may be a need for guidance for senior and middle managers in some schools on how planning might be shared more effectively across teams. It may be that some teachers need more assistance and better support from leaders to help them identify priorities on which time should be spent. We believe there is merit in exploring the reasons why, for example, curriculum development, lesson planning, and marking and assessment still appear to contribute to the unduly long hours reported by teachers. We would also like to see an investigation into head teachers' working hours and the extent to which they model good work life balance. Accordingly, we do not at this time support the linking of the introduction of revised statements of responsibility with a contractual limit on working time.

3.34 We recommend instead that the Department carry out a review to explore why recent initiatives have failed to have an impact on working time and to make proposals for addressing the root of the problem. We would expect the review to cover such issues as:

- the most effective ways of working for teachers;
- how work could be streamlined;
- whether teachers are doing unnecessary work;
- whether some teachers need additional support, e.g. coaching; and
- what changes could be made to improve teamwork, to improve working methods and/or adjust working patterns to reduce teachers' workload.

3.35 We note NUT's concern about the absence of statutory guidance on planning requirements within schools²⁰ and understand that DCSF and WAMG have jointly commissioned research into effective lesson planning, due to report in February 2009. The Department might want to consider, in light of its research and our proposed review, whether such guidance would be merited.

3.36 Although we believe it would be inappropriate at present to specify a working time limit, we are well aware that there is a *de facto* limit set out in the Working Time Regulations 1998. There are a number of references to these Regulations in the STPCD, including the statement at paragraph 56.4 that nothing in the Document should be taken to conflict with the EU Council Directive on working time²¹. Given this is the case and that the implications are far from self evident, we believe that the Department might helpfully take appropriate steps to ensure that the STPCD is revised to contain specific advice for governing bodies and head teachers as to the implications of the Working Time Regulations for those working in schools.

²⁰ NUT (2008) *Submission to the STRB*, paragraph 115

²¹ O.J. No.L307,13.12.93 p18 which was implemented by the Working Time Regulations 1998 (S.I. 1998/1833)

3.37 During our consideration of this matter we received a letter from DCSF²² seeking views on proposed sanctions for dealing with non-compliance in respect of the workload agreement. We fully endorse the proposal that it is for governing bodies to challenge head teachers about compliance with the National Agreement.

3.38 PPA time was introduced in September 2005 following STRB's recommendations in our report on the special review of workload²³. Our conversations with teachers in schools across the country since then appear to confirm that teachers are no longer required to carry out administrative and clerical tasks and are using PPA time for its intended purpose. While concerns remain about the causes of long hours, it would be inappropriate for us to comment further on an extension to PPA time.

3.39 Similarly, the STPCD makes provision for dedicated headship and management time and we do not consider it would be appropriate to be more specific about the amount or proportion of time required whilst there are uncertainties about the causes of long working hours. Nor are we persuaded at this time that a universal entitlement to take regular sabbaticals would be either affordable or that it would address issues of motivation and morale in a way that would prove beneficial to the needs of children and young people in schools.

Continuing Professional Development (CPD)

3.40 NUT sought a specific entitlement to CPD in the STPCD. We have noted that there are already various statements about teachers' entitlement to professional learning and development, for example in the General Teaching Council's paper, *The Teachers' Professional Learning Framework 2003*, in the GTC Wales's advice to the Welsh Assembly Government on a *Professional Development Framework for teachers in Wales*, and in the TDA's *Professional Standards for Teachers in England from September 2007*.

3.41 We are not convinced that setting out a specific entitlement to CPD in the STPCD would be of particular benefit, either to teachers or to head teachers. It would raise questions about the form such an entitlement should take – whether a time or monetary value should be specified – and about how the outcomes should be defined. We consider that the professional requirement to undertake CPD, along with the existing requirement in the STPCD for a head teacher to report annually to the chair of governors on the professional development of all teachers²⁴, is sufficient to ensure that all teachers have an expectation of CPD. We are also clear that CPD is about more than just attendance at formal training courses. It includes a wide range of opportunities for professional development, such as coaching, mentoring, job shadowing and personal research. A flexible approach is required as individual teachers' CPD needs will vary depending on the particular local context.

²² DCSF (21 November 2008) *Consultation on proposed changes to ensure compliance with School Teachers' Pay and Conditions Document – England only*

²³ Op.cit. STRB *Special review of approaches to reducing teachers' workload paragraph 50*

²⁴ Op.cit. DCSF *School Teachers' Pay and Conditions Document 2008 and Guidance on School Teachers' Pay and Conditions paragraph 60.4.7*

Structure of the STPCD

3.42 We propose the STPCD be restructured to make it more coherent and user-friendly in terms of organisation and format for teachers, head teachers and governing bodies. There should be separate sections for responsibilities and conditions of employment. We also consider the STPCD should be made more accessible to teachers and governors.

3.43 We recommend that:

- **the Department consult all interested parties on our draft statements of purpose and professional responsibilities;**
- **the Department re-structure the STPCD to make it more coherent and user-friendly, providing separate sections on teachers' responsibilities and conditions of employment. The Department should also consider how best the provisions in the STPCD could be communicated to interested parties;**
- **the Department, in consultation with all interested parties, investigate the causes of long working hours for teachers and head teachers; make proposals for addressing the issues identified, and return these results to us for further recommendation;**
- **the Department include, in the relevant section of the STPCD, a statement specifying that all teachers will have a reasonable expectation of access to and participation in continuing professional development; and**
- **the Department include, in the relevant section of the STPCD, advice on the implications of the Working Time Regulations 1998 for teachers and school leaders.**

CHAPTER 4

Leadership Group

Introduction

4.1 In recent years there has been substantial cultural and organisational change in the leadership of our schools. These changes have not occurred in any consistent or uniform manner, varying in nature and intensity from place to place in response to local needs. Nevertheless, the general process of transformation is continuing and the landscape in terms of school leadership continues to evolve. The *21st Century Schools* agenda¹ (in England) and the *School Effectiveness Framework*² (in Wales) will promote more collaboration between schools and place a strong emphasis on schools working in partnership. We set out some of the details in Chapters 1 and 4 of our Fifteenth Report and we discussed the issue further in our Seventeenth Report Part Two³.

4.2 In our Fifteenth Report we recommended that we be invited to take a fundamental look at the leadership group to advise how its changing role and responsibilities should be reflected in future pay structures. The Department commissioned and subsequently published a study⁴ to inform our further work. In our Seventeenth Report Part Two we noted that, as new structures and roles had emerged that were not covered by the STPCD, local pay arrangements were being established with significant variations. There was inconsistency and a risk of inequity. We were concerned that the lack of clarity on remuneration issues could be detrimental to schools and leaders. We thought there was a danger that this might prevent schools from establishing innovative leadership arrangements and might deter good leaders from taking on new roles.

4.3 In the same report we set out for consideration our vision for leadership and some principles to govern decisions about reward and we recommended that the Review Body be given a further remit to undertake a review of leadership group pay. We also recommended that, in the meantime, we should be asked to consider what changes should be made to the STPCD to enable leaders to be paid for the full range of leadership arrangements.

4.4 In our current remit, the Secretary of State has responded to this last point by asking us to consider for recommendation:

what changes should be made from September 2009 to the system of reward for leaders, to enable them to be paid in a transparent and consistent way for the wider range of leadership arrangements that schools are now involved in....

¹ DCSF (2008) *21st Century Schools: A World Class Education for Every Child*

² Welsh Assembly Government (2008) *School Effectiveness Framework*

³ STRB (2008) *Seventeenth Report Part Two*, TSO (Cm 7352) paragraphs 3.10 – 3.21

⁴ PricewaterhouseCoopers (2007) *Independent Study into School Leadership*, DCSF

4.5 The Secretary of State further asked that our consideration of these matters should include any relevant findings from our work on professional roles and responsibilities and conditions of employment⁵.

Context

4.6 In our Seventeenth Report Part Two⁶ we set out a comprehensive account of the context for the discussion of school leadership reward, including current pay and conditions, the independent study into school leadership and developments in education, as well as consultees' views on pay arrangements for the leadership group. The Seventeenth Report Part Two forms the basis for our work in this chapter on changes to leadership group pay.

Representations from consultees

Response to STRB recommendations in the Seventeenth Report Part Two

4.7 RIG said our vision for leadership, reward principles and comments on governance was a helpful and timely contribution to its consideration of leadership group pay issues and endorsed our recommendation that there should be a fundamental review of the system of reward for the leadership group.

4.8 NUT welcomed our general approach to the vision for leadership, commenting in detail on specific points. It regretted a lack of direct equality references, drew attention to the importance of distributed leadership and suggested there should be more reference to the capacity of school leaders to influence the education system as a whole, citing the OECD⁷ in support of this view. NUT did not support all of the emerging models of school leadership, nor all the STRB principles for leadership pay. It strongly opposed a significant extension of performance related pay and saw no case for fundamental change.

Proposals for changes from September 2009

4.9 In June 2008 we invited consultees to submit evidence on further changes to the system of reward for school leaders. All consultees observed that the STPCD did not cover the full range of leadership models currently in existence. Most sought additional flexibilities to deal with the emerging models; some provided specific proposals.

⁵ Letter from Ed Balls, Secretary of State, to Bill Cockburn, 25 June 2008 in Appendix A

⁶ Op.cit. STRB *Seventeenth Report Part Two*, paragraphs 3.6 – 3.21 and paragraphs 3.22 – 62

⁷ OECD 2008 *Improving School Leadership Volumes 1 and 2*

4.10 RIG proposed some interim solutions based on the existing framework, to be implemented from September 2009, as set out below.

- Head teachers responsible and accountable for more than one school on a temporary basis:

the school group should be calculated on the basis of the total number of pupil units across all schools. A new criterion should be included in the STPCD to allow discretion for the head teacher's ISR to be moved by up to two groups higher. The discretion would only be applicable when the calculation of the total pupil unit numbers across all schools led to an increase of less than two groups higher than the highest of those that the head teacher would be running, to recognise the significant extra responsibility associated with running more than one school on a temporary basis.

- Head teachers responsible and accountable for more than one school on a permanent basis (i.e. a hard federation with a single governing body):

the federation group size should be calculated on the basis of the total number of pupil units across all schools. The discretion to use existing criteria in paragraph 12.2.5 of the STPCD could then be used to move the head teacher's ISR by up to two groups higher in cases where a school was causing concern or where there would be substantial difficulties in recruiting or retaining a head teacher.

- Head teachers providing services to other schools (e.g. a School Improvement Partner (SIP) or Consultant Leader):

the existing provision in paragraph 52 of the STPCD (Additional payments) should be extended to remunerate head teachers for service provision, with statutory guidance for its application.

- Extended services, where a head teacher takes on additional responsibility and accountability for provision of extended services on site for children and young people as part of the local authority's local area plan:

a separate discretion should be added to the STPCD, to allow the relevant body to remunerate a head teacher, taking account of how the external services are funded. Any such remuneration should be proportionate to the additional level of responsibility and accountability being undertaken, with statutory guidance for its application.

- Children's Centres:

the Government discourages heads from taking on responsibility for running and managing a freestanding Children's Centre, even when it is co-located with the school. Where this happens, the head teacher should be remunerated through a separate contract, outside the STPCD.

4.11 RIG noted that the Education Act 2002 provides that there should be a single person appointed as head teacher who is accountable for the legal responsibilities, so any form of co-headship, joint headship (other than job-share) or similar arrangement that provided more than one full-time head teacher for any school is not currently permissible.

4.12 RIG also commented on the use of the term “executive head”, pointing out that this term is sometimes used to describe a post where someone is appointed across a number of schools, each of which has its own head teacher, responsible and accountable for the day to day management of the school, and its own governing body. RIG noted there is currently no scope for such a role to be remunerated under the terms of the STPCD. Primary legislation would be required to amend this position.

4.13 NUT wanted to retain the existing pupil numbers/weighting system for determining the pay of the leadership group and did not support any wide-ranging change to the leadership group pay structure. It referred STRB to its previous representations and said pay arrangements for leaders who have responsibility for schools other than their own should be accommodated under the STPCD, as set out below. NUT said guidance should include exemplifications with respect to specific models of pay for leaders in federations and collaborations.

- Head teachers, deputy and assistant head teachers in a soft federation or a soft governance federation taking on additional responsibilities:

NUT said that the STPCD should be amended to include an additional criterion requiring the additional responsibilities to be considered when determining the ISR for members of the leadership group and as an additional criterion for the exercise of the governing body’s power to exceed the normal maximum for the school group in the case of head teachers’ pay.

- Executive head teacher appointed to a hard federation:

in NUT’s view, pay should be calculated on the total unit score of all the pupils in all the schools within the federation. The STPCD should be amended to include an additional criterion requiring the additional responsibilities of managing several schools to be considered when determining the head teacher’s ISR and as an additional criterion for the exercise of the governing body’s power to exceed the normal maximum for the school group.

The pay of leaders of individual schools and other leadership group teachers should be based on the unit total for individual schools, taking account of overall responsibilities and any reduction in responsibility arising from the existence of the federation and the executive head teacher. Safeguarding provisions should protect head teachers in post at the time of the establishment of the federation. Where there is no individual head teacher, there should be at least one deputy head teacher post at each school site and the fact that the person is the senior postholder within a school which is part of a hard federation should be added as an additional criterion for consideration when determining the ISR.

- Head teacher in a federation taking on additional responsibility where there is no executive head:

NUT suggested the STPCD should be amended to include an additional criterion requiring the additional responsibilities to be considered when determining the ISR for members of the leadership group.

- Head teachers appointed as head teacher of more than one school, on either a temporary or permanent basis:

the head teacher's pay should be calculated on the combined unit score. Existing provisions on adjustments to pay in relation to a school causing concern, or where there are difficulties in recruiting or retaining a head, should remain.

- Extended services, including Children's Centres:

where additional responsibilities fall within the scope of education or teaching provisions, the STPCD should be amended to include an additional criterion requiring such responsibilities to be considered when determining the ISR for members of the leadership group and as an additional criterion for the exercise of power to exceed the normal maximum for the school group in the case of head teachers' pay.

Where additional responsibilities fall outside education or teaching provisions, there should be separate contracts of employment that provide for appropriate remuneration.

