School Teachers' Review Body

Sixteenth Report – 2007

Chair: Bill Cockburn, CBE TD

Cm 7007

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SIXTEENTH REPORT – 2007

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Presented to Parliament by the Prime Minister and the
Secretary of State for Education and Skills
by Command of Her Majesty
February 2007

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TERMS AND ABBREVIATIONS

Consultees	Organisations invited to make representations and provide evidence to STRB
ASCL	Association of School and College Leaders
ATL	Association of Teachers and Lecturers
BATOD	British Association of Teachers of the Deaf
DfES/The Department	Department for Education and Skills
GTCE	General Teaching Council (England)
GTCW	General Teaching Council (Wales)
GW	Governors Wales
NAHT	National Association of Head Teachers
NASUWT	National Association of Schoolmasters Union of Women Teachers
NEOST	National Employers' Organisation for School Teachers
NGA	National Governors Association (formerly National Association of School Governors and National Governors Council)
NUT	National Union of Teachers
PAT	Professional Association of Teachers
RIG	Rewards and Incentives Group (comprising ASCL, ATL, DfES, NASUWT, NEOST and PAT)
Secretary of State	Secretary of State for Education and Skills
TDA	Training and Development Agency for Schools
UCAC	Undeb Cenedlaethol Athrawon Cymru (National Association of the Teachers of Wales)

Other

AST	Advanced Skills Teacher
Athrawon Bro	Specialist teachers of Welsh working for local authorities to support the teaching of Welsh in schools[1]
CPD	Continuing professional development
Directed time	The maximum of 1265 hours (over a maximum of 195 days) in the school year that teachers are required to be available for work[2]
Estyn	Office of Her Majesty's Inspectorate for Education and Training in Wales
ETS	Excellent Teacher Scheme

[1] Information on the Athrawon Bro is available from the Welsh Language Board: <http://www.bwrdd-yr-iaith.org.uk/cynnwys.php?pID=221&langID=2>

[2] DfES (2006) *School Teachers' Pay and Conditions Document and Guidance on School Teachers' Pay and Conditions*, Section 2, paragraph 78

FTE	Full-time equivalent
Golden hello	Non-consolidated payments of up to £5,000 for qualified secondary teachers of priority subjects on completion of their induction period[3]
HR	Human resources
ITT	Initial teacher training
Local employers	Relevant bodies as defined by Part 1 of the STPCD
MA	Management Allowance
National Agreement	DfES (2003) *Raising Standards and Tackling Workload: a National Agreement*
NFER	National Foundation for Educational Research
Ofsted	Office for Standards in Education
OME	Office of Manpower Economics
ONS	Office of National Statistics
PPA time	Planning, preparation and assessment time
Schools and services	Schools and local authority education services in which the STPCD applies
SEN	Special educational needs
SENCO	Special Educational Needs Co-ordinator. Person designated to co-ordinate SEN provision in a school
STPCD	DfES (2006) *School Teachers' Pay and Conditions Document and Guidance on School Teachers' Pay and Conditions*, TSO
STRB/ Review Body	School Teachers' Review Body
TLR payment	Teaching and Learning Responsibility payment
UPS	Upper pay scale

[3] Information on golden hello payments is available from TDA: <www.tda.gov.uk/Recruit/becomingateacher/fundingitt/goldenhellos.aspx?keywords=golden+hellos>

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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[1]. The secretariat for STRB is provided by the Office of Manpower Economics (OME).

The members of STRB are:

Bill Cockburn, CBE TD (Chair)

Jennifer Board

Monojit Chatterji

Ros Gardner

Mark Goodridge

Dewi Jones

Elizabeth Kidd

John Singh, OBE

Bruce Warman

Our vision

Through our work on teacher' pay and conditions, we seek to contribute to the achievement of high standards in schools and services and good outcomes for pupils throughout England and Wales. In previous reports we developed a vision in pursuit of this goal, which we will review and amend from time to time. We envisage a world-class teaching profession which:

- attracts excellent graduates;
- retains highly motivated and committed teachers;
- is fairly rewarded;
- is efficient, effective and accountable;
- is encouraged, supported and trained; and
- is trusted, respected and valued[2].

[1] Education Act 2002 (c.32), TSO

[2] STRB (2003) *School Teachers' Review Body Twelfth Report*, TSO (Cm 5715), page ix

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

- governors, heads and teachers are comfortable with the concept of rewards related to performance;
- schools and services are able to make decisions without detailed rules and guidance;
- 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[3].

Our values

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

Our ways of working

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 on remits from the Secretary of State;
- 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 those 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.

[3] STRB (2003) *School Teachers' Review Body Thirteenth Report Part 1*, TSO (Cm 5987), paragraph 7.18

RECOMMENDATIONS

Mathematics, Science and Other Priority Subjects (Chapter 2)

We recommend that:

- the Department undertake a programme of action to secure a significant increase in the use of existing flexibilities in the STPCD to address local teacher shortages in priority subjects;
- the Department focus this programme on three areas, namely more effective support for local managers, a sharper framework of accountability, and school budgets;
- teachers receive a financial incentive for completion of accredited qualifications in priority subjects designated by the Department or, for teachers in Wales, the Welsh Assembly Government;
- the Department and the Welsh Assembly Government consider using the golden hello payment as the mechanism for this purpose;
- the effectiveness of this approach be evaluated as part of the pilot for the mathematics, physics and chemistry diplomas.

Special Educational Needs Allowances (Chapter 3)

We recommend that:

- the Department provide additional evidence relevant to our remit[1], focusing in particular on the evidence requirements that we have highlighted in relation to the labour market, teachers and current practice in schools and services.

Excellent Teacher Scheme (Chapter 4)

We recommend that:

- when individual schools and services determine spot salaries for ETS posts within the ETS salary range, they have regard to the nature of the work to be undertaken, the degree of challenge of the role, and any additional criteria they consider appropriate;
- once determined, individual spot salaries for ETS posts be reviewed by the school or service:
  - if there are significant changes in the nature of the work to be undertaken, in the degree of challenge of the role or in relation to any additional factor the school or service considers appropriate;
  - as part of any wider review of salaries.

[1] STRB's remit: the extent to which SEN allowances fulfil an appropriate function in the teachers' pay and conditions system, whether they are used appropriately and whether there is an overlap in theory or practice with other permitted payments.