- Head teachers providing services to other schools:

NUT agreed the RIG proposals, subject to the provision of clear guidance on the determination of the sum payable and the apportionment of that sum between the head teacher and the head teacher's school.

4.14 UCAC said the current ISR formula for determining the pay of the leadership group was no longer suitable; it particularly disadvantaged head teachers of small rural schools. UCAC sought clarification of the definitions of an extended school, federations, clusters and amalgamations to inform consideration of appropriate pay arrangements and proposed examining the Scottish model of job-sizing as a starting point for further work.

4.15 BATOD said teachers of the deaf and other teachers in specialist services had been marginalised in respect of the reward they received for management responsibilities. BATOD suggested that in many cases, head teachers in mainstream schools failed to recognise the full range of responsibilities of those teachers of the deaf managing delegated "units" or "resource bases". BATOD sought clarification of the distinction between TLR 1 and TLR 2 in terms of line management responsibility and commented that the *modus operandi* of teachers in specialist services was different from that of mainstream teachers, and needed to be reflected in guidelines on their pay and conditions.

4.16 NGA wanted the STPCD to be more flexible to take account of changes that have already occurred to school leadership responsibilities and organisation and sought clearer guidance in setting the appropriate remuneration level for head teachers.

4.17 Governors Wales commented on the need for the STPCD to be more flexible and to take account of new leadership structures.

4.18 Aspect noted that the changing landscape of school leadership underlined the need for clarity around extended services and partnership working and a different approach to leadership in future. The emphasis should be on consideration of the major issues raised by collaborations and federations, the 14-19 agenda and distributed leadership. Aspect proposed that reward for head teachers undertaking external development roles should be separately considered by STRB with a sub-group of consultees.

Our approach

4.19 We have been asked to consider whether changes are needed to take account of the wider range of leadership arrangements, for implementation in 2009. The traditional model of one head teacher for each school, on which current pay arrangements for school leaders are based, is evolving. The picture is now more complex. Our observations of policy developments, research and conversations with school leaders and consultees have made us aware of the extent of recent changes and the variety of leadership arrangements now in place. Many of these have emerged in response to particular local circumstances. Others have been driven by the new duty on schools to co-operate⁸, or the need to maintain a broad curriculum whilst addressing falling rolls. All present new challenges in terms of developing fair and appropriate mechanisms for rewarding school leaders.

4.20 However, our current remit is not to review the whole system of reward but to address a few specific issues. We are conscious that the underlying imperative is the need to achieve coherence, transparency and consistency for existing arrangements on an interim basis.

4.21 We are also conscious of a growing expectation that the role of school leaders should go wider than the confines of an individual school. Many head teachers have told us that they see outreach work as part of their own responsibilities. We share this view. It is only in instances where the demands of the additional work impose wider responsibilities and accountability and place extra burdens above and beyond those that might be expected of a professional person operating at a senior level, or where new arrangements result in the creation of a new post, that additional payment to a member of the leadership group should be contemplated.

4.22 We recognise there is merit in providing incentives for the very best head teachers to become system leaders (without detriment to their home schools) and to spread their expertise more widely across the education system to facilitate the change process.

4.23 However, in the future, additional responsibilities for work beyond their own schools may become integral to the role of many school leaders. Recent legislation⁹ has placed a statutory duty on schools to co-operate with relevant partners to improve children's well-being and emerging structures of school leadership with system-wide roles are likely to become the pattern for the future. The recent DCSF document *21st Century Schools: A World Class Education for*

⁸ Children's Act 2004 Part 2 Section 10

⁹ Ibid.

*Every Child*¹⁰ speaks of the need to “extend the influence of the best school leadership beyond the boundaries of a single school”. Such developments suggest that any future consideration of the appropriate long-term reward scheme for school leaders should regard such activities as part of school leaders’ formal responsibilities. It is possible that, in the longer term, remuneration for such work might be seen as part of the formal pay system and the question of additional reward for undertaking such system-wide roles would not arise.

4.24 We understand that any changes we recommend now will be implemented on an interim basis, pending a wider review of leadership pay. We have noted the Department’s intention to commission research into the various models of executive headship and to assess their impact and consider whether the results of this should then feed into a future STRB remit.

4.25 In considering consultees’ views on interim changes we have kept in mind our belief that any changes should be simple and transparent, that they should be consistent with our previously expressed vision for leadership and reward principles and that they should not add significantly to the existing costs of the leadership group.

4.26 We have noted the use of the term “executive head”. It has been used in different contexts – sometimes to describe someone who has overall accountability for more than one school but who is the only head teacher, but also to describe a post that sits above two or more head teachers, where the individual head teachers retain accountability for their respective schools. The former instance is unproblematic, but the latter seems to us to give cause for concern. In its submission, RIG noted that current education legislation requires there to be a single person appointed as head teacher and it recognised that changes would be required to primary legislation (Education Act 2002) for such an executive head teacher to be covered by the STPCD.

4.27 We are aware that there are currently a number of “executive head teachers” of this kind currently employed on terms and conditions that fall outside the STPCD. We understand that the Department intends to commission research on the effectiveness of this type of “executive head”. It is our view that the Department should take urgent steps to clarify the definition and status of “executive head” and, if appropriate, make any necessary adjustments to ensure that there is a firm legal basis for the role. For the avoidance of doubt, we have not used the term “executive head” to describe any of the arrangements on which we make recommendations.

4.28 During our consideration of these matters, we have again observed the significant role governing bodies play in determining pay for school leaders, and several consultees have pointed to the need for better guidance and support for governors on such matters. In our Seventeenth Report Part Two we commented upon issues of governance and recommended that the Department should consider how governing bodies might have access to expert remuneration advice. We await the outcome of the Minister’s review of governance arrangements with interest.

¹⁰ DCSF (2008) *21st Century Schools: A World Class Education for Every Child*

Our views and recommendations

4.29 There was support from most, but not all, consultees for the retention of a link to pupil numbers when determining new arrangements for school leaders' pay. We believe this issue requires further attention in future, particularly in view of the impact of this method of calculating reward on the pay of primary school leaders relative to that of leaders in secondary schools. However, the calculation of leadership pay based upon an ISR linked to the school's head teacher group is a tried and tested system, widely used and understood by local authorities, head teachers and governing bodies. In our view, it makes sense to retain the link to pupil numbers in advance of a wider system review.

4.30 We have concerns about the way in which the proposed changes might affect costs and it is our firm belief that in the longer term, any changes to the system of reward for school leaders should not lead to an unintended increase in the overall costs of the school leadership team.

4.31 We make the following recommendations on an interim basis pending a fundamental review of the arrangements for rewarding head teachers and other school leaders taking on additional responsibilities.

4.32 We recommend that, where a head teacher becomes accountable for more than one school on a temporary basis, the STPCD be amended so that the head teacher's pay is based on a head teacher group calculated either on the basis of total number of pupil units across all of the schools involved, or by determining a head teacher group that is up to two groups higher than any of the schools the head teacher would be running, whichever method produces the higher group. Once the head teacher group has been so determined, the relevant body should determine the seven point individual school range (ISR) that will be used to determine the head teacher's salary and decide the appropriate starting point for the head teacher on that range.

4.33 The above approach cannot apply in cases where one or more of the constituent schools is a group 7 or 8 school as there is no group 9. We recommend that in such circumstances, where one or more of the constituent schools is a group 7 or group 8 school, the head teacher's seven point ISR should be based on the group size of the largest school and uplifted by between 5% and 20%, at the discretion of the relevant body.

4.34 The Department should provide clear statutory guidance for the relevant body on assessing the appropriate level of uplift and on the process for terminating temporary arrangements. Such advice should make clear that increases approaching the maximum 20% should be given only in exceptional circumstances.

4.35 For temporary arrangements such as these, the existing criteria set out in paragraphs 12.2.5 and 12.2.6 would not apply, i.e. there would be no further discretion to move the ISR by up to two groups if the school was causing concern or if there was difficulty filling the vacant head teacher post or retaining the existing head teacher. There would be no discretion for the

relevant body to determine an ISR that might exceed the highest point on the leadership pay spine.

4.36 In all cases, there should be a written protocol between the governing bodies of the two (or more) schools involved and the relevant body(ies) should review the position on at least an annual basis. There should be an expectation that these arrangements would last no longer than two years except in exceptional circumstances. The protocol should include details of procedures for ending temporary arrangements.

4.37 We recommend that where a head teacher becomes accountable for more than one school on a permanent basis (i.e. a hard federation with a single governing body), the STPCD be amended so that the head teacher's pay is based on a head teacher group for the federation, calculated on the basis of total pupil units across all schools in the federation. Once the head teacher group has been so determined, the relevant body should determine the head teacher's seven point ISR and the appropriate starting point on that range. Where one or more schools in the federation is a group 7 or group 8 school, it may not be possible to calculate a new group size (i.e. beyond group 8). In such circumstances we recommend that the head teacher's seven point ISR be allocated on the group size of the largest school in the federation, uplifted by between 5% and 20% at the discretion of the relevant body.

4.38 Furthermore, where a school is causing concern or where, in the opinion of the relevant body, there would be substantial difficulties in recruiting or retaining a head teacher, the existing discretion in paragraph 12.2.5 of the STPCD may be used and the discretion in paragraph 12.2.6 of the STPCD to determine an ISR which exceeds the head teacher group range may also apply.

4.39 The Department should provide clear statutory guidance for the relevant body on assessing the appropriate level of uplift. The guidance should make clear that an uplift of or approaching 20% should be given only in exceptional circumstances.

4.40 We now turn to those arrangements for head teachers (and, where appropriate, other teachers) providing additional services. We recommend that where a head teacher provides services to other schools (for example as a School Improvement Partner (SIP) or as a consultant leader, or where a head teacher in a federation takes on additional work for the whole federation), the existing provision in paragraph 52 of the STPCD (concerning additional payments) should be amended to enable the relevant body(ies) to make appropriate payments for the cost of the service and for the governing body of the providing school to decide whether any of that payment should be made as personal remuneration to the head teacher and other staff and if so, the amount of that remuneration. We recommend there should be statutory guidance on the application of this discretion, which should include the principles and requirements set out below.

PROVISION OF SERVICES TO OTHER SCHOOLS – OPERATING PRINCIPLES AND REQUIREMENTS

All references below to the governing body refer to the governing body of the school providing services to another school.

a Any services provided by teaching staff of one school to another school must be authorised formally by the governing body and where the work extends over more than a 12 month period, the agreement of the governing body must be formally reviewed annually, or sooner if appropriate. The governing body should also agree arrangements for terminating such work.

b Before such work is undertaken, the governing body and the head teacher must take into account:

- the needs of the school and its pupils;
- the benefits that the activity would bring to the school;
- the impact of any absence on other staff, including their workload; and
- the workload and work/life balance of all the individuals concerned.

In particular, before reaching a view the governing body should satisfy itself that these matters have been fully considered within the school's leadership team.

c Arrangements for payment for external work, including personal remuneration, must be clearly stated and formally incorporated into a protocol by the governing body (or the finance committee) and decisions duly minuted.

d The head teacher and governing body should monitor the operation of the arrangements and their impact on staff and pupils and take action where arrangements prove to be unsatisfactory.

e The disposition of any payment, including personal remuneration, for external services must be agreed in advance in accordance with the determinations of the governing body. The terms of such an agreement must be set out in a memorandum signed by the chair of governors and the head teacher and any other members of staff involved.

f Any income derived from external sources for the work of a school's staff should accrue to the school. The governing body should decide whether it would be appropriate for individual members of staff to receive additional remuneration for these activities, and if so, to determine the appropriate amount.

g The governing body should ensure that any expenses incurred by the individual as a result of taking on additional work are reimbursed, unless they are accounted for elsewhere.

4.41 We recommend that a separate discretion be added to the STPCD to allow the relevant body to remunerate a head teacher who takes on additional responsibility and accountability for the provision of extended services on site for children and young people as part of the local authority's local area plan.

4.42 We remain concerned, however, that there should be transparency about this mechanism. We believe there should be appropriate visibility and control over both the governance and the amount of remuneration. We therefore recommend there should be associated statutory guidance, taking account of the principles set out above, to enable the relevant body to take account of how the extended services are being funded and to decide the level of remuneration on the basis that it was proportionate to the additional level of responsibility and accountability. Where the additional responsibilities fall outside education or teaching there should, given the present scope of the STPCD, be separate contracts of employment that provide for appropriate payment.

4.43 We further recommend that for all instances described above where we have made recommendations on the head teacher's pay, the STPCD should be amended to include a requirement for the relevant body to consider and record any additional responsibilities that are placed upon other members of staff when determining the pay ranges of those teachers when the head teacher has:

- taken on responsibility for one or more additional schools on either a temporary or permanent basis;
- accepted an external role; or
- taken on extra responsibility in respect of extended services.

4.44 Statutory guidance should make clear that when the relevant body considers the appropriate level of remuneration for other members of staff, they should take account of any additional responsibilities attaching to the post in question, not the person. An increase in remuneration should only be agreed where the post in question accrues extra responsibilities and greater accountability as a result of the head teacher's enlarged role. It should not automatically follow that all members of the leadership team would receive an adjustment. Where the arrangement for the head teacher is temporary, any adjustment to the pay of other members of staff should also be temporary; there should be a plan to terminate the temporary arrangements when the additional responsibilities end. Safeguarding provisions should not apply to temporary adjustments to pay.

4.45 We understand that, at present, the Education Act 2002 does not allow for head teachers to be remunerated through the STPCD for running and managing a free-standing Children's Centre, even when it is co-located with the school. Where this happens, the head teacher's role in running and managing a Children's Centre should be subject to separate arrangements. We are aware that *The Children's Plan One Year On*¹¹ sets out incentives for the co-location of children's services on school sites. In a future remit, we expect to be asked to consider how, in future, arrangements for remuneration of school leaders could include remuneration for other services such as the running of a Children's Centre.