Part-time Teachers (Chapter 5)

We recommend that:

- the Department, in consultation with interested parties:
  - develop provisions for the STPCD to stipulate how pro-rata salaries for part-time teachers should be calculated and working time specified;
  - give particular attention to the basis for (a) remunerating part-time teachers for additional working time; and (b) calculating pro-rata salaries and remuneration for additional working time for part-time teachers on the Fast Track scheme, in AST posts and in leadership group posts;
  - ensure that provisions for the STPCD are fully compliant with employment law;
- provisions resulting from this work be introduced to the STPCD as soon as practicable.

Teachers' Performance and Pay Progression (Chapter 6)

We recommend that:

- all progression on incremental pay scales follow a performance management review[2] and determination by the local employer that the individual teacher's performance has satisfied an explicit, performance-related criterion for pay progression in the STPCD[3];
- consequential amendments to the STPCD be made, including to make explicit the criterion of satisfactory performance for pay progression on the main pay scale and the pay scale for unqualified teachers, and to remove provisions concerning how teachers' performance should be managed;
- as recommended in our Fifteenth Report, the Department require schools and services to include details in their pay policy about how performance is assessed for pay purposes[4].

Approaches to Pay in England and Wales (Chapter 7)

We have concluded that at present, the existing national framework of pay and conditions with local discretion provides sufficient flexibility to accommodate differences that have arisen to date between England and Wales and that the Department should keep this matter under review, in consultation with the Welsh Assembly Government.

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[2] "Performance management review": the annual review of a teacher's performance undertaken in accordance with the *Education (School Teacher Performance Management) (England) Regulations* (2006) SI 2661 or the *Education (School Teacher Appraisal) (Wales) Regulations* (2002) SI 1394 (W.137).

[3] DfES (2006) *School Teachers' Pay and Conditions Document and Guidance on School Teachers' Pay and Conditions*, TSO, Section 2, paragraphs 7.3(b)(iii) (criterion for pay progression for head teachers), 13.3(a)(ii) (criterion for pay progression for deputy head teachers), 15.3(a)(ii) (assistant head teachers), 18.1.1(b) (teachers on the main pay scale) 19.4 (b) (teachers on the upper pay scale), 31.6 (Advanced Skills Teachers) and 41.5 (unqualified teachers); and associated guidance in Section 3

[4] STRB (2005) *School Teachers' Review Body Fifteenth Report*, TSO (Cm 6663) paragraph 7.36

Teachers' Professional Responsibilities (Chapter 8)

We recommend that:

- the Department, in consultation with interested parties, prepare new statements of teachers' professional roles and responsibilities which are:
  - focused on high standards and pupil outcomes;
  - clear and accessible;
  - credible and relevant to teachers;
  - concise, enabling and flexible;
  - in a dedicated section of the STPCD, separate from other conditions of employment; and
  - distinct from, but complementary to, GTC publications[5] and professional standards[6];
- new statements be prepared after the review of the leadership group has been completed, and take account of developments in relation to TLR payments, SEN allowances and the ETS and AST schemes.

[5] GTCE (2004) *Code of Conduct and Practice for Registered Teachers: Setting Minimum Standards for the Regulation of the Profession*; GTCE (2006) *Statement of Professional Values and Practice for Teachers*; and GTCW (2006) *Statement of Professional Values and Practice*

[6] "Professional standards": the standards included in op.cit. DfES, *STPCD*, Section 2, Annex 1 to 4; and the additional standards in the frameworks of professional standards for teachers applying in England and Wales respectively.

CHAPTER 1

Introduction

1.1 In May 2006, the Secretary of State asked us to consider eight matters relating to teachers' pay and conditions and to submit a report by 22 December 2006. Our remit is reproduced in Appendix A. Appendix B describes how we have conducted our work.

1.2 We would like to thank all our consultees for making representations and providing evidence on the matters before us, as well as those in the schools, local authorities and other bodies that we visited in 2006.

1.3 Before responding to the specific matters in our remit, we have some general comments that underpin a number of the conclusions and recommendations in this report.

1.4 The first concerns the national framework of teachers' pay and conditions. The national framework laid down in the STPCD should be underpinned by clearly stated objectives and form part of an effective, coherent HR strategy. It should embody the principles of good regulation, and help to minimise administrative burdens on schools and services[1]. 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.

1.5 These are challenging objectives. As we have said in previous reports, at present the STPCD is complex and difficult to understand, includes unnecessarily detailed and prescriptive rules and guidance and duplicates other regulations. In addition, it does not yet strike the right balance between national prescription and local flexibility.

1.6 We therefore identify several areas for improvement, for example in relation to performance management and pay progression and teachers' professional responsibilities. When considering proposals for changes to the STPCD, for example in relation to spot salaries for Excellent Teachers, part-time teachers and teachers' professional responsibilities, we make judgements about whether national regulation is the most appropriate solution and, if so, what is needed. But further work needs to be done.

[1] Cabinet Office *Principles of Good Regulation:* <www.betterregulation.gov.uk>

1.7 Our second point concerns the HR capabilities of local managers. An effective national framework requires the full commitment of leaders, governors and local authorities in using the considerable discretion and flexibilities at their disposal to manage and reward teachers appropriately for their contributions. It should therefore be a priority to develop the necessary capabilities across England and Wales and to put in place appropriate support.

1.8 In previous reports, we have discussed the skills and expertise required of leaders and governors[2]. This report again emphasises the importance of good HR practice at local level. Our recommendations reinforce effective and innovative practice, accountability and sustainability, particularly in relation to performance and pay progression and priority subjects.

[2] STRB (2005) *School Teachers' Review Body Fifteenth Report*, TSO (Cm 6663), paragraph 9.2

CHAPTER 2

Mathematics, Science and Other Priority Subjects

Introduction

2.1 This chapter concerns pay and conditions for teachers of mathematics, science and other priority subjects. The Secretary of State asked us to consider for recommendation:

> *whether there are steps that should be taken to improve the use of current pay incentives and flexibilities to improve the recruitment, retention and quality of science and mathematics teachers; and*
>
> *whether science teachers who are not physics and chemistry specialists should receive an incentive to encourage them to complete physics and chemistry continuing professional development enhancement, leading to an accredited qualification, to enable them to teach those subjects effectively.*

2.2 We considered mathematics and science in our Fourteenth and Fifteenth Reports, in the context of specific remits relating to the pay of Advanced Skills Teachers of these subjects[1].