¹¹ DCSF (2008) *The Children's Plan One Year On*

4.46 We recommend that, as an interim arrangement, pending a fundamental review of the system of reward for the leadership group:

- where a head teacher becomes accountable for more than one school on a temporary basis, the STPCD be amended so that the head teacher's pay to be based on a head teacher group calculated either on the basis of the total number of pupils across all of the schools involved, or by determining a head teacher group that is up to two groups higher than any of the schools the head teacher would be running, whichever method produces the higher group. In such circumstances, the relevant body should determine the seven point individual school range (ISR) that will be used to determine the head teacher's salary and decide the appropriate starting point for the head teacher on that range. Where one or more of the constituent schools is a group 7 or group 8 school, we recommend that the head teacher's seven point ISR be based on the group size of the largest school and uplifted by between 5% and 20% at the discretion of the relevant body. The existing discretion in paragraphs 12.2.5 and 12.2.6 of the STPCD should not apply. Safeguarding provisions should not be applicable to temporary arrangements;
- where a head teacher becomes accountable for more than one school on a permanent basis (i.e. a hard federation with a single governing body), the STPCD be amended so that the head teacher's pay is based on a head teacher group for the federation, calculated on the basis of total pupil units across all schools in the federation. In such circumstances, the relevant body should determine the head teacher's seven point ISR and the appropriate starting point on that range. Where one or more of the schools in the federation is a group 7 or group 8 school, we recommend that the head teacher's seven point ISR be based on the group size of the largest school in the federation, uplifted by between 5% and 20% at the discretion of the relevant body. The existing discretion in paragraphs 12.2.5 and 12.2.6 of the STPCD should continue to apply;
- for both temporary and permanent arrangements described above, the Department provide clear statutory guidance for the relevant body on assessing the appropriate level of uplift. This should make clear that increases approaching the maximum 20% should only be given in exceptional circumstances. Guidance should cover procedures for ending temporary arrangements;
- the existing provision specified in paragraph 52 of the STPCD (concerning additional payments) be amended to enable the relevant body(ies) to make appropriate and proportionate payments for the cost of services provided by one school to another and for the governing body of the providing school to decide what payment, if any, should be made to the head teacher and other staff;

- a separate discretion be added to the STPCD to allow the relevant body to remunerate a head teacher who takes on additional responsibility and accountability for the provision of extended services on site for children and young people as part of the local authority's area plan. Where the additional responsibilities fall outside education or teaching there should, given the present scope of the STPCD, be separate contracts of employment that provide for appropriate payment;
- the Department, in consultation with all interested parties, draw up statutory guidance on the application of paragraph 52 of the STPCD (concerning additional payments) and the separate discretion above (enabling remuneration for additional responsibilities for the provision of extended services) based upon our operating principles following paragraph 4.40;
- the STPCD be amended to require the relevant body, when considering the pay range for other members of staff, to take into account and record any additional responsibilities that are placed upon them when the head teacher has:
 - taken on responsibility for one or more additional schools on either a temporary or permanent basis;
 - accepted an external role; or
 - taken on extra responsibility in respect of extended services;
 and
 the Department provide clear statutory guidance on factors for consideration in these circumstances. Safeguarding provisions should not apply to temporary adjustments to teachers' pay.

We further recommend that:

- a future remit provide for this Review Body, in consultation with all interested parties, to consider what changes there should be to pay arrangements for the leadership group as a whole; and
- the Department clarify the definition and status of "executive head teacher" and, if appropriate, make any necessary adjustments to ensure that there is a firm legal basis for the role as soon as possible.

CHAPTER 5

Special Educational Needs Allowances

Introduction

5.1 The Secretary of State asked us to consider for recommendation: *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.*

5.2 We were last asked to examine SEN allowances in our Sixteenth Report but, after some consideration, we concluded in that report that we needed to see a wider body of evidence before we could confidently consider the issues involved. DCSF has since undertaken research¹ to address some of the identified gaps and we are grateful to them for the additional information this has provided.

Context

Background statistics

- Over 250,000 (3%) pupils in England and Wales have been assessed and issued with a statement of SEN. A further 17% have SEN without statements (of whom around one third are categorised as School Action Plus)².
- Nearly all pupils with SEN but without statements are educated in mainstream schools. 60% of pupils with statements of SEN are educated in mainstream schools, 34% in special schools and 6% in other settings. The proportion of pupils with statements educated in mainstream schools in England increased significantly between 1991 and 2000. Since 2000 it has decreased slightly. The corresponding figures for Wales have remained more stable over this period, with a greater proportion of pupils with statements educated in mainstream schools than in England³.

¹ Johnson, F., Pye, J., Highton, J., Lister, C., Jeans, D., Tracey, L., Farrell, P. and Fielden, S. (2008), *The allocation of Special Educational Needs Allowances in England and Wales*, DCSF, summarised below in paragraph 5.6

² DCSF (2008) *Special Educational Needs in England, January 2008*, Welsh Assembly Government (2008), *Pupils with Statements of Special Educational Needs*, January 2008

³ OME analysis of DCSF, Welsh Assembly Government statistics

- 3.3% (15,500) of full-time equivalent teachers in the maintained sector in England and Wales are employed in special schools and 1.5% (7,000) in services run by local authorities (“unattached” teachers), some of which are SEN services⁴. There are no figures on the number of teachers employed in specialist SEN roles in mainstream schools.
- In 2007, almost all teachers in special schools received an SEN allowance, as did approximately 50% of unattached teachers and 2% of teachers in mainstream schools⁵.
- The total cost of SEN allowances in 2008/09 is estimated to be around £100 million (0.5% of the total teachers’ pay bill)⁶.
- In 2006-07, turnover and wastage rates in special schools were around the average for all schools, although rates in PRUs were higher⁷.
- In January 2008, overall vacancy rates in special schools were double the rate for mainstream schools⁸. There were regional variations in vacancy rates, with the East of England, London and the South East having the highest rates.

5.3 The provision of education for children and young people with special educational needs (SEN) is a complex and evolving area. The Government’s commitment to greater inclusion has resulted in an increase in the proportion of pupils with significant special educational needs being educated in mainstream schools. This, and other developments such as personalised learning, the *Every Child Matters* and *21st Century Schools* agendas (in England) and *Rights To Action* and *School Effectiveness Framework* (in Wales)⁹, means that there is an increasingly wide diversity of schools, services and roles in which teachers are working with pupils with various challenging conditions.

5.4 These developments have implications for the teaching workforce. The Department’s policy is to build capacity in the children’s workforce to identify and meet the needs of children and young people with SEN with the intention that all teachers will have core skills in teaching pupils with special needs; that some teachers in all schools (including SENCOs and ASTs) will possess advanced skills; and that specialist expertise is available within each community of schools¹⁰.

⁴ DCSF (2008) *School Workforce in England, January 2008*, Welsh Assembly Government (2008), *Teachers in Service Vacancies and Sickness Absence, January 2008*

⁵ ORC (2007) *Survey of Teachers’ Pay, 2007*, OME

⁶ OME estimate, includes on-costs

⁷ RIG submission to STRB 2008 page 38

⁸ Op.cit. DCSF *School Workforce in England*

⁹ For information, see <<http://www.everychildmatters.gov.uk>> (England); and Welsh Assembly Government (2004) *Children and Young People: Rights to Action*

¹⁰ DfES (2004) *Removing Barriers to Achievement: the Government’s Strategy for SEN*; and DfES (2006) *Government Response to the Education and Skills Committee Report on Special Educational Needs (October 2006)*, TSO (Cm 6940)

5.5 To this end the Department has been working closely with the TDA to enhance initial teacher training and programmes of continuing professional development. This aims to ensure all teachers receive a good grounding in core skills and knowledge of SEN and to improve and strengthen the confidence of trainees, newly qualified and experienced teachers in relation to SEN and disability¹¹.

5.6 At present, the STPCD prescribes an annual SEN allowance of £1,912 (the SEN 1 allowance) for teachers in special schools, and for teachers in mainstream schools engaged wholly or mainly in teaching special classes of pupils who have statements of SEN or who are hearing or visually impaired¹². It also gives schools and services discretion to award the allowance to teachers in mainstream schools who make a contribution to the teaching of pupils with SEN that is significantly greater than normally expected. Schools and services may also award a higher-value allowance of £3,778 (the SEN 2 allowance) instead of SEN 1 to eligible teachers deemed to have relevant experience or qualifications.

5.7 New research commissioned by the Department¹³ highlights the fact that there is wide variation in the interpretation of current guidelines and, as a result, an inconsistency of approach in the awarding of allowances. The threefold aim of the research was to gather evidence on the decision-making processes used when head teachers and local authority managers award SEN allowances or alternative payments; to explore the perceptions of SEN allowances and alternatives among practitioners; and to examine any variation in use and perceptions of SEN allowances. Key findings were:

- in all types of school, there were varied interpretations of the guidance relating to the payment of allowances;
- key reasons for awarding SEN 1 allowances focused on the additional challenge and importance of teaching pupils with SEN;
- reasons for awarding SEN 2 allowances tended to emphasise the qualifications and experience of the staff involved;
- where TLRs were awarded for SEN responsibilities, this was typically because they were considered more appropriate for management and administration responsibilities or because the value of TLRs was felt to better reflect the level of responsibility involved;
- a majority of head teachers – including 68% primary, 50% secondary and 97% of special school head teachers – considered it important to have an allowances system for recognising SEN teaching;
- a majority of those who do not currently use SEN allowances recognised that an allowances system was important, although proportions saying so varied by phase;

¹¹ Ibid. DfES, *Government Response to the Education and Skills Committee Report on Special Educational Needs*

¹² DCSF (2008) *School Teachers' Pay and Conditions Document and Guidance on School Teachers' Pay and Conditions*, TSO, Section 2, paragraph 26 and Section 3, paragraphs 71 to 73

¹³ Op.cit. Johnson, F. et al., *The allocation of Special Educational Needs Allowances in England and Wales*

- there was evidence of some variation in the rationale for giving allowances, and of different policies operating in different authorities and schools. For example, some authorities gave all unattached and special school teachers an SEN 2 allowance, while head teachers in other authorities claimed that budgetary restrictions meant they rarely, if ever, awarded SEN 2 allowances.

5.8 This mixed approach to the awarding of allowances has, to a large extent, been evident in the written and oral evidence we have received from consultees. These inconsistencies are exacerbated by the fact that there are also clear differences between authorities in their approach to meeting the needs of children with significant special educational needs. This manifests itself most obviously in widely differing policies concerning the making of statements of special educational needs, and in approaches to School Action and School Action Plus¹⁴. Such differences may be entirely legitimate. However, 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 local authority. As the awarding of SEN allowances can be dependent on the volume of children with statements of SEN, it follows that these inconsistencies could also contribute to a difference of treatment in the reward teachers receive.

Representations from consultees

Retention of separate allowance

5.9 There was unanimous agreement among consultees that additional reward for those working in SEN settings should be retained in some form.

5.10 RIG believed that there was a clear continuing role for separate SEN allowances. NUT said that SEN allowances continued to serve a separate and specific function within the pay system; as such, they should continue as separate payments. Nasen said it was essential to have a system of rewarding teachers of pupils with SEN, as it recognised the additional training and qualifications of specialist teachers, and rewarded the dedication and commitment required to support vulnerable young people. BATOD said SEN allowances were crucial in recruiting and retaining teachers to work in the SEN field. Governors Wales, NGA and UCAC also supported the retention of a separate reward for teachers working regularly with children and young people with special educational needs.

¹⁴ 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.

Criteria for eligibility

5.11 Most consultees noted that there was an inconsistency of approach to the awarding of allowances and that the criteria therefore needed to be made clearer. Several consultees mentioned the fact that schools applied different interpretations to the phrase “wholly or mainly” in the guidelines. Several also said that there were differences of approach to the awarding of the SEN 2 allowance.

5.12 RIG also pointed out that the criteria for awarding a SEN allowance makes reference to pupils with statements of SEN. RIG believed that since local authority practice in using statements varied considerably, this was likely to introduce further inequity into the system.

5.13 Most consultees were in agreement that the following groups of teachers should be automatically entitled to SEN allowances:

- those teaching in special schools;
- those teaching in a designated special class in a mainstream school;
- those teaching in a designated setting for pupils with SEN.

5.14 There was broad agreement that other teachers in mainstream schools would have to satisfy a number of criteria to be awarded an SEN allowance.

5.15 RIG maintained a fundamental revision was required to the current system of reward for teachers of pupils with SEN, and believed that consistency, transparency and fairness should be built into a revised system of reward for SEN responsibilities – it should be incorporated into schools’ pay policies, and teachers’ job descriptions. It said that the current criteria for awarding SEN allowances should be removed and replaced with new, clearer criteria.

5.16 NUT suggested that the criteria for awarding SEN allowances should be revised to reflect the differing circumstances in special and mainstream schools and in PRUs. NUT argued that teachers in mainstream schools and PRUs should be entitled to SEN allowances not only if they were engaged wholly or mainly in teaching pupils with statements of SEN but also if they were wholly or mainly teaching pupils who were on School Action Plus. Governors Wales said that SEN allowances should also apply to teachers of pupils with SEN but without statements, as the number of statements issued had fallen.

5.17 NUT proposed that consideration be given to the payment of an SEN allowance to those teachers who taught pupils with SEN for a significant proportion of their teaching time, even though they might not teach such pupils for the majority of their time.

5.18 NUT supported the tiered system of allowances, but said that criteria for awarding a higher allowance should be based on experience as well as qualifications. It suggested that teachers might be entitled to the higher rate after two years’ experience.

5.19 BATOD stated that all teachers of the deaf or visually impaired holding the mandatory qualification should automatically receive the SEN 2 allowance and that a national organisation involved in SEN should draw up a list of specialist qualifications which would entitle teachers to the higher SEN allowance.

5.20 BATOD and UCAC both called for greater clarity in the guidance for awarding SEN 2 allowances. UCAC suggested that a greater range of specialist qualifications should entitle teachers to the higher SEN allowance.

5.21 UCAC also sought recognition for the extra challenges of working in bilingual settings.

Form of payment

5.22 RIG described two options for rewarding teachers of pupils with SEN.

5.23 The first involved an entirely separate structure with additional pay scales for qualified teachers, mirroring the existing main and upper scales but with an additional element for SEN payments – with scales for each of the four pay bands. Although RIG offered this as an option, it recognised that it would create unhelpful additional content and complexity in teachers' pay arrangements, when a key objective is to make the arrangements clear and straightforward.

5.24 RIG's second, preferred option was to create an SEN range, similar to TLRs, so that schools could make a judgement on the size of the payment based on the relative weight of additional SEN responsibility and/or recognition of particular qualifications. RIG believed that this option would promote local flexibility but recognised that more work would need to be done to develop and test the criteria for awarding the payment. RIG sought endorsement in principle from STRB for this option.

5.25 If endorsed, RIG said it would like to examine the criteria and return to STRB with specific proposals. RIG would also need to consider how these arrangements would apply to teachers working in alternative provision such as PRUs, unqualified teachers, and teachers employed in local authority central services ("unattached" teachers).

5.26 UCAC said that separate SEN allowances should be retained, or else be included in the TLR structure (where SEN 1 becomes the lowest point on TLR 2, and SEN 2 placed at some higher point in the TLR 2 range). UCAC also observed that confusion arose from SEN 1 being the lower of the SEN allowances, whilst TLR 2 is the lower TLR payment.

Allowance values

5.27 NUT proposed that the values of the allowances should remain broadly the same, although increased in line with NUT's suggestions for increases in pay more widely.

5.28 BATOD suggested that, as many teachers of the deaf would soon lose safeguarded management allowances, SEN allowances should be considerably increased in value.

“Unattached” teachers/Pupil Referral Units (PRUs)

5.29 NUT argued that teachers in PRUs should not be classed as “unattached” teachers (which permitted certain aspects of the STPCD to be disapplied). PRUs should instead be reclassified as schools for the purposes of the STPCD. It believed that the STPCD criteria for awarding SEN allowances should in any case be amended for PRU teachers. As the vast majority of children in PRUs had special educational needs, NUT’s view was PRU teachers should, like those in special schools, receive SEN allowances on a mandatory basis.

5.30 NUT was concerned that unattached teachers did not enjoy the full protection of the STPCD and that some were therefore excluded from considerations relating to SEN allowances. NUT suggested that provisions relating to SEN allowances should apply equally to unattached teachers. Concerns about unattached teachers were also expressed by UCAC which felt that these teachers were losing out under the TLR regime.

Special Educational Needs Co-ordinators (SENCOs)

5.31 Nasen asked STRB to consider the status of SENCOs and whether they should be rewarded via SEN allowances, TLRs or senior management positions. It said that SENCOs were currently treated inconsistently. UCAC also observed that some SENCOs were awarded TLRs rather than SEN allowances.

5.32 Since SENCOs would soon require mandatory accreditation, nasen argued that they should be rewarded with higher pay, in line with other teachers of SEN who hold additional qualifications.

5.33 NGA suggested that all SENCOs should be part of schools’ senior management teams. RIG said that SENCOs should be qualified teachers, but not necessarily part of the school’s senior leadership team. It believed that SENCOs should be rewarded via its proposed SEN pay ranges.

Other

5.34 BATOD asked STRB to consider whether all teachers of the deaf in “combined teaching, support or advisory” roles should be paid on the AST scale.

Our views and recommendations

5.35 We were asked to consider two questions: “whether... 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 was to be retained, whether the current value(s) remained appropriate”. We were asked to conduct our review within the framework of existing costs.

5.36 We are addressing these questions against a backdrop of a changing education landscape which has seen important initiatives affecting the approach to, and location of, children and young people with special educational needs. It is likely that the landscape will continue to change as Government strategies, such as the *21st Century Schools* agenda (in England) and the *School Effectiveness Framework* (in Wales), continue to emphasise increased collaboration and early identification of additional needs. These developments mean that *all* teachers need a solid foundation to equip them to teach effectively classes that, increasingly, include children with particular and significant needs. In this context, we are pleased to see that the Department, with TDA, has been reviewing the training requirements of new and existing teachers to ensure that they are better equipped to deal with these changes¹⁵.

5.37 Reflecting on these questions, we are conscious that the education of children with SEN has always been a complex and highly sensitive area – a state of affairs that recent developments have done nothing to change. The current arrangements for SEN allowances predate significant changes in the education of children and young people with SEN and in the teachers' pay system, notably the introduction of TLR payments. As we have already indicated, there are also issues around the inconsistency of approach to the awarding of allowances¹⁶.

5.38 In considering the pay of teachers of children with SEN, we are therefore conscious of the need for a system of reward that is sufficiently flexible to accommodate the wide variety of roles and arrangements. However, the need for flexibility has to be balanced against the need for a national framework that delivers a broad consistency of approach to ensure transparency and equity in the reward system.

5.39 Consultees have unanimously supported the case for the retention of some form of additional reward for those with significant responsibilities for teaching in SEN settings. We have carefully considered consultees' evidence and believe that reward for those in dedicated SEN school and local authority settings (including PRUs) remains appropriate and important.

5.40 We have, though, been struck by the strong consensus among stakeholders that the current system is confusing for many and results too often in inconsistencies in the awarding of allowances. As on previous occasions, representations from consultees have highlighted a number of different possible functions for SEN allowances which include:

- assisting recruitment and retention;
- rewarding teachers for the nature of their work, on the assumption that teaching pupils with SEN is more challenging than teaching other pupils;
- rewarding teachers for undertaking specific additional responsibilities in relation to SEN, such as SENCO roles in mainstream schools or specific responsibilities in special schools;

¹⁵ Op.cit. DfES *Government Response to the Education and Skills Committee Report on Special Educational Needs*

¹⁶ Para 5.8

- rewarding teachers for their experience in relation to SEN; and
- rewarding teachers' specialist skills, competencies and knowledge in relation to SEN, including the attainment of mandatory qualifications.

5.41 Our view is that SEN allowances should be regarded, first, as a recognition of the challenging nature of the task and, second, as an acknowledgement that successful SEN teaching requires additional skills and experience. We do not agree that additional reward should automatically follow after a set number of years served, so we do not support NUT's proposal that SEN 2 allowances be awarded automatically following a fixed period working in a special school or similar SEN setting.

5.42 It is our view that additional distinct reward should continue to be paid to those working in specialist SEN roles, those teaching in dedicated SEN settings (such as special schools, special units in ordinary schools and PRUs) and for posts requiring a mandatory SEN qualification. We do not believe that the system should reward the acquisition of qualifications for their own sake: the allocation of an SEN allowance should in our view be attached to a post requiring a mandatory SEN qualification rather than to a person for simply holding such a qualification.

5.43 We think that further consideration should be given to the question of whether staff teaching in ordinary classes in mainstream schools should be eligible for SEN payments or whether such allowances should be reserved for those filling specialist roles or teaching in the dedicated settings set out above.

5.44 Given the need for flexibility and for schools to have some discretion over non-mandatory SEN payments, we believe the current option of two fixed-value allowances is unhelpfully rigid. Our view is that the present system of two fixed allowances should be replaced by a system which establishes a range within which schools and authorities will be able to decide the appropriate spot value of an allowance. We believe that these payments should remain distinct from TLR payments as they are in recognition of the additional challenge, expertise and skills required to teach children with special needs effectively, rather than a payment for responsibilities involving leading and managing. TLRs may, though, be the most appropriate way of rewarding staff in SEN settings who do have these wider responsibilities, including SENCOs.

5.45 The new SEN range should be accompanied by criteria to guide schools in selecting an appropriate spot value. Conscious that our remit enjoins us to keep within the existing costs basis, we envisage the range minimum being in the region of £1,000 and the maximum being broadly equal to the value of the SEN 2 allowance (currently £3,778). In this context, we agree with many consultees that a review of the guidelines and criteria for awarding payments is needed. We believe a working group should be established as soon as possible to take this work forward.

5.46 The working group needs to take into account the contextual developments including the ECM agenda, related policy initiatives and their implications for the school workforce as a whole. It is our view that any guidelines developed by the group must not unintentionally provide an incentive to increase the use of statements of SEN or disproportionately expand eligibility for additional reward. The review's remit should include:

- an assessment of the role of all teachers of children with special educational needs given contextual developments and related policy initiatives¹⁷;
- a review of the list of mandatory qualifications for SEN;
- an examination and revision of the criteria for eligibility for mandatory and non-mandatory SEN payments;
- the production of guidelines for schools and local authorities on the level of such payments within the proposed range;
- consideration of whether there is any reason to alter the current flexible arrangements for SENCOs; and
- consideration of whether other existing forms of reward may be more appropriate for those teaching in ordinary classes in mainstream schools.

5.47 Membership of the group should strike a balance between SEN specialists (including those involved in SEN-related training) and those with an overview of broader developments in teaching and learning. It should ensure engagement with the full range of STRB's statutory consultees and those with appropriate expertise and experience.

5.48 STRB considers that such a review should be carried out on the assumption that the overall level of funding available for SEN-related reward will not be significantly enlarged. We envisage the working group carrying out its work in 2009 and we expect that its findings will be referred back to us in due course.

5.49 With one exception, we are not minded to make any immediate changes to the current system of SEN allowances, pending consideration of the working group's findings.

5.50 It is our view, however, that teachers working in PRUs experience challenging circumstances equal to those in most other dedicated SEN settings. As such, we believe that they should be entitled by right to the same additional rewards. We are aware that a variety of approaches is taken to rewarding teachers working in PRUs but would like to ensure that, while the working group conducts its review, PRU teachers automatically receive additional payment (to their basic pay) that is at least the equivalent of the SEN 1 allowance.

¹⁷ Including the *Every Child Matters* and *21st Century Schools* agendas (England) and *Children and Young People: Rights To Action* and the *School Effectiveness Framework* (in Wales).

5.51 **We recommend that:**

- **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 or around £1,000 and that the maximum be broadly equivalent to the value of the SEN 2 allowance (currently £3,778);**
- **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 in paragraph 5.46;**
- **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.**

CHAPTER 6

Excellent Teachers

Introduction

6.1 We were first asked to consider the Excellent Teacher Scheme in 2004. Our recommendations for the scheme were published in our Fourteenth Report¹ with appointment of teachers to Excellent Teacher posts taking place from September 2006.

6.2 The aim of the Excellent Teacher Scheme was to create a career path which would enable and encourage very good teachers to stay in the classroom. It would allow such teachers to pass on their skills, act as a mentor to other teachers and disseminate good practice within their own school without taking on management responsibilities. The scheme was intended to focus on pedagogy. It set out to motivate teachers to develop themselves, their colleagues and their teaching practice right through their career².

6.3 We continue to believe in this vision. However, by November 2008 only 60 Excellent Teacher posts had been created and filled, with 20 of these in primary schools and four in special schools³. We are also aware of a number of schools with unfilled Excellent Teacher posts. Such a low take-up suggests that the scheme has so far failed to strike a chord with schools and teachers. The reasons for this are not yet clear. As recommended in our Fifteenth Report⁴, the Department has commissioned a review which we hope will reveal why Excellent Teacher posts have not been more widely adopted.

6.4 The Secretary of State asked us to consider for recommendation:
whether there should be separate 'national', 'fringe', 'outer London' and 'inner London' Excellent Teachers pay bands and whether there should be any adjustment of the bottom end of the pay band in relation to the value of U3.

Context

6.5 The current Excellent Teacher pay structure is set out in STPCD⁵. Holders of an Excellent Teacher post are paid a spot salary within a specified range; the value of the spot salary is determined by individual schools. The range from September 2008 is £37,672 to £48,437 for bands B to D, extending to £53,819 in band A.

¹ STRB (2005) *Fourteenth Report*, TSO (Cm 6430), paragraphs 5.38-5.52

² Ibid. paragraph 5.21

³ VT Education and Skills – National assessment agency for ASTs and ETs

⁴ STRB (2005) *Fifteenth Report*, TSO (Cm 6663), paragraph 5.15

⁵ DCSF (2008) *School Teachers' Pay and Conditions Document 2008 and Guidance on School Teachers Pay and Conditions*, TSO, Section 2, paragraph 35.4

6.6 In order to be eligible to apply for an Excellent Teacher post, a teacher must have been paid at point three on the upper pay scale (U3) for at least two years and have been assessed as meeting the required standards. However, the bottom of the current Excellent Teacher range is lower than the value of U3 in bands A and B (£42,419 and £38,634 respectively).

Representations from consultees

6.7 RIG acknowledged the low take up of the Excellent Teacher Scheme. The Department had commissioned an independent review to examine how schools were benefiting from Excellent Teacher posts and to identify any perceived barriers to the scheme. RIG continued to believe the scheme was valuable in allowing high performing, high quality teachers to remain in the classroom without management responsibilities. It considered the current pay structure to be a technical anomaly which should be resolved, but thought no other changes to the scheme should be considered at this stage.

6.8 RIG thought the Excellent Teacher Scheme should have four separate pay bands in common with arrangements for other groups of teachers. To ensure teachers received an increase in salary on appointment to an Excellent Teacher post, RIG proposed an increase to the bottom of the range, so that the minima were above the level of U3 in each pay band.

6.9 TDA felt the Excellent Teacher Scheme should be seen as a gold standard to which teachers could aspire. It felt the pay should reward the competence and performance of the distinguished classroom teacher at the pinnacle of their career and wanted to see “coherence and clarity” in the pay system.

6.10 NUT restated its opposition to the Excellent Teacher Scheme. It also opposed a spot salary within a range maintaining that this led to fragmentation of the pay structure, as such an arrangement was unique in the teachers’ pay structure.

6.11 Notwithstanding their opposition to the scheme, if it were to continue NUT wanted Excellent Teachers to have four separate pay bands, with the level of pay based on a standard differential compared with U3 in the relevant pay band. The requirements of an Excellent Teacher post should be national and standard, with the rate of payment reflecting the level of additional responsibility. This should be consistent with the value of TLR payments for comparable levels of management and leadership responsibilities. NUT proposed Excellent Teachers should be eligible for TLRs if they had responsibilities over and above the national standard.

6.12 UCAC reiterated its opposition to the Excellent Teacher Scheme which it believed was not a viable aspiration for all teachers. The Excellent Teacher Scheme did not encourage coherence in the pay structure and many schools could not afford to employ Excellent Teachers. It considered the responsibilities of an Excellent Teacher were already carried out by other posts in the staffing structure. For these reasons, UCAC recommended abolishing the scheme.

6.13 BATOD continued to have reservations about the Excellent Teacher Scheme, particularly how the scheme applied to specialist services and special schools and the affordability of Excellent Teachers. It regarded the title “Excellent Teacher” as unhelpful and believed that the scheme was likely to create division in staff teams and add a bureaucratic burden. In SEN settings BATOD thought AST posts or TLR payments were more appropriate. BATOD made no comment on the pay structure, judging that other issues needed to be resolved before giving the scheme further consideration.