Context

2.3 The policy context has not changed significantly since our last report and continues to be driven in the main by work to follow up the Smith and Roberts reports and the Government's responses to them[2].

2.4 One important development this year is the publication in January 2006 of a study on the deployment of teachers and support staff for mathematics and science, which has provided valuable additional evidence, notably in establishing that there are fewer science teachers who are specialists in physics or chemistry than in biology[3].

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[1] STRB (2005) *School Teachers' Review Body Fifteenth Report*, TSO (Cm 6663), paragraphs 6.5-6.20; and STRB (2005) *School Teachers' Review Body Fourteenth Report*, TSO (Cm 6430), Chapter 4; see also STRB (2003) *School Teachers' Review Body Twelfth Report*, TSO (Cm 5715), paragraphs 4.24-4.30

[2] Smith, A. (2004) *Making Mathematics Count*, TSO; DfES (2004) *'Making Mathematics Count': DfES response to Prof Adrian Smith's Inquiry*; Roberts, G. (2002) *SET for Success: the Supply of People with Science, Technology, Engineering and Mathematics Skills*, HMT; HMT (2004) *Science and Innovation Investment Framework 2004-14*, Chapter 6

[3] NFER (2006) *Mathematics and Science in Secondary Schools: the Deployment of Teachers and Support Staff to Deliver the Curriculum*, DfES

2.5 A number of other helpful studies have also been published during the year, and these are cited in the Analysis section below.

2.6 Alongside the 2006 Budget, the Chancellor of the Exchequer published an update on the Government's ten-year *Science and Innovation Investment Framework*[4]. This identified measures to stimulate participation and achievement in science in schools, including commitments that 25% of science teachers would be specialists in physics and 31% in chemistry and that 95% of mathematics lessons would be delivered by a mathematics specialist. It also announced diplomas to enable science teachers without physics or chemistry specialisms to enhance the effectiveness of their teaching of these subjects, and indicated the Government's intention to refer to this Review Body the two matters covered in this chapter.

2.7 The proposed diplomas for physics and chemistry will be aimed at science teachers who do not have a degree in those subjects or who have not specialised in one of them during initial teacher training (ITT). The diplomas will be developed and piloted during 2006/08. Approximately 60 teachers will participate. The Department envisages part-time programmes taking approximately one year to complete. Funding has been earmarked in 2007/08, part of which could be used to pay financial incentives to individual teachers during the pilot, should we so recommend. In addition to the proposed diplomas, TDA is currently developing a professional development course for non-mathematics specialists, to be piloted across three regions over two years[5].

Representations from consultees

Recruitment and retention

2.8 RIG, the Welsh Assembly Government and TDA said that there had been a trend of improvement in recruitment to mathematics and science teaching in recent years and that the situation could not be described as critical in either England or Wales. All three, however, pointed to continuing challenges, particularly for mathematics, physics and chemistry, and to regional variations.

2.9 NAHT and NUT considered that the key issue was a shortage of graduates in physics and chemistry. These parties suggested that the dominance of double science in schools was unattractive to graduates who did not want to teach sciences other than their subject specialism. NAHT said that problems with the science national curriculum would increase instability in the supply of graduates in physics and chemistry who opted to teach.

2.10 NUT said that there were serious problems of recruitment and retention, not confined to mathematics and science, and that increases in pay for all teachers were needed. Facilities also needed to be improved. Since the issues went beyond STRB's remit, NUT called for a wider review involving all stakeholders to address this problem.

[4] HMT (2006) *Science and Innovation Investment Framework 2004-2014: Next Steps*, particularly Chapter 6

[5] TDA (2006) and RIG (2006) *Evidence to STRB*

2.11 UCAC noted that teacher shortages differed in Wales, with problems across the subject range in the Welsh-medium sector and regional variations. Developments in university courses had led to fewer people studying pure science subjects. Graduates in science disciplines in other jobs or teaching in other sectors might be encouraged to retrain to become secondary school teachers of physics and chemistry.

Quality of teaching, qualifications and deployment of science teachers

2.12 RIG said that Ofsted evidence showed a positive correlation between teacher mobility and the match of teacher specialism to the subject taught and pupil achievement. As well as action on recruitment and retention, steps needed to be taken to improve the skills of existing staff. Research evidence indicated that the supply of subject-specific CPD was sufficient, but that there were still problems, for example with the attitudes of some teachers and senior managers.

2.13 TDA drew attention to Ofsted data showing that the quality of teaching in mathematics and science was still amongst the lowest. TDA pointed to evidence that whilst there was strong demand for subject-focused CPD, this type of CPD was being severely curtailed and teachers were dissatisfied with the training they did receive[6]. Access to subject-specific CPD was regionalised: science was the field with most opportunities, but these were largely limited to the London area. TDA had work under way to develop subject-specific CPD and was working with providers on ways of assuring CPD quality.

2.14 NUT said that the Department needed better data about the qualifications of physics and chemistry teachers. It questioned the view that a degree level qualification in one branch of the sciences was appropriate for teaching other branches. Subject-based CPD was less common than generic topic areas and the barriers were similar for all subjects. NUT therefore restated its call for a material entitlement to CPD for all teachers and proposed that mathematics and science could be used as a pilot for a wider policy. NUT also saw a role for local authorities in spreading best practice in CPD.

Local pay flexibilities

2.15 RIG said that the study on the deployment of teachers and support staff for mathematics and science[7] showed a seemingly low responsiveness to income amongst mathematics and science teachers, and drew the conclusion that any general salary-based solution to teacher shortages would be prohibitively expensive. It also pointed to regional variations in salaries and to the distribution of specialist teachers within the system. For these reasons, RIG advocated a combination of the current national measures to attract new entrants to the profession and extended use of existing local pay incentives and flexibilities.

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[6] Wellcome Trust (2006) *Believers, Seekers and Sceptics: what teachers think about continuing professional development*

[7] Op.cit. NFER, *The Deployment of Teachers and Support Staff to Deliver the Curriculum*

2.16 RIG highlighted the lack of systematic evidence on schools' exploitation of existing flexibilities. Its view was that heads were generally aware of these, but faced three main barriers to their effective use: budgetary constraints, philosophical objections and the lack of local pay policy. Availability of specialist advice from local authorities and concern to comply with employment law were also factors. RIG suggested that STRB should consider these and any other barriers and how they might be overcome. It also asked if there might be a role for STRB in circulating data on the recruitment and retention for priority subjects to make heads better aware of the labour market.

2.17 The Welsh Assembly Government similarly pointed to the lack of evidence on the use of current pay flexibilities and the difficulty of disentangling their effect from the impact of other measures. The Assembly Government highlighted a number of issues relating to Wales, including the need to ensure that any measures to facilitate or promote the use of the flexibilities were suitable for equal implementation in both Wales and England.

2.18 TDA said there was still scope for improvement in recruitment to priority subjects. High quality, targeted CPD and the improved use of pay flexibilities would help. TDA would use the bursar network to promote awareness of existing flexibilities. More could also be done to raise awareness of the possible enhanced pay awards in certain circumstances.

2.19 NUT noted that schools already had significant discretionary pay incentives, which it interpreted as evidence that teachers' basic pay was uncompetitive and should be significantly improved. Making specific payments to certain groups of teachers would make the pay structure less transparent, would be divisive and would affect the motivation of teachers who did not receive the payments.

2.20 NAHT considered that existing flexibilities were sufficient to recruit and retain quality mathematics and science teachers, assuming base pay was adequate. It identified a number of reasons why schools did not use the flexibilities, including discouragement from local authorities and governors, and reluctance to complicate differentials between classroom teachers and the leadership group or to upset recently reviewed staffing structures. Another barrier was that teachers and their unions did not agree with differentiated payments and heads came under pressure from unions to offer the same incentives to all teachers. NAHT asked STRB to repeat points it had previously made about the need for clear and fair guidance on pay to support school management and to investigate the current use and effectiveness of existing flexibilities.

2.21 UCAC's view was that existing flexibilities should be retained. It suggested that a fund should be set up for schools in England and Wales, particularly those in disadvantaged areas, to bid for money depending on their financial status and teacher shortages.

2.22 NGA also supported using existing pay flexibilities. It was not convinced that further financial incentives would have a major impact, as pay was not the only significant factor. Schools experiencing the most problems had already used the pay flexibilities to their maximum. NGA continued to oppose pay differentials based on subject matter or geographical location.

2.23 Governors Wales said that existing arrangements provided adequate scope for the application of incentives, though there were significant budgetary constraints. Governing bodies might be unaware of existing flexibilities, or reluctant to use them, possibly because of a desire not to erode existing differentials or to disturb recently introduced staffing structures.

Incentives for the proposed diplomas

2.24 RIG outlined its current thinking on the proposed physics and chemistry diplomas and said it would be interested in STRB's observations about whether a similar approach of diploma and incentive could be used for other shortage subjects.

2.25 RIG said that a pay incentive for teachers achieving a diploma would stimulate demand from teachers and that using existing flexibilities would be preferable to creating a new instrument. The pilot could test whether the incentive would motivate teachers to devote the considerable time and effort required to become proficient in teaching new specialisms. RIG also highlighted the need to consider the potential impact on science teachers already qualified to degree level in physics and chemistry, who would not be eligible for the incentives.

2.26 The Welsh Assembly Government wished to see the outcomes of the pilot work planned by the Department before considering whether a similar scheme would be suitable for Wales. Any pay incentive should be worded generically so that it did not just apply to one particular scheme.

2.27 TDA described its work to develop a professional development course for non-mathematics specialists, to be piloted across three regions over two years. This pilot might help inform the proposed diplomas for physics and chemistry teachers. TDA welcomed initiatives to support teacher take-up of CPD, but saw the key issue as stimulating the supply of high-quality and effective subject-specific CPD.

2.28 NAHT supported the principle of a national diploma with an associated incentive. It was unlikely that teachers would be willing to undertake training outside working hours, so schools would have to provide considerable release time. NAHT said it was imperative that schools had access to additional funding, both for course fees and to cover consequential short-term staffing costs.

2.29 NUT also supported the principle of the diplomas, provided neither participation nor accreditation was compulsory. NUT opposed financial incentives in this area. The modest level of likely payments would undermine the motivational value of the diplomas, the focus would be on the individual teacher rather than whole-school improvement, and there could be a negative impact on teachers who already had degrees in physics and chemistry. NUT suggested alternative non-pay incentives, including recognising teachers as emerging experts and providing opportunities to mentor colleagues in the same or other schools.

2.30 UCAC supported the principle of the proposed diplomas, with the caveat that monetary incentives might not be sufficient to encourage take-up against a background of high workloads. It said that any such courses should be offered as paid sabbaticals, citing the Welsh Assembly Government's investment in three-month Welsh language sabbaticals.

2.31 NGA said that the scheme should be of value to schools, not just individual teachers, and that the same principle applied to incentives. It had concerns about the potential impact on schools, as the training would require time away from the job and result in additional cover costs. There would also be no guarantee that schools supporting teachers' participation would benefit, as teachers might feel more confident in their marketability. NGA wondered whether the scheme would also be available to non-science teachers who could demonstrate an aptitude for the subjects in question.

2.32 GW supported the use of incentives but said that governors would want them to be underpinned by an adequate allocation of additional resources to cover the training and the short-term additional staff costs.

Our analysis

2.33 The main sources of evidence drawn to our attention in consultees' submissions were:

- TDA's ITT Trainee Numbers Census and Employment Based Routes Database[8];
- the NFER study into the deployment of mathematics and science teachers[9];
- data from Prospects on the numbers and destinations of graduates[10];
- the Department's statistical evidence, especially Tables 14, 15, 17 and 19[11];
- data from Ofsted inspections on the quality of teaching;
- research on teachers' uptake of, and attitudes towards, CPD[12].