6.14 NGA suggested that the Excellent Teacher Scheme and AST grades be merged. Until this could be done, it believed that there should be four separate pay bands, with the minima above the level of U3 in the relevant band.

6.15 Governors Wales deemed no adjustment to the bottom end of the Excellent Teachers’ pay band was necessary.

Our views and recommendations

6.16 We continue to believe the Excellent Teacher Scheme is a sound concept which has the potential to provide a distinctive and attractive career option for the most experienced classroom teachers. However, we do have reservations in a number of areas.

6.17 We stated in our Fourteenth Report⁶ that the salary for the scheme must be set at a level to which a teacher on U3 will aspire. For this reason, and to ensure clarity and consistency, we agree with consultees that all teachers who are appointed to an Excellent Teacher post should receive a pay rise on appointment. The minima of the pay range for Excellent Teacher posts should be adjusted to ensure that they will always be above the level of U3 in the relevant school.

6.18 Several consultees believed there should be four pay bands for teachers holding an Excellent Teacher post. NUT said payment should be based on a standard differential compared to the U3 rate. We remain convinced that an Excellent Teacher post should hold a spot rate as it is a post designed to carry a specific level of reward: it is not intended as a further scale. However, we are concerned that the level of the salary should not price Excellent Teacher posts out of the reach of smaller schools. The flexibility of a range should allow such posts to be affordable for a wide variety of schools. For these reasons we believe that a spot salary within a range is the best solution. We have also concluded that, from September 2009, the range should be different for each pay band with the minima equal to the top of the upper pay scale in the relevant school plus 8%. This would bring the pay structure for teachers holding an Excellent Teacher post in line with that of other teachers.

⁶ Op.cit. STRB, *Fourteenth Report*, paragraph 5.52

6.19 Consultees did not comment on what the maxima of the range should be, although NUT wanted to see the pay of Excellent Teachers consistent with the value of TLR payments for comparable levels of management and leadership responsibilities. In the long term we take the view that the salary for teachers holding an Excellent Teacher post should be broadly comparable with ASTs, particularly given the requirement to have two years experience at U3 in order to be eligible for a post. With these two things in mind, we believe that in the short term the maxima for the Excellent Teacher range should be equal to the new minima plus the value of the maximum TLR 1⁷.

6.20 We remain of the view that teachers in an Excellent Teacher post should not be eligible for TLR payments. As stated in our Fourteenth Report⁸ the Excellent Teacher Scheme should be separate from management. The main purpose of the Excellent Teacher Scheme is to encourage the best teachers to stay in the classroom without management responsibilities: allowing them to be awarded TLR payments would be inconsistent with this aim.

6.21 A number of concerns about the scheme remain⁹. Many consultees expressed concern that the scheme was not consistent with the prevailing culture of most schools. We believe that the title of the scheme may be a significant part of this problem. However, given that a review is due to be complete in early 2009 we consider that further detailed comment should wait until the findings of the review are known.

6.22 We would like to see the scheme focused on promoting excellent teaching within a school, rather than simply rewarding an individual teacher for past excellence. One way to achieve this might be to make the Excellent Teacher post holder a resource for CPD, acting as peer support to help develop colleagues through mentoring and coaching. The focus should be on pedagogy. We would also like to see Excellent Teacher posts available as widely as possible, including for part time teachers and teachers of children and young people with SEN in both primary and secondary schools.

6.23 **We recommend that:**

- **there be four pay bands for holders of Excellent Teacher posts; the minima should be 8% above U3 in the relevant school and the maxima should be equal to the new minima plus the value of the maximum TLR 1; and**
- **once the findings of the review of the ETS are known the matter be referred back to this Review Body as part of a future remit.**

⁷ For 2008 the minima would be: band A £45,813; band B £41,725; band C £39,003; and band D £37,931. The maxima would be: band A £57,654; band B £53,566; band C £50,844; and band D £49,772. Should the Secretary of State accept the recommendations in this report, these figures will increase by 2.3% from September 2009

⁸ Op.cit. STRB, *Fourteenth Report*, paragraphs 5.36-5.37

⁹ Op.cit. STRB, *Fifteenth Report*, paragraphs 5.2, 5.13; STRB (2006) *Sixteenth Report*, TSO (Cm7007), paragraph 4.16; and STRB (2008) *Seventeenth Report Part One*, TSO (Cm7252) paragraph 7.65

APPENDIX A

Remit for 2009 from the Secretary of State and related correspondence



Rt Hon Ed Balls MP
Secretary of State

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Bill Cockburn CBE TD
Chair
School Teachers' Review Body
Office of Manpower Economics
6th Floor
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25th

June 2008

Dear 

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 which are subject to statutory consultation, we will be implementing in September 2008 changes to pay arrangements for part-time, and unqualified teachers, and Excellent Teachers. We note your recommendation 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 will return to this in a future remit, except for further advice we are requesting now on pay bands for Excellent Teachers. We will be taking forward your recommendations on short notice teachers, and on improving use of pay policies for unattached teachers, including those who work in alternative provision such as Pupil Referral Units.

Within the first part of the STRB's 17th report, increases of 2.3 per cent for 2009-2011 were proposed, contingent upon your review of teachers' pay for the period from September 2009 and September 2010, and my response in a Written Ministerial Statement is enclosed. I am including within this remit the requirement for



department for
children, schools and families

the STRB to make a definitive recommendation in respect of these years. We are also following up on some important longer term matters, which follow earlier recommendations.

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, and the requirement for there to be clear evidence of a significant and material change in these factors to justify any change from the 2.3 per cent figures recommended in your 17th Report Part 1; and in England the fact that schools' budgets will have been set assuming 2.3 per cent pay awards in 2009 and 2010;
- 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; 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. whether teachers' pay should be increased by 2.3% from 1 September 2009 pending the outcome of your review of teachers' pay for the period from 1 September 2008 and your further recommendations on the continuing appropriateness of a 2.3% increase for 2009 and 2010 (see g below). A firm recommendation on this basis is necessary to allow for teachers' salaries to be increased in September 2009;

b. whether there should be an adjustment to the main and upper pay scale for inner London as proposed in your 17th Report Part 1.

c. 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;

d. for Excellent Teachers, whether there should be separate 'national', 'fringe', 'outer London' and 'inner London' Excellent Teachers pay bands and whether there should be any adjustment of the bottom end of the pay band in relation to the value of U3;

e. taking account of the linked work on professional roles and responsibilities and conditions of employment, consider what changes or modifications are needed, which would have effect from September 2009, to the conditions of employment set out in parts 8–12 of the School Teachers' Pay and Conditions Document;

f. what changes should be made from September 2009 to the system of reward for leaders, to enable them to be paid in a transparent and consistent way for the wider range of leadership arrangements that schools are increasingly involved in, including any relevant findings from e. above;

g. whether the teachers' pay increases of 2.3% that you proposed for both 2009 -10 and 2010 -11 continue to be appropriate. This applies to the values and range minima and maxima of all current pay scales and allowances: the main and upper pay scales, the pay spine for the leadership group, Advanced Skills Teachers, unqualified teachers, Excellent Teachers, and TLRs.

Timescale for report

In order to allow adequate time for consideration of and consultation on your recommendations, and for the STRB to be able to take account of the teacher vacancy data that will be published by the Department in April 2009, I require you to report to me as follows:

by 23 January 2009 on all matters for recommendation covered by a. to f. above

by 12 June 2009 on the continuing appropriateness of the pay increases of 2.3% for 2009 and 2010 as set out in g. above.

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

receiving its recommendations.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Ed Balls', written in a cursive style.

ED BALLS MP



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1 August 2008

Rt Hon Ed Balls MP
Secretary of State for Children, Schools and Families
Sanctuary Buildings
Great Smith Street
London
SW1P 3PT

Dear Ed

Thank you for your letter of 25 June 2008 to Bill Cockburn providing the School Teachers' Review Body with a remit for our Eighteenth Report. As the remit letter makes two separate references to the indicative pay award from September 2009, I thought it would be helpful to set out the Review Body's interpretation of your letter on this matter. It is the Review Body's intention to proceed on the basis outlined below, unless you consider it necessary to clarify the matter further.

You have asked that STRB make recommendations on some issues by 12 January 2009, including the following matters:

- a. whether teachers' pay should be increased by 2.3% from 1 September 2009 pending the outcome of your review of teachers' pay for the period from 1 September 2008 and your further recommendations on the continuing appropriateness of a 2.3% increase for 2009 and 2010 (see g below). A firm recommendation on this basis is necessary to allow for teachers' salaries to be increased in September 2009;
- b. whether there should be an adjustment to the main and upper pay scale for inner London as proposed in your 17th Report Part 1.

In matter (g), for report by June 2009, you asked:



g. whether the teachers' pay increases of 2.3% that you proposed for both 2009-10 and 2010-11 continue to be appropriate. This applies to the values and range minima and maxima of all current pay scales and allowances: the main and upper pay scales, the pay spine for the leadership group, Advanced Skills Teachers, unqualified teachers, Excellent Teachers, and TLRs.

The matter at (g) is clearly the review of the indicative increases of 2.3% for September 2009 and September 2010 that we proposed in our Seventeenth Report Part One. A review as proposed is consistent with our recommended timescale and, helpfully, the timing will allow both the Review Body and consultees to take account of key data on vacancies, which will be available in late April 2009.

We are aware, however, that the June reporting date for this review would not allow time for statutory consultation and the necessary legislative processes to be carried out in time for implementation in September 2009. Since there is currently no recommended award in place for September 2009, only an indicative uplift, teachers might therefore not receive a pay award of any kind until significantly later than September as would be usual. As your letter says: 'A firm recommendation on this basis is necessary to allow for teachers' salaries to be increased in September 2009.'

We understand, therefore, that the remit letter is asking the Review Body to provide formal confirmation of the September 2009 award in January 2009, so that teachers are not disadvantaged by the timing of our substantive review, but that this is in no way intended to pre-empt our review of that same award. We are sympathetic with such intentions and with the objective of avoiding detriment to teachers. We are equally clear that our mid-term review must give thorough and substantive consideration in equal measure to the awards for September 2009 and September 2010.

We are therefore minded to make a formal recommendation in our January report confirming the indicative figure for September 2009, but we emphasise that this will be entirely without prejudice to the outcome of our subsequent review of teachers' pay. We are not, then, seeking written submissions on items (a) and (b) for our Part One report and we will not take oral representations on those items.

We will, however, seek substantive written and oral submissions on the pay awards for September 2009 and September 2010 for our Part Two report. We will notify consultees of the timetable for this latter process in due course.

I am copying this letter to consultees.

Yours sincerely,



Dr Anne Wright CBE
Chair, School Teachers' Review Body





2008/0068133POJK

Jim Knight MP

Minister of State for Schools and Learners

Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT
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Dr Anne Wright
Chair, School Teachers' Review Body,
Office of Manpower and Economics,
Kingsgate House
66-74 Victoria Street
LONDON
SW1E 6SW

14th August 2008

Dear Anne

Thank you for your letter of 1 August 2008 concerning the indicative pay award from September 2009.

I can confirm your understanding of my remit letter for your Eighteenth Report and support your pragmatic and sensible approach to the presentation of evidence.

I can also confirm that having a recommended (rather than indicative) pay award in place for September 2009, in no way prejudices the outcome of your subsequent report which will review the appropriateness of a 2.3% increase for 2009 and 2010.

I am copying this letter to consultees.

Yours sincerely

ED BALLS MP

department for
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Email: chris.dee@berr.gsi.gov.uk

19 August 2008

Dear colleague,

STRB REMIT 2009

On 1 August Dr Anne Wright, the new Chair of the School Teachers' Review Body, wrote to Ed Balls to set out her understanding of the STRB remit for 2008 contained in the Secretary of State's letter of 25 June and to outline the way in which the Review Body proposed to handle the two parts of that remit. You received a copy of that letter and will also by now have seen a copy of the response, dated 14 August, in which the Secretary of State confirmed STRB's understanding of the remit and approved the proposed way forward.

I am writing to confirm that the STRB will proceed as proposed. For the avoidance of doubt, I should also make clear that while the Review Body is not actively seeking written evidence on items a) and b) of the remit at this time (it will be carrying out a thorough review of the indicative pay awards in part 2 as set out in item g), consultees may, should they consider it appropriate, submit views and evidence on items a) and b) by the stipulated deadline. All evidence will be carefully considered by the Review Body, and consultees' views will be reflected in Part 1 of the STRB's Report, due to be submitted to the Secretary of State in January 2009.

Yours sincerely,

Chris Dee

Chris Dee
Director, School Teachers' Review Body



APPENDIX B

Correspondence relating to school teachers' pay award for September 2007 to August 2008



Bill Cockburn CBE TD
Chairman
School Teachers' Review Body
Office of Manpower Economics
6th Floor, Kingsgate House
66-74 Victoria Street
London SW1E 6SW

15 April 2008

Dear Bill

In its 15th Report the School Teachers' Review Body (the Review Body) recommended that 'should the average rate of headline inflation for the twelve months preceding April 2007 (i.e. April 2006 to March 2007) or April 2008 (i.e. April 2007 to March 2008) fall below 1.75% or or exceed 3.25%, any of the consultees can ask the STRB to consider the case for seeking a remit from the Secretary of State to review teachers' pay'. The Secretary of State accepted the basis of the reopener clause set out in the Report.

In its 17th Report the STRB stated: 'It is possible that the upper threshold for the review mechanism for the current pay award could be exceeded for a second time in April 2008 and consultees could once again ask us to consider the case for seeking a remit from the Secretary of State to review teachers' pay.'

On 5 June 2007, in response to your request for a remit to undertake a review of teachers' pay for the period September 2006 to August 2008, the then Secretary of State, Alan Johnson, made his decision not to give a separate remit to the Review Body but to ask you to consider the issues when making recommendations for the pay award for 2008-2011 on the basis of the Government's expectations of inflation over the whole pay period and that inflation would return to the target of 2% in 2007 which would continue to be met in the medium term. The figures for the whole pay period are now known. The latest inflation figures were published today (15 April) and showed the increase in the RPI as 3.8% for the year ending March 2008. This brings the average annual rate of increase for the year to 4.1% which is well above the 3.25% trigger.

As consultees to the STRB we request that you consider the case for seeking a remit from the Secretary of State to review teachers' pay for the period September 2007 to April 2008.