[8] Op.cit. TDA, *Evidence to STRB*

[9] Op.cit. NFER, *The Deployment of Teachers and Support Staff to Deliver the Curriculum*

[10] Prospects (2006): <www.prospects.ac.uk/cms/ShowPage/Home_page/What_do_postgraduates_do__2006_/p!epmXFgc>

[11] DfES (2006) *Statistical Evidence to STRB*

[12] Op.cit. Wellcome Trust, *What teachers think about continuing professional development; Leaton Gray, S. (2005) An Enquiry into Continuing Professional Development for Teachers*, Esmee Fairburn Foundation

We also considered the following additional evidence:

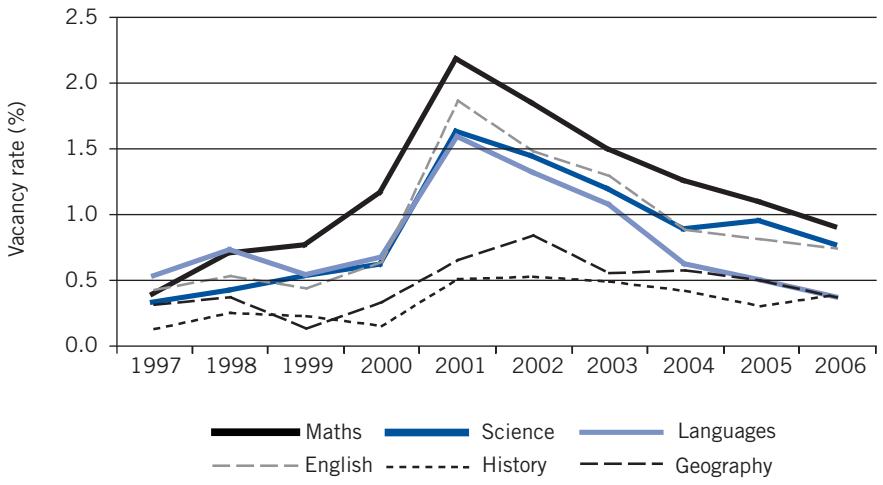
- a DfES study into the wider labour market for science and technology[13];
- trends in the numbers of A levels and degrees in mathematics and science[14];
- a study of physics teaching in schools and colleges[15];
- data on the qualifications of new entrants to teaching[16].

2.34 The above list includes new evidence in a number of areas. The evidence broadly falls into two categories: indicators relating to the quantity of mathematics and science teachers and information about teaching quality. The main points are summarised below (focusing principally on the areas where we have new evidence).

Quantity

- In line with previous years' trends, the number of recruits to ITT courses for mathematics and science is increasing, turnover is no worse than the average across all subjects, and vacancy rates have fallen[17]. Figure 2.1 sets out the vacancy rates for six key subject areas, including mathematics and science, from 1997 to 2006: it shows that rates have declined significantly since 2001, and that all six subject areas now have vacancy rates of less than 1%.

Figure 2.1: Vacancies for full-time secondary teachers as a percentage of teachers in post, 1997-2006[18]



[13] DfES (2006) *The Supply and Demand for Science, Technology, Engineering and Mathematics Skills (STEM) in the UK Economy*

[14] OME analysis of qualifications data from the Assessment and Qualifications Alliance, the Joint Council for Qualifications and DfES.

[15] Smithers, A. and Robinson, P. (2005) *Physics in Schools and Colleges: Teacher Deployment and Student Outcomes*, The Gatsby Charitable Foundation

[16] Smithers, A. and Robinson, P. (2006) *Teacher Training Profiles*, University of Buckingham Centre for Education and Employment Research

[17] DfES (2006) *Statistical Evidence to STRB*

[18] Ibid.

- At an economy-wide level, the supply of science and technology skills is expected to meet demand over the next 10 years. However, there are concerns about falls in the numbers of students opting for mathematics and science A levels[19].
- Within schools, mathematics (and, to a lesser extent, science) has an ageing profile of teachers. For science teachers, a concern is that the highest proportions of physics and chemistry specialists are concentrated amongst the older age cohorts[20].
- Evidence on the likely future supply of mathematics and science teachers is mixed. Since the mid-1990s, the number of chemistry graduates has declined, mathematics has increased slightly and physics has remained stable[21].
- Teaching already demands a large share of the available graduate market. Mathematics ITT courses would accommodate around half of all new mathematics graduates. Science ITT places would be filled by around one third of new science graduates[22].
- There is good evidence, from economic analyses and graduate surveys, that mathematics and science graduates earn more on average than other graduates (though with considerable regional variation)[23].
- Despite the increase in the numbers of recruits to ITT, traditional courses for mathematics and science remain significantly under-subscribed (with 15-20% of places unfilled) and there is cause for concern about the imbalance in numbers of recruits between the sciences. However, employment-based routes are providing a steadily increasing proportion of new recruits, accounting for over 20% in 2005[24].

Quality

- Ofsted inspections have found varied performance in mathematics teaching. They observed a lack of suitably qualified mathematics staff in a third of visits. Ofsted also found many teachers with good subject knowledge but lacking a good range of teaching methods[25].
- Ofsted's conclusions on science teaching are more positive. Science teaching has improved in all key stages since 1998 although Ofsted has said that teacher shortages are having an adverse effect on further improvements[26].

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[19] Op.cit. DfES, *The Supply and Demand for Science, Technology, Engineering and Mathematics Skills (STEM) in the UK Economy*

[20] Op.cit. NFER, *The Deployment of Teachers and Support Staff to Deliver the Curriculum*

[21] OME analysis of data from the sources in footnote 14.

[22] OME analysis of the above data and the source in footnote 8.

[23] Op.cit. DfES, *The Supply and Demand for Science, Technology, Engineering and Mathematics Skills (STEM)*; op.cit. NFER, The Deployment of Teachers and Support Staff to Deliver the Curriculum

[24] Op.cit. TDA, *Evidence to STRB*; OME analysis of Graduate Teacher Training Registry data

[25] OME analysis of Ofsted reports.

[26] Ibid.

- Mathematics consistently has the lowest proportion of recruits to training with at least a 2:1 degree[27].
- There is a consistent message on the extent of non-specialist teaching of mathematics and science. For science, there is a large imbalance in the profile of science teachers: there are nearly twice as many specialists in biology as there are in physics or chemistry and many schools do not have specialists across all the science disciplines. Around a quarter of mathematics teachers are non-specialists or primarily teachers of other subjects[28].
- Specialists are distributed unevenly: schools for 11-18 year olds are better served than those teaching 11-16. Importantly, schools fare worst of all in deprived areas within regions with high salaries for alternative occupations to teaching. Within schools generally, lower ability groups fare worse[29].