Best wishes

General Secretary ASCL

General Secretary ATL

General Secretary NAHT

General Secretary NASUWT

General Secretary Voice

Bill Cockburn CBE TD
Chairman
School Teachers' Review Body
Office of Manpower Economics
6th Floor
Kingsgate House
66-74 Victoria Street
LONDON SW1E 6SW

15 April 2008

Dear Bill,

TEACHERS' PAY: REVIEW MECHANISM

The Review Body's 15th Report made recommendations, subsequently accepted and implemented by the Government, for increases in teachers' pay from 1 September 2006 and 1 September 2007 of 2.5 per cent.

In addition the STRB recommended a review mechanism in the event of headline inflation differing significantly from the proposed pay increases and that recommendation was equally accepted by the Secretary of State.

In particular the STRB recommended that:

“...should the average rate of headline inflation for the twelve months preceding April 2007 (i.e. April 2006 to March 2007) or April 2008 (i.e. April 2007 to March 2008) fall below 1.75% or exceed 3.25%, any of the consultees can ask the STRB to consider the case for seeking a remit from the Secretary of State to review teachers' pay” (STRB December 2005, paragraph 3.69, page 36).

As you noted in Part One of your 17th Report, published in January 2008, the review mechanism described above was triggered last year by an average rate of headline inflation of 3.7 per cent between April 2006 and March 2007.

We are now at the end of the second period specified in the STRB's 15th Report. The average rate of headline inflation for the period April 2007 to March 2008 is now available following the publication of the latest inflation figures from the Office of National Statistics (ONS) and stands at 4.1 per cent. This is significantly in excess of the 3.25 per cent ceiling specified by the STRB.

Cont'd/...

The STRB noted in Part One of its 17th Report that the average rate of inflation between April 2006 and March 2007 was, at 3.7 per cent, "materially above the upper threshold of the review mechanism" (STRB 17th Report Part One, paragraph 1.8, page 2). The average rate of inflation between April 2007 and March 2008 was, at 4.1 per cent, significantly higher than the 3.7 per cent average for the period April 2006-March 2007.

It is clear that three years of below-inflation pay awards for teachers are having a serious and adverse effect on recruitment and retention to the profession. Recent data from the Graduate Teacher Training Registry (GTTR) shows a significant fall in the number of applicants to postgraduate teacher training courses compared to the same time last year.

The GTTR's applicant statistics for England show significant declines in a wide range of subjects including, for example:

-	English	15.1%
-	Biology	18.1%
-	French	12.0%
-	Mathematics	11.6%
-	Geography	18.7%
-	History	13.3%
-	Information Technology	18.5%
-	Business Studies	20.1%

The GTTR also reported significant falls in applications for primary courses. In England there were 6.4 per cent fewer applicants for primary courses than at this time last year. In Wales, there was a decline of 9.4 per cent in primary applications.

The cuts in the real value of teachers' pay experienced in the first period of the STRB's two-year review mechanism have continued and worsened in the second period. The compound effect of all this is that the real value of teachers' pay levels at September 2008 will, on average, have declined by nearly 5 per cent.

I am therefore writing to you to request that the STRB seeks as quickly as possible a remit from the Secretary of State to review teachers' pay in accordance with the recommendation in your 15th Report, which was accepted by the Government.

In order to avoid further damage to schools' abilities to recruit and retain teachers and to the morale and motivation of teachers, it is essential that this continuing downward spiral is halted and remedied.

Cont'd/...

Mr B Cockburn

-3-

15 April 2008

I look forward to your response on this urgent matter.

Yours sincerely,

A handwritten signature in black ink that reads "Christine Blower". The signature is written in a cursive style with a large initial 'C'.

CHRISTINE BLOWER
Acting General Secretary



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11 July 2008

Mary Bousted, General Secretary ATL
Mick Brookes, General Secretary NAHT
John Dunford, General Secretary, ASCL
Chris Keates, General Secretary, NASUWT
Philip Parkin, General Secretary, Voice

Dear Colleagues,

I am writing in response to your letter of 15 April 2008, asking the School Teachers' Review Body to consider the case for seeking a remit from the Secretary of State to review teachers' pay (for the period September 2007 – August 2008), as the percentage change in the average rate of headline inflation for the twelve months preceding April 2008 had exceeded the upper threshold specified in our Fifteenth Report.

We have now examined carefully the evidence that has become available since our last review of teachers' pay, from September 2007 to June 2008. We have concluded, for the reasons set out in the paper attached, that the evidence is not sufficiently compelling to convince us that we should seek a remit to review teachers' pay. Evidence on the data we examined is in the appendix.

Although we are not persuaded by the evidence currently before us, the current economic uncertainty and the lagging nature of some key labour market indicators mean it is essential to keep the position under close review. It is therefore timely that the Secretary of State has recently given us a remit to carry out the mid-term review of the 2008-2011 pay award, as we recommended in our Seventeenth Report. In conducting that review, we will examine rigorously all the relevant evidence, including the full range of factors covering the economic context, recruitment and retention, teachers' earnings and affordability (as set out Chapter 3 of our Seventeenth Report Part One). We have also made clear that we will look at all evidence that becomes available from the time we submitted Part One of the Seventeenth Report (see paragraph 5.33 of that report).



I have written in similar terms to the other consultees who asked the Review Body to consider seeking a remit to review teachers' pay. I have also written to the Secretary of State for Children, Schools and Families to make him aware of the situation.

Yours sincerely,
Bill

Bill Cockburn CBE TD
Chair, School Teachers' Review Body





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11 July 2008

Christine Blower
Acting General Secretary
National Union of Teachers
Hamilton House
Mabledon Place
London
WC1 9BD

Dear Christine,

I am writing in response to your letter of 15 April 2008, asking the School Teachers' Review Body to consider the case for seeking a remit from the Secretary of State to review teachers' pay (for the period September 2007 – August 2008), as the percentage change in the average rate of headline inflation for the twelve months preceding April 2008 had exceeded the upper threshold specified in our Fifteenth Report.

We have now examined carefully the evidence that has become available since our last review of teachers' pay, from September 2007 to June 2008. We have concluded, for the reasons set out in the paper attached, that the evidence is not sufficiently compelling to convince us that we should seek a remit to review teachers' pay. Evidence on the data we examined is in the appendix.

Although we are not persuaded by the evidence currently before us, the current economic uncertainty and the lagging nature of some key labour market indicators mean it is essential to keep the position under close review. It is therefore timely that the Secretary of State has recently given us a remit to carry out the mid-term review of the 2008-2011 pay award, as we recommended in our Seventeenth Report. In conducting that review, we will examine rigorously all the relevant evidence, including the full range of factors covering the economic context, recruitment and retention, teachers' earnings and affordability (as set out Chapter 3 of our Seventeenth Report Part One). We have also made clear that we will look at all evidence that becomes available from the time we submitted Part One of the Seventeenth Report (see paragraph 5.33 of that report).



I have written in similar terms to the other consultees who asked the Review Body to consider seeking a remit to review teachers' pay. I have also written to the Secretary of State for Children, Schools and Families to make him aware of the situation.

Yours sincerely,

Bill

Bill Cockburn CBE TD
Chair, School Teachers' Review Body





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11 July 2008

Rt. Hon. Ed Balls MP
Secretary of State for Children, Schools and Families
Sanctuary Buildings
Great Smith Street
London
SW1P 3PT

Dear Ed,

You will wish to be aware that I received letters from the National Union of Teachers and a joint letter from the other teacher unions and associations, asking the School Teachers' Review Body to consider the case for seeking a remit from you to review teachers' pay (for the period September 2007 – August 2008). These requests followed the mechanism specified in our Fifteenth Report, whereby consultees could ask us to seek a remit if the percentage change in the average rate of headline inflation for the twelve months preceding April 2008 had fallen below the lower threshold (1.75%) or exceeded the upper threshold of 3.25%. The inflation figures for March 2008 confirmed that RPI was, on average, 4.1% higher in the period April 2007 to March 2008 than in the previous year.

We have now examined carefully the evidence that has become available since our last review of teachers' pay, from September 2007 to June 2008. We have concluded, for the reasons set out in the paper attached (with appendix of evidence), that the evidence is not sufficiently compelling to convince us that we should seek a remit to review teachers' pay.

I have therefore responded to the General Secretaries of those unions and associations in terms of the letters attached.

I should also acknowledge receipt of your remit for our Eighteenth Report, including a remit to review the (currently indicative) pay awards for 2009 and 2010. I have set out



in my response to consultees our intention to carry out a rigorous examination of all the relevant evidence when making our recommendations for that report.

Yours sincerely,



Bill Cockburn CBE TD
Chair, School Teachers' Review Body



Evidence Summary

Introduction

1. This paper summarises the evidence that has become available since STRB's most recent review of teachers' pay in the Seventeenth Report Part One, which took account of all available evidence to September 2007. Chapter Three of that report examined and commented on recent trends in a number of indicators. This paper updates the position and covers information available as of 3 July 2008.

Updates

Inflation

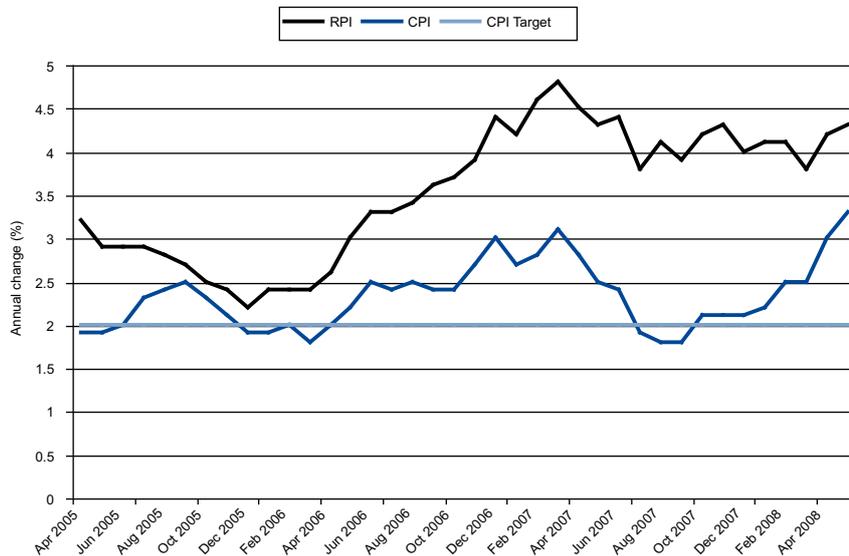
2. In STRB's 15th report, the Review Body noted that inflation in the year to September 2005 was 2.5% (CPI) and 2.7% (RPI) and that the Treasury's average of independent forecasts in October 2005 suggested that inflation would ease to 1.9% per annum (CPI) and 2.4% per annum (RPI) in the fourth quarter of 2006, around the anticipated time of the first pay increase of the new pay award. The Review Body also noted that the Bank of England's target for inflation was 2.0% (CPI). STRB commented 'We currently appear to be in an environment of low and relatively stable inflation and note that the Treasury's average of independent forecasts suggests that inflation indicators are likely to converge around the Bank of England's target over the two-year period within which the pay award will apply. Taking this and the benefits of multi-year awards highlighted above into account, we see merit in endorsing a two-year pay award.'

3. STRB's 17th report noted that inflation had been higher than had been anticipated at the time of the 15th report and reported the latest average forecasts (suggesting RPI would be 3.8% in Q4 2007 and 2.6% in Q4 2008 with CPI returning to target in Q4 2007).

4. The annual changes in RPI to October, November and December 2007 were 4.2%, 4.3% and 4% respectively; the corresponding changes in CPI were 2.1%, 2.1% and 2.1%.

5. The latest inflation figures (for May 2008) and forecasts were released in June. The annual change in RPI to May 2008 was 4.3% and CPI was 3.3%. RPI has now been close to, or above, 4% since December 2006 (see chart 1 overleaf).

6. The averages of commentators' latest forecasts for Q4 2008 are for RPI to be 3.7% and for CPI to be 3.3%. The Monetary Policy Committee's latest view¹ is that 'inflation is likely to rise to above 4% before the end of the year, although this projection is very sensitive to the path of domestic gas and electricity prices.... the immediate cause of the rise in inflation we are seeing now is a change in the prices of food and energy relative to other prices.....although inflation is rising now, we will ensure that it falls back to the 2% target.'

Chart 1 RPI and CPI²

Economy-wide Settlements

7. In its 15th report STRB noted that in the three months to July 2005, median pay settlements were at 3% and that while there were no forecasts for settlements, commentators assumed that median settlements would broadly follow RPI (forecast at the time to decrease).

8. In its 17th report STRB noted that, in response to inflation, median settlements were slightly higher in 2007 than 2006 but that median awards had remained below the level of RPI. Settlements in the three months to September 2007 were 3.3%.

9. Latest published economy-wide median settlements, for the 3 months to May 2008, were 3.5%³.

¹ Mervyn King, Treasury Committee, Thursday 26 June 2008

² Source: ONS

³ Sources: IDS data cited in The Guardian 3 July 2008

Average earnings

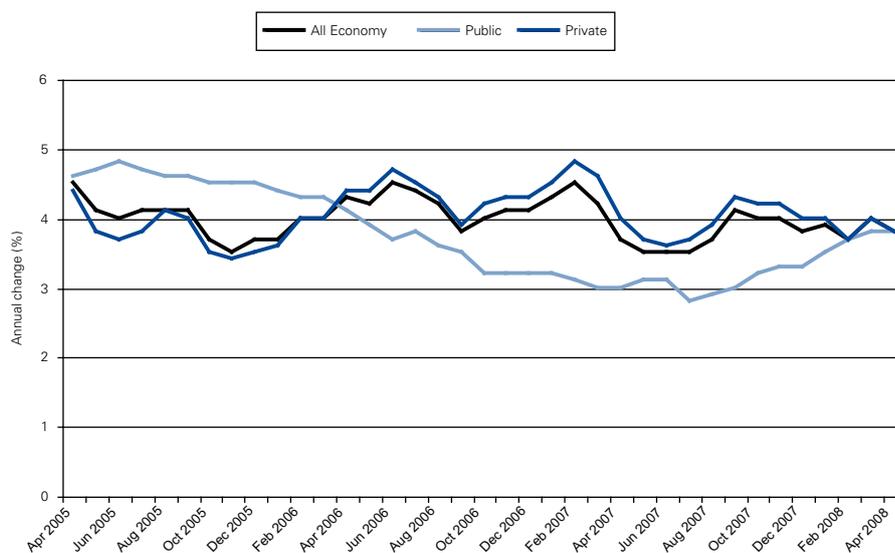
10. In its 17th report, STRB noted that the annual change in average earnings had slowed in the period April to August 2007.