2.35 In summary, this evidence continues to show a mixed picture. Figures on current recruitment and retention for mathematics and science are comparable to other priority subjects, and there have been improvements in recent years. There are, however, some uncertainties for the future, notably the ageing profile of mathematics and science teachers (as with teaching more widely) and concerns about the number of students pursuing these subjects at A level and in universities. The evidence on quality highlights some grounds for concern, namely the major imbalance in the specialisms of science teachers and the fact that much teaching of mathematics and science is by non-specialists. The second issue is particularly important for schools in deprived areas in certain regions.

Our views and recommendations

2.36 The enhanced evidence base summarised above broadly confirms the picture described in our Fourteenth and Fifteenth Reports, though it also provides valuable additional insights that have informed our views and recommendations below.

2.37 Our analysis of the evidence suggests that recruitment to mathematics, physics and chemistry teaching continues to improve, aided by the wide range of activities in hand to follow up the Smith and Roberts reports[30]. But there remain issues around quality and future supply, and the more encouraging statistics may sometimes disguise coping strategies. There are no grounds for complacency.

[27] Op.cit. Smithers, A. and Robinson, P., *Teacher Training Profiles*

[28] Op.cit. NFER, *The Deployment of Teachers and Support Staff to Deliver the Curriculum*

[29] Ibid.

[30] Op.cit. Smith, A., *Making Mathematics Count*; op.cit. DfES, *Response to 'Making Mathematics Count'*; op.cit. Roberts, G. (2002) *SET for Success*

2.38 Our remit concerns a relatively narrow part of this picture. It is important to emphasise, however, that continued progress in recruiting and retaining teachers of the right quality depends crucially on the success of measures outside our remit, such as work on the curriculum and qualifications and to boost the numbers of pupils achieving A level, other higher-level qualifications and degrees. The last of these is particularly important: unless the pool of graduates in the appropriate disciplines grows in size, it will not be possible to recruit substantial numbers to the teaching profession without detriment to the wider economy.

2.39 Our remit essentially concerns the two questions raised in the Analysis section above: are there enough teachers of these subjects, and is enough teaching of the right quality? Quality and quantity are not entirely separate issues, but many of the Department's policies are aimed at either increasing the number of teachers or raising the quality of teaching, so they will be treated separately for the purposes of this chapter.

2.40 In a similar vein, the evidence makes a strong case for referring to physics, chemistry and biology separately rather than grouping them together under the label of "science".

Quantity

2.41 We note the continuing positive impact of the various national recruitment incentives put in place in recent years, particularly enhanced training bursaries and golden hello payments. We also note that the overall recruitment and retention position for mathematics, physics and chemistry is comparable to that for other priority subjects and that there is no consistent pattern of shortage across England and Wales (see first and last bullets in paragraph 2.34 above).

2.42 We do not therefore see a case at this stage for national-level action on pay to address continuing issues of recruitment and retention in mathematics, physics and chemistry. A permanent change to the teachers' pay system to provide a salary uplift of any magnitude to all 44,000 secondary teachers of these subjects[31] would be expensive and indiscriminate in its effects, and would take time to stimulate an additional supply of graduates.

2.43 Given the current supply of potential teachers and the other demands on that pool, we have reached two conclusions. One is the importance of TDA's work to attract new recruits to teaching, which falls outside our remit. The other, which is within our remit and which we have underlined in our previous two reports, is that better use needs to be made of local flexibilities before the case for any additional mechanisms can be considered.

[31] OME analysis of op.cit. NFER, *The Deployment of Teachers and Support Staff to Deliver the Curriculum*

2.44 We have also consistently argued that action should be framed in terms of shortage or priority subjects more generally. The continuing issues with mathematics, physics and chemistry are not unique, and patterns of shortage and priority may change over time. This reinforces the case for using existing flexibilities rather than creating permanent changes to the pay system, since the former can and should be phased out by schools as the situation improves for any given subject.

2.45 The main flexibilities that the STPCD makes available to schools are:

- starting teachers higher up the main pay scale;
- double increment pay progression for excellent performance;
- wide discretion in setting a range for AST pay;
- recruitment and retention incentives, which may include benefits as well as pay; and
- from September 2008, discretion in setting ETS spot salaries.

2.46 Recruitment and retention incentives are the most flexible tool that managers have available, as they permit any payments or other financial assistance, support or benefits the school considers necessary. Their value is not capped, so schools are permitted to pay teachers significant sums or provide high-value benefits if necessary. The other flexibilities also provide considerable scope to provide additional reward. In Inner London, for example, starting a newly qualified teacher two points up the main pay scale would yield over £3,000 in additional starting salary. The AST scale for England and Wales begins at over £34,000 and goes up to nearly £52,000.

2.47 The consensus in consultees' representations is that schools are not yet making sufficient use of flexibilities to address teacher shortages in particular subjects. We consider that there are three issues that require attention:

- *more effective support for local managers* – particularly in the area of enabling, practical HR information and support. The exercise of local flexibilities is a significant responsibility for managers, not least because they need to be able to take decisions that are robust in a complex and developing environment of employment law. This is an area that requires expertise that is creative and practical. Careful thought needs to be given to where support could most usefully be based, and the respective roles of individual schools, groups of schools, local authorities, Government Offices and the Department;
- *a sharper framework of accountability* – to underline the legitimate role of flexibilities as an active management tool. We see three steps under this heading: clarifying expectations, to emphasise that leaders of schools and services and governing bodies should be using these flexibilities; making sure they have the right management support, as described in the previous point; and monitoring progress. It will be important for schools to have clear pay policies on this and for local authorities to support schools actively; and

- *budgets* – some of the constraints identified by consultees will be cultural rather than financial, but some will undoubtedly be genuine. We do not support the idea of establishing central funds to address these difficulties, as the primary emphasis must be on schools identifying their own solutions. Funding is a matter for the Department and the Welsh Assembly Government in their respective systems, and they should investigate the points made strongly by consultees and take appropriate action.

2.48 In our view, it is essential that the Department and employers require managers to use the appropriate flexibilities to address local teacher shortages. This is not a question of further research and studies, but rather of determined drive and action.

2.49 It may also be possible for recruitment publicity to make clear the potential scope for additional payments or benefits for secondary teachers in certain circumstances and geographical areas, but this will need to be carefully judged. Publicity is not, in any case, a substitute for action to increase the usage of flexibilities: indeed, if expectations are raised but the flexibilities are not used on the ground, publicity could even be counterproductive.

2.50 There are two other points from the evidence that bear on recruitment and retention, though they fall outside our remit. Firstly, we note that physics, chemistry and biology all receive the same enhanced level of golden hello payment, when the recruitment issues facing physics and chemistry are demonstrably more severe – there could be greater differentiation. Secondly, a theme emerging from the study into the deployment of mathematics and science teachers and from a number of consultees was that physics and chemistry require good equipment, and that standards of facilities vary considerably[32]. These problems are exacerbated in schools which are smaller, more remote or with a challenging pupil intake. This is an area where collaboration between schools, and between schools and colleges or universities in their area, could yield significant benefits.

2.51 **We recommend that the Department:**

- **undertake a programme of action to secure a significant increase in the use of existing flexibilities in the STPCD to address local teacher shortages in priority subjects;**
- **focus this programme on three areas, namely more effective support for local managers, a sharper framework of accountability, and school budgets.**

[32] Op.cit. NFER, *The Deployment of Teachers and Support Staff to Deliver the Curriculum*

Quality

2.52 The flexibilities mentioned in paragraph 2.45 can also be used in addressing issues of teaching quality, though their use for this purpose will not be as prominent as their use for recruitment and retention purposes. More significant will be the effective use of performance management to diagnose underperformance and secure improvement.

2.53 The most important tool in addressing quality issues will undoubtedly be CPD, as most consultees emphasised. We note that there is a general consensus that current take up of subject-based CPD is not ideal, though views differed as to whether the problem was principally one of supply or of demand. The issue lies outside our remit, though we suspect there is room for improvement on both fronts.

2.54 Reviewing consultees' representations on this subject, we noted two additional points. Firstly, in addition to the risks of teachers having inadequate subject knowledge, highlighted by many consultees, there may also be teachers who have sound subject knowledge but need to develop their teaching methods. Secondly, there are many CPD initiatives and resources for teachers of mathematics and science, but information about these is scattered across different organisations' websites and is often hard to find. There may be scope to improve accessibility.

The proposed diplomas

2.55. A specific measure to address the quality of teaching is the proposed diplomas whereby science teachers who are not physics and chemistry specialists might undertake specific training leading to an accredited qualification in those subjects. We have a number of observations on the introduction of these diplomas.

- Most of the candidates for the diplomas are likely to be teachers of other sciences, but we doubt that eligibility should be restricted to that group.
- Since demographic changes in the pupil population will affect primary schools first, it might be worth exploring the scope for primary schools teachers with a science background to move into teaching secondary pupils.
- A number of consultees expressed the wish that the diplomas should be available via a number of different routes, including sabbatical and distance learning options. We understand that sabbaticals are used in Wales to enable English-medium teachers to retrain in Welsh-medium teaching.
- Funding for the scheme is not a matter for us, but a number of consultees expressed concern on the matter, so clarity will be important. In principle, the individual teacher, the school and the wider education system will all benefit from a teacher undertaking this course, so it is not unreasonable that all should contribute (whether time or money).

2.56 We were specifically asked in the remit to consider whether teachers should receive an incentive to encourage them to complete physics and chemistry CPD enhancement, leading to an accredited qualification. In so doing, we have been mindful of the statement in our Fifteenth Report endorsing the view that teachers should not be rewarded directly for participation in specific professional development activities, but that the outcomes of CPD should be taken into account as part of a range of evidence about teachers' performance[33].

2.57 This remains our view. We do, however, think that the proposed diplomas fall into a different category. Despite physics, chemistry and biology falling under the collective heading of "science" and sharing some methodological underpinning, they are separate disciplines. Asking a biologist to acquire a reasonably high level of competence in physics and chemistry is not just a matter of extending existing subject knowledge but acquiring, in effect, a whole new area of subject expertise. The proposed diploma appears more akin to retraining than professional development as normally understood.

2.58 In view of that and the need to encourage teachers to undertake the diplomas, we think an incentive would be appropriate. There is nothing in the STPCD that would be obviously suitable for this purpose. There are provisions on CPD-related payments[34], but we do not see the diplomas as typical CPD and the provisions imply reimbursement for occasional and exceptional calls on teachers' time rather than recognition of a substantial achievement in retraining. Nor do we see local recruitment and retention incentives as an appropriate mechanism, since these will not apply in enough cases to make them suitable incentives for a national scheme.

2.59 There is, however, one solution that flows neatly from the view of these diplomas as retraining rather than CPD, namely that teachers who successfully complete a diploma should receive a non-consolidated golden hello payment as if they were a newly recruited science teacher (regardless of whether or not they have already received such a payment in respect of another subject on initial recruitment to teaching). At present, the level of golden hello payment for science teachers is £5,000.

2.60 This type and level of payment would be attractive to individual teachers and proportionate to its purpose, without distorting pay relativities with other teachers. It may be possible to use existing arrangements for golden hello payments. This would be an attractive approach, particularly for schools, since the payments would be centrally funded.

2.61 There is no reason why this principle should not apply to similar arrangements whereby teachers might retrain in other priority subjects, such as the current pilot scheme for mathematics (noted in paragraph 2.7 above) or schemes for teachers to retrain as Welsh-medium teachers. To avoid dilution of

[33] Op.cit. STRB (2005) *Fifteenth Report*, paragraphs 7.31-32 et seq.

[34] DfES (2006) *School Teachers' Pay and Conditions Document and Guidance on School Teachers' Pay and Conditions*, TSO, Section 2, paragraph 55

the principle that rewards should not attach to participation in CPD, however demanding, it is important that such payments are only made in respect of priority subjects and for diplomas and other qualifications designated by the Department or the Welsh Assembly Government. It follows from this that we see it as a matter for the Welsh Assembly Government whether it wishes to use the TDA's proposed diplomas for physics and chemistry, or to determine a distinctive approach for Wales.

2.62 Since the mathematics and physics and chemistry diplomas will be piloted, it would be sensible for the approach to incentives outlined here to be part of that pilot and evaluated at the appropriate stage. If further refinement or alternative approaches were required, we would consider these matters further.