11. Since August, the headline whole economy rate has remained relatively stable (ranging from 3.7% to 4.1%) but there has been some convergence between the public and private sectors.

12. The latest figures for economy-wide average earnings (covering the three months to April) and forecasts were released in June. The annual change in whole economy average earnings in the year to April 2008 was 3.8% (private sector 3.8%, public sector 3.8%).

13. The Treasury average of 'new' independent earnings forecasts is 4.0% for 2008.

Chart 2 Economy wide average earnings⁴



Recruitment to ITT

14. In its 15th report, STRB welcomed the increases to ITT recruitment in the years to 2004-05.

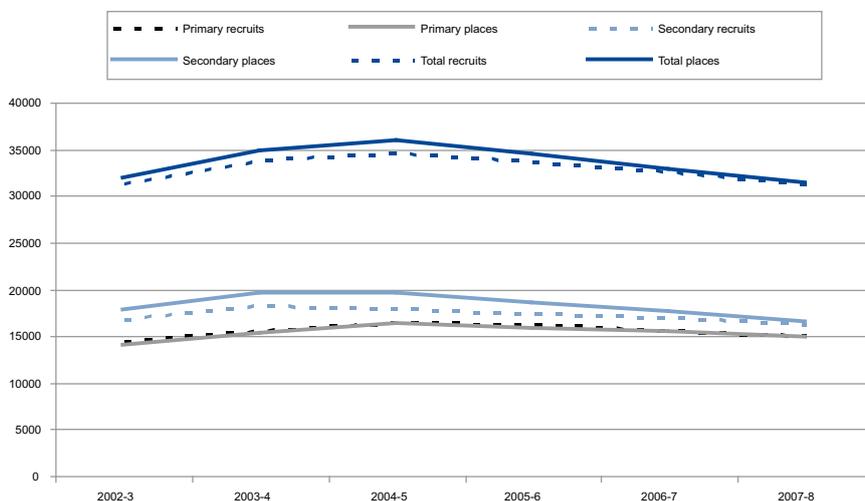
15. In its 17th report the Review Body noted that recruitment levels in 2006-07 remained high, albeit slightly lower than preceding years. It also noted

⁴ Source: ONS

that the latest available data were indicating that the numbers of applications per place for ITT courses in 2007 were slightly down on the previous year.

16. The latest data from TDA show that the absolute number of recruits to ITT courses in England in 2007 was lower than in preceding years but that this reduction was matched by a corresponding reduction in the numbers of places (see chart 3 below).

Chart 3 Recruits and places, Initial Teacher Training, England⁵



17. The latest data from the Graduate Teacher Training Registry (GTTR)⁶ for postgraduate training starting in 2008 show that the number of applications is down by around 6% in England and 10% in Wales compared to the same time last year. However, the target number of places is also reduced compared to last year, especially for the secondary phase. Taking this into account, the number of secondary applicants per place is about equal to last year (although down for some subject areas including Maths, Sciences and English) while the numbers of applicants per place for primary is down on last year by around 5%.

18. It should be borne in mind that applications to courses remain open until the autumn so these figures could change. In addition, these numbers will be supplemented by trainees on undergraduate courses and employment-based routes. There are no new data available for these routes.

19. It is also worth noting that, from 2008, TDA has reduced the value of bursaries/'golden hellos' to primary ITT students and secondary English students.

⁵ OME analysis of TDA data

⁶ Reference end June 2008, from GTTR website

Vacancies

20. In its 15th report, STRB welcomed the downward trend in vacancy rates in the years to 2005.

21. In its 17th report, the Review Body noted that full-time vacancy rates had steadily declined since 2001 to 0.6% in 2007 (some 2,040 vacancies, mostly in secondary schools). It also noted the relatively higher rates in special schools, in certain secondary subjects and in some regions (namely London, the South East, East of England and West Midlands).

22. In both reports the Review Body noted that official rates were snapshots and could mask local coping strategies such as altering staff mix, employing unqualified teachers, non-specialist subject teachers or agency teachers.

23. The latest provisional data, for January 2008, show that headline vacancy rate for full-time teachers in England rose from 0.6% in 2007 to 0.7% in 2008 (see chart 4). The absolute number of vacancies rose from 2,040 to 2,510, an increase of 23% (see chart 5).

24. The increased number of vacancies was fairly evenly split between the primary and secondary sectors; there was no change in special schools. Regionally, the greatest absolute increases were in the West Midlands and the South East, accounting for nearly half the overall increase. The secondary subjects seeing the largest increases in vacancies were English, Mathematics and Sciences.

Chart 4 Full-time vacancy rates in maintained schools, England⁷

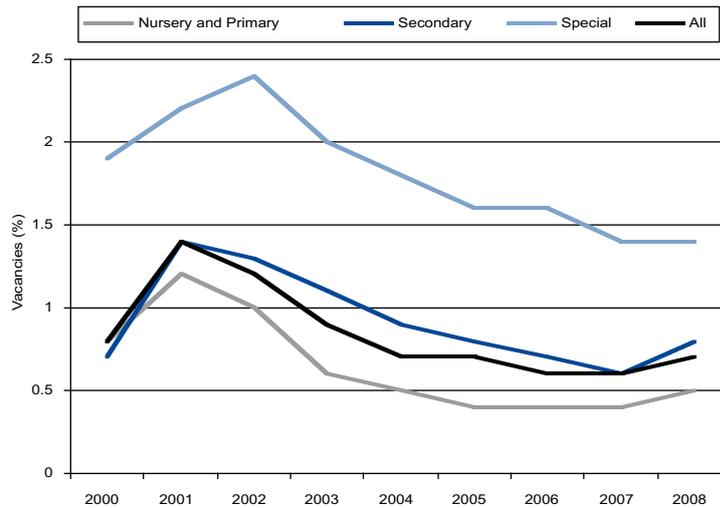
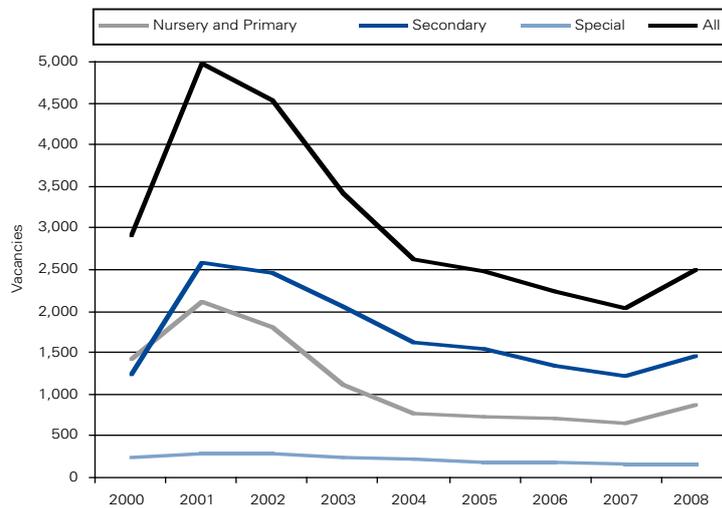


Chart 5 Full-time vacancies in maintained schools, England⁸



Teachers' relative earnings

25. In its 15th report STRB indicated that teachers' average earnings were consistently higher than the economy-wide average.

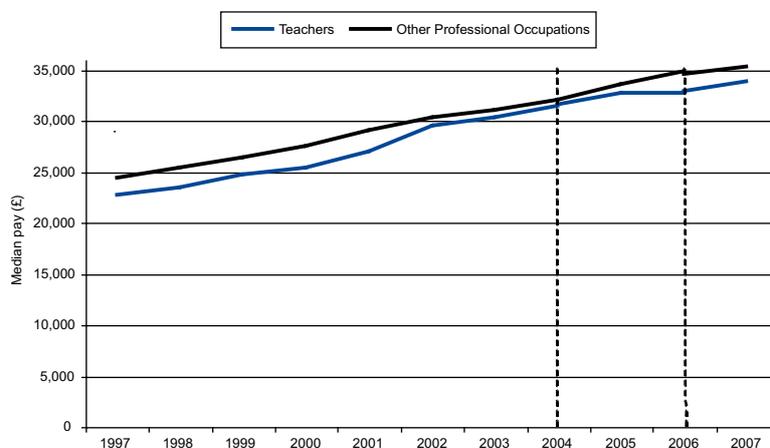
⁷ DCFS School Workforce in England January 2008

⁸ Ibid.

26. In its 17th report the Review Body noted that teachers' average (median) earnings remained well above economy-wide earnings. It also noted that they had gained ground on those in 'other professional occupations'⁹ between 1997 and 2002, and had remained at the same level for a few years before falling away slightly in 2006. STRB also noted that, as pay drift was currently negligible, any changes in the average earnings of the profession as a whole would be driven by the value of the pay awards.

27. The addition of one year's comparative earnings data (for 2007) suggests that teachers' median earnings continue to slightly trail those of 'other professional occupations' on a national basis (chart 6). Chart 7 shows the 2007 comparison on a regional basis and highlights teachers' pay deficit in London, the South East and East of England. This analysis shows that teachers' earnings outside these regions are broadly equal to, or slightly greater than, those in other professional occupations. Please note that these data are referenced to April 2007, i.e. before the implementation of the September 2007 pay award.

Chart 6 Full-time teachers' median earnings compared to other professional occupations, England and Wales^{10 11}

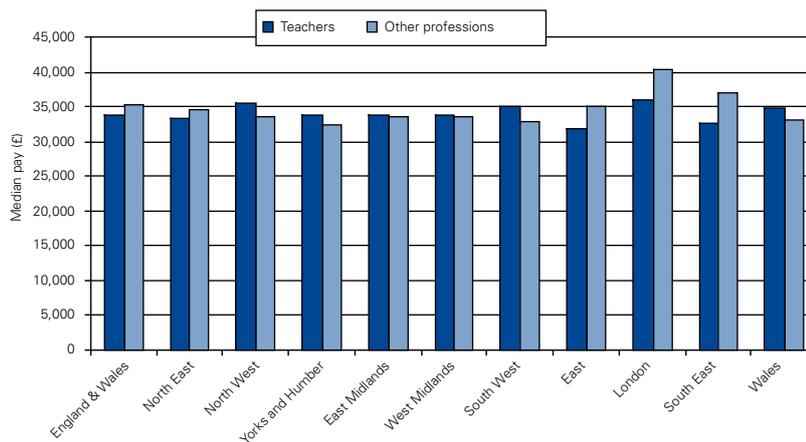


⁹ "Professional occupations" include science and technology professionals, health professionals, other teaching and research professionals, business and public service professionals. This is a group within the Standard Occupational Classification (SOC) 2000, used to categorise results in the ONS ASHE survey (Annual Survey of Hours and Earnings).

¹⁰ Source: ONS Annual Survey of Hours and Earnings (ASHE)

¹¹ Vertical lines indicate discontinuities in the 2004 and 2006 ASHE results. These are due to methodological changes introduced to the survey in these years, including to the sample design and weighting. Results between these periods are not directly comparable so should be treated with caution.

Chart 7 Full-time teachers' median earnings compared to other professional occupations, England and Wales, April 2007¹²



Other indicators

28. DCSF has recently released the results of its 2007 Secondary School Curriculum and Staffing Survey (SSCSS), last conducted in 2002. The survey examines teachers' qualifications in relation to the curriculum subjects they teach. As well as measuring the highest post A-level qualification held by teachers, the survey importantly measures the proportion of lessons taught by qualification of teacher. The survey's key findings were:

- 79% of all periods taught were by teachers with a post A-level qualification (Degree, B.Ed., PGCE, etc) in the subject taught (compared to 83% in 2002).
 - o The figures for individual subjects ranged from 90% and above (English, Biology, Chemistry, Physics, History, Music and P.E.) to 55% for ICT. Figures for Maths, French, German, Geography and Art and Design were in the range 80% to 90%.
- 56% of all periods taught were by teachers with a degree in the subject taught (up from 51% in 2002).
 - o Again, there was considerable variation by subject. Figures ranged from 75%-90% for Biology, Chemistry, History and Geography. 74% of Physics, 73% of English and 54% of Maths periods respectively were taught by teachers holding degrees in the subject. Only 50% of those teaching Combined/General Science (accounting for the vast majority of Science periods) held a Science degree.

¹² Source: ONS Annual Survey of Hours and Earnings (ASHE)

- The proportions of teachers holding degrees in subjects relevant to the subjects they were teaching were higher amongst younger teachers coming into the profession than older teachers.
- In many subjects, schools with the most affluent intakes (measured by eligibility for free school meals) had higher proportions of teachers with relevant post A-level qualifications than those with less affluent intakes.
 - o For example, in the 20% 'most affluent' schools, 64% of Maths periods were taught by Maths degree holders; the corresponding number for the 20% 'least affluent' was 44%. Similar patterns were found with the teaching of Physics and Chemistry.
- The shortage of specialist teachers for Mathematics and the inequity between specialist qualifications of science teachers was similar to the results of the NFER study looking at the deployment of mathematics and science teachers carried out in 2005 (Moor H et al, 2006).
 - o Both studies also showed that schools with lower proportions of pupils eligible for free school meals attracted teachers with higher levels of related post A-level qualifications than other schools, and schools with pupils from 11-18 had higher proportions of post A-level qualified teachers than schools with pupils from 11-16.

29. Recently released figures on the school workforce in England show that the number of FTE teachers in state-funded schools increased by 0.4% to 441,200 between January 2007 and 2008. The number of FTE support staff increased by 18,000 to 326,400¹³.

30. The latest figures on sickness absence in English schools (for 2007) show no change on the 2006 figures published in STRB's 17th Report ¹⁴.

31. There are no new figures on wastage and turnover, starting salaries, quality or workload.

¹³ Source: DCSF School Workforce in England January 2008

¹⁴ Ibid.

APPENDIX C

Conduct of the Review

C1 On 25 June 2008, the Secretary of State for Children, Schools and Families asked us to consider seven matters on teachers' pay and conditions. We were asked to submit a report on the first six of these matters by 23 January 2009 with recommendations on the final matter by 12 June 2009. We were asked to have regard to a number of considerations. The Secretary of State's letter is at Appendix A.

C2 This report concerns the six matters on which we were asked to make recommendations by 23 January 2009. Our work to respond to these matters took place between July 2008 and January 2009. We will report in Part Two of this report on our work to respond to the final matter in our remit.

C3 On 1 August 2008, the STRB Chair wrote to the Secretary of State to clarify our remit in relation to the indicative pay award for September 2009. The Secretary of State replied on 14 August 2008, see Appendix A. The Secretary of State confirmed our pragmatic approach to presentation of evidence and confirmed that recommending a pay award for September 2009 would be without prejudice to our review of the 2009 and 2010 awards later this year. On 19 August 2008 the Director of the STRB Secretariat wrote to consultees to confirm that we would take the approach we had proposed.

Consultation

C4 On 30 June 2008 we gave the following organisations the opportunity to make written representations and provide evidence on the matters on which we were due to report in January:

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 (WAG)

Organisations representing teachers

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)
National Association of Schoolmasters Union of Women Teachers (NASUWT)
National Union of Teachers (NUT)

Undeb Cenedlaethol Athrawon Cymru (National Association of the Teachers of Wales) (UCAC)

Voice, formerly the Professional Association of Teachers (PAT)

Association of local authorities

National Employers' Organisation for School Teachers (NEOST)

Organisations representing governors

National Governors' Association (NGA)

Governors Wales (GW)

Other organisations invited separately

Association of Directors of Children's Services (ADCS)

Association of Professionals in Education and Children's Trusts (Aspect)
nasen, formerly National Association for Special Educational Needs

Special Education Consortium (SEC)

C5 We invited the above consultees to respond in writing by 9 September 2008 and asked them to copy their submissions to other consultees. We later gave consultees an opportunity to comment in writing on other consultees' submissions by 26 September 2008.

C6 We additionally notified the following organisations of our remit:

Agency for Jewish Education

Association of Directors of Education in Wales (ADEW)

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)

The Education Office of the Methodist Church

National College for School Leadership (NCSL)

National Primary Schools' Association

Office for Standards in Education, Children's Services and Skills (Ofsted)

C7 The following consultees made written submissions in September 2008: Aspect¹, BATOD², GW³, nasen⁴, NGA⁵, NUT⁶, RIG (joint submission)⁷, TDA⁸, and UCAC⁹.

¹ Aspect (2008) <<http://www.aspect.org.uk/newsstory.php?id=1621>>

² BATOD (2008) <<http://www.batod.org.uk/index.php?id=/articles/teaching/payandcond/strb/strb2008.htm>>

³ GW (2008) <<http://www.governorswales.org.uk/publications/2008/09/01/submission-school-teachers-review-body/>>

⁴ nasen (2008) <<http://www.nasen.org.uk/NewsArticle.asp?id=5X9437-A77FABB2>>

⁵ NGA (2008) <<http://www.nga.org.uk/uploadfiles/general/NGASEPT08.pdf>>

⁶ NUT (2008) *Submission to STRB* <<http://www.teachers.org.uk/story.php?id=4468>>

⁷ RIG (2008) <<http://www.teachernet.gov.uk/docbank/index.cfm?id=12861>>

⁸ TDA (2008) <<http://www.tda.gov.uk/about/planspoliciesreports/reports/annualevidence.aspx>>

⁹ UCAC (2008) <[http://www.athrawon.com/images/Upload/UCAC's%20evidence%20to%20the%20STRB%20September%202008%20\(3\)ZZZCL.doc](http://www.athrawon.com/images/Upload/UCAC's%20evidence%20to%20the%20STRB%20September%202008%20(3)ZZZCL.doc)>

C8 The Minister for Children, Education, Lifelong Learning and Skills reported that the Welsh Assembly Government had contributed to and supported the RIG submission.

C9 The following consultees were invited to make oral representations: BATOD, nasen, NGA, NUT, RIG (invited to make joint representations with the Secretary of State), TDA and UCAC. All of these groups made representations at meetings in October 2008.

C10 NUT made a supplementary written submission in response to other consultees' submissions¹⁰ on 29 September 2008.

Visits and Meetings

C11 In total, STRB had 10 meetings between 25 June 2008 when the remit was received, and 23 January 2009, when the report was submitted. This does not include oral representation meetings with consultees.

C12 Between May and October 2008 members of STRB visited the following areas:

- Bracknell Forest (Fringe, band C)
- Bridgend
- Liverpool
- Northamptonshire
- Oxford
- Richmond-upon-Thames (Outer London, band B)

C13 In total 13 schools were visited: five secondary schools, six primary schools (including one Welsh language medium primary school), an infant school and a special school. In each school, STRB members met groups of teachers and leaders to discuss pay and conditions. During the visits to Liverpool and Richmond, STRB members also met groups of "unattached" teachers. In Liverpool members had meetings with groups of leaders and officials from the City Council. In Northamptonshire members also met the Executive Principal of an Academy.

C14 In addition:

- In September 2008, STRB met NCSL.
- In September 2008, STRB were given an update on the teachers' labour market from Professor Peter Dolton and a presentation from DCSF on 21st century schools.
- In October 2008, STRB met DCSF to discuss SEN.
- In November 2008, the Chair and members met a group of head teachers to discuss leadership matters. This was organised by NCSL.

¹⁰ NUT (2008) *Supplementary submission to STRB* <<http://www.teachers.org.uk/story.php?id=4528>>

C15 The Chair met the General Secretaries of ASCL, ATL, NAHT and NASUWT, and the acting General Secretary of NUT between July and September 2008. She also met with the Chief Executives of GTCE, NCSL and TDA between July and November 2008. The Chair, with Monojit Chatterji, additionally attended an annual presentation by HMT for Review Body Chairs and Economists in July 2008.

APPENDIX D

Update on the Department's Response to Previous STRB Recommendations¹

Summary of STRB Recommendations in the Seventeenth ² Report	Secretary of State's Initial Response ³ and Relevant Actions by the Department
<p>Pay award</p>	
<p>An increase of 2.45% from September 2008 in the values of teachers' pay spines, spot salaries, allowances, payments and range minima and maxima.</p>	<p>Accepted and implemented.</p>
<p>STRB undertake a review of teachers' pay for the period from September 2009 and submit a report by June 2009;</p> <p>Contingent upon undertaking a review on this basis, further indicative increases of 2.3% from September 2009 and 2.3% in September 2010 in the values of the pay scales.</p>	<p>Accepted. STRB received a remit to consider whether the teachers' pay increases of 2.3% that were proposed for September 2009 and September 2010 continue to be appropriate (item g).</p>
<p>A minimum starting salary (M1) of £25,000 for teachers in band A and £24,000 for teachers in band B and consequential adjustments to the main pay scale in these pay bands from September 2008.</p>	<p>Accepted and implemented.</p>
<p>Enhancement in the value of the upper pay scale in bands A and B from September 2008.</p>	<p>Accepted and implemented.</p>
<p>Subject to STRB's review of teachers' pay; an indicative minimum starting salary (M1) for teachers in band A of £26,000 from September 2009 and £27,000 from September 2010 and consequential amendments to the main pay scale in band A; and further enhancement in the value of the upper pay scale in band A.</p>	<p>Accepted.</p>

Summary of STRB Recommendations in the Seventeenth ² Report	Secretary of State's Initial Response ³ and Relevant Actions by the Department
<p>Pay design</p> <p>The Department, in consultation with interested parties, review the current structure of the four pay bands to ensure that they effectively help those areas facing the most significant local labour market challenges.</p> <p>The conclusions of this work be referred to STRB for consideration and recommendation, in time for any consequent changes to the pay system to be taken account of in revised school funding arrangements in England from April 2011.</p> <p>An Excellent Teacher Scheme salary range from September 2008 of £37,672 to £48,437 in bands B to D, extending additionally to £53,819 in band A.</p> <p>The unqualified teachers pay scale become a ten-point pay spine, ranging from £15,113 to £23,903 in band D, £16,106 to £24,893 in band C, £17,953 to £26,746 in band B and £19,007 to £27,794 in band A.</p> <p>When appointing associate teachers individual schools and services select an individual pay scale of five consecutive points on the pay spine for each associate teacher and decide on a point within that scale on which the teacher should be paid. A smaller number of points can be selected if an individual pay scale starts at 7 to 9 of the spine; and a spot salary where a teacher is paid at point 10.</p> <p>Once determined, associate teachers' basic salaries and allowances may be reviewed if the school or service deems this appropriate.</p>	<p>The Secretary of State has commissioned a review to report later in 2009.</p> <p>Accepted and implemented.</p> <p>The Secretary of State was concerned about the complexity of setting ranges on a spine and the proposal that unqualified teachers' points would no longer be permanent. Following consultation, he decided that, from September 2008, the unqualified teachers' spine should be reduced to six points, rather than 10 as recommended by STRB, as there were concerns about equality issues in maintaining lengthy pay spines.</p> <p>The values of the bottom and top of the pay spines implemented in each band were consistent with STRB's recommendations.</p> <p>The Secretary of State decided to retain the title unqualified teacher.</p>

Summary of STRB Recommendations in the Seventeenth ² Report	Secretary of State's Initial Response ³ and Relevant Actions by the Department
Pay design	
<p>Arrangements for pay progression for associate teachers within their individual pay scales be consistent with those for pay progression of qualified teachers on the main pay scale.</p> <p>Arrangements for the allowance for these teachers remain as currently specified in the STPCD, with guidance making clear that the allowance should not be used in response to recruitment and retention considerations.</p>	Accepted.
Teachers' professional responsibilities	
<p>The Department, in consultation with all interested parties, take account of our draft statement of teachers' professional responsibilities in undertaking work to create an overarching statement of responsibilities for all teachers. If required, this statement be supplemented with short, high-level additions for Advanced Skills Teachers, Excellent Teachers, assistant, deputy and head teachers; and existing statements of professional responsibilities in the STPCD be removed.</p> <p>In the areas for which it is responsible, the Department review against better regulation principles the regulatory framework for teachers' and head teachers' responsibilities and activities.</p>	<p>Accepted. Work is continuing, including reference in the current remit</p> <p>The Secretary of State noted the importance of better regulation principles, which the Department seeks to take into account when making statutory instruments. However, he felt a review was not appropriate, as the matter would be most efficiently taken forward as part of ongoing work.</p>

Summary of STRB Recommendations in the Seventeenth ² Report	Secretary of State's Initial Response ³ and Relevant Actions by the Department
Leadership group	
<p>The Department's work to make governance more effective pay particular attention to improving local effectiveness in managing and rewarding teachers.</p>	<p>Accepted. A Governance Group has been set up to consider several issues, including those suggested by STRB.</p>
<p>The national framework of pay and conditions for leaders in the STPCD be changed to enable leaders to be paid for the full range of leadership arrangements. This work should be referred to STRB in the next remit.</p>	<p>Accepted. The Secretary of State gave STRB a remit to consider what changes should be made from September 2009 to the system of reward for leaders, to enable them to be paid in a transparent and consistent way for the wider range of leadership arrangements that schools are increasingly involved in (item f).</p>
<p>STRB, in consultation with all interested parties, give consideration to what changes there should be to pay arrangements for the leadership group as a whole. Work be completed in time for changes to the STPCD to be implemented from September 2011.</p>	<p>This is linked to above. The consideration in the current remit is the first phase and there will need to be further consideration of leadership roles and reward in future remits.</p>
<p>The Department and Welsh Assembly Government take steps to improve data to monitor the diversity of the workforce, including the entire leadership group.</p>	<p>The introduction of the School Workforce Census should allow the Department to collect data on diversity of the workforce. The Secretary of State agreed to consider how other sources of data can be used in advance of 2010.</p>

Summary of STRB Recommendations in the Seventeenth ² Report	Secretary of State's Initial Response ³ and Relevant Actions by the Department
Short notice teachers	
<p>The amount paid in total to short notice teachers for each full day worked continue to represent 1/195th of the appropriate annual salary, but articulated in future as two separate elements: payment for work done and a separate payment in respect of holidays.</p>	<p>The Secretary of State accepted the recommendations. The STPCD 2008 states that, for each day worked, short notice teachers should receive 1/195th of the appropriate annual salary.</p>
<p>The Department, in consultation with all interested parties, develop provisions for the STPCD to stipulate how the holiday element of short notice teachers' pay should be calculated, ensuring that provisions are fully compliant with employment law.</p> <p>Arrangements for pro-rata payment for less than a full day's work be aligned with those applying to part-time teachers when revised arrangements for the latter are settled.</p>	<p>The separation of payment for work done and payment for holiday has not been implemented in the STPCD 2008 due to the number and complexity of the changes introduced. The changes will be brought in through a separate pay order which the Secretary of State will consult on before implementation.</p>
Unattached teachers	
<p>The Department, in consultation with all interested parties, consider adopting an appropriate alternative to the title "unattached teacher".</p>	<p>As there was no clear majority response in favour of change, the Secretary of State decided to keep the title unattached teacher.</p>
<p>NEOST and other consultees undertake work to ensure that all local authorities have a written pay policy for their teachers.</p>	<p>NEOST has acted to highlight to its members the need for a pay policy to include centrally employed teachers in line with the STPCD</p>

¹ STRB (2008) *Seventeenth Report Part One*, TSO (Cm 7252), Appendix D and STRB (2008) *Seventeenth Report Part Two*, TSO (Cm 7352).

² *Ibid.*

³ The Secretary of State's initial response to op.cit. STRB *Seventeenth Report Part One* was published in House of Lords Debates (2007-08) 697, written answers column WS130. The Department later sent a letter to statutory consultees (19 May 2008) <http://www.teachernet.gov.uk/docbank/index.cfm?id=12634>. The Secretary of State's initial response to op.cit. STRB (2008) *Seventeenth Report Part Two* <http://www.teachernet.gov.uk/docbank/index.cfm?id=12573>.

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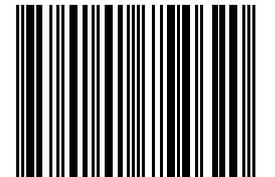
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