2.63 **We recommend that:**

- **teachers receive a financial incentive for completion of accredited qualifications in priority subjects designated by the Department or, for teachers in Wales, the Welsh Assembly Government;**
- **the Department and the Welsh Assembly Government consider using the golden hello payment as the mechanism for this purpose;**
- **the effectiveness of this approach be evaluated as part of the pilot for the mathematics, physics and chemistry diplomas.**

CHAPTER 3

Special Educational Needs Allowances

Introduction

3.1 The Secretary of State asked us to consider for recommendation:

the extent to which SEN allowances fulfil an appropriate function in the teachers' pay and conditions system, whether they are used appropriately and whether there is an overlap in theory or practice with other permitted payments, in preparation for further evidence in 2007 and possible change in 2008.

Context

Background statistics

- 253,000 (3%) of pupils in England and Wales have been assessed and issued with a statement of SEN and many more have special educational needs throughout or at some stage of their education[1].
- 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 England[2].
- 3.4% (17,500) of qualified teachers in the maintained sector in England and Wales are employed in special schools and 1.6% (8,600) in services run by local authorities (unattached teachers), some of which will be SEN services (headcount figures)[3]. There are no figures on the number of teachers employed in specialist SEN roles in mainstream schools.

[1] OME analysis of statistics from DfES *Statistical First Releases* SFR 23/2006, SFR 24/2005 and National Assembly for Wales *Statistical First Releases* SDR 75/2006, SDB 7/99

[2] Ibid.

[3] DfES (2006) *Statistical Evidence to STRB*

- In 2004, all teachers in special schools, 50% of unattached teachers and 2% of teachers in mainstream schools received a SEN allowance[4].
- The total cost of SEN allowances in 2006/07 is estimated to be £74 million (0.5% of the total teachers' pay bill)[5].

3.2 The provision of education for children and young people with SEN is a complex and developing area. Our previous reports have highlighted both the increase in the proportion of pupils with SEN educated in mainstream schools as a result of the inclusion agenda, and the variety and diversity of schools, services and roles in which teachers are employed. Our Fifteenth Report noted that the impact of these changes and the introduction of TLR payments might at some point necessitate a review of reward in the SEN area[6].

3.3 The Department's stated policy is to build capacity in the children's workforce to identify and meet the needs of children and young people with SEN and disabilities, the intention being: that all teachers have core skills; that some teachers in all schools (including SENCOs and ASTs) have advanced skills; and that specialist expertise (such as local authority services and teachers with specialist qualifications) is available within each community of schools[7]. In June 2006, the Education and Skills Committee reported on SEN and made recommendations about initial teacher training, CPD and the SENCO role[8].

3.4 At present, the STPCD prescribes an annual SEN allowance of £1,818 (known as 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 impaired[9]. 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; and to award a higher-value allowance of £3,597 (known as the SEN 2 allowance) instead of SEN 1 to eligible teachers deemed to have relevant experience or qualifications.

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[4] OME (2005) *School Teachers' Review Body Teachers' Pay Survey (September 2004)*

[5] RIG submission to STRB (2006): see Appendix B for details.

[6] STRB (2005) *School Teachers' Review Body Fifteenth Report*, TSO (Cm 6663) paragraph 5.50

[7] 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)

[8] HC 478 (2005-06)

[9] DfES (2006) *School Teachers' Pay and Conditions Document and Guidance on School Teachers' Pay and Conditions*, TSO, Section 2, paragraph 28 and Section 3, paragraphs 57 to 59

Representations from consultees

Existing arrangements and current practice

3.5 Most consultees emphasised the complex environment of SEN education, in particular a number of issues arising from the Government's inclusion agenda. Several emphasised that this complexity posed challenges for teachers and for the pay system. Issues highlighted were:

- the appropriateness of existing criteria for SEN allowances. Some consultees argued that the criteria had led to inconsistency in the award of SEN allowances by individual schools and services and that some teachers, in particular in mainstream schools, were not adequately rewarded. Several also highlighted that the criteria did not reflect the impact of inclusion on the way that pupils with SEN were now educated;
- the criteria for awarding the higher-value SEN 2 allowance. Several consultees said that mandatory qualifications were, in practice, the main factor taken into account by managers. The existing criteria were difficult for individual schools and services to apply consistently and were potentially unfair, as qualifications did not exist for all areas of expertise;
- determining whether SEN allowances or TLR payments or both were appropriate. Reviews of staffing structures had brought this issue to the fore, though several consultees noted that there had been similar issues with management allowances; and
- the professional responsibilities of teachers in relation to SEN. Several consultees said that inclusion and wider education policies, such as those associated with the Every Child Matters agenda, were placing new demands on teachers.

3.6 RIG proposed that STRB should consider how schools were currently making use of SEN allowances and highlighted a number of matters:

- who received SEN allowances, and for what;
- the balance between expertise and experience of teachers receiving the higher-value SEN allowance;
- the factors taken into consideration when decisions were made about the award of SEN allowances;
- how use of the allowances related to schools' plans for raising standards and improving outcomes for pupils;
- how the allowances were perceived by different stakeholders within schools;
- whether the existing eligibility criterion in the STPCD hindered or enhanced the use of SEN allowances in mainstream and special schools; and
- how SEN allowances were used by local authority SEN services.

3.7 The Welsh Assembly Government commented that, although there were some differences, the framework for SEN in Wales was similar to that in England and the issues were comparable.

3.8 UCAC argued that teaching pupils with SEN in bilingual settings in Wales was particularly challenging.

3.9 BATOD supported the Government's policy goals, but had concerns about how changes arising from the Every Child Matters agenda might affect the pay and conditions of teachers of the deaf and other specialist teachers. BATOD said that accurate statistics were needed to inform HR policy.

The future

3.10 All consultees welcomed the prospect of a review of SEN allowances by STRB.

3.11 RIG said it was an opportune time for the review. STRB would need to take account of the Government's SEN Strategy[10] (including its policy of building capacity in mainstream schools), the Every Child Matters agenda and personalised learning, workforce remodelling and "new professionalism". RIG suggested that there would be significant changes to school organisation to address the needs of different groups of pupils and that this would ultimately affect teachers' responsibilities and remuneration.

3.12 RIG did not propose specific changes, but suggested that any changes arising from the review be implemented in 2008. It suggested that STRB should consider the following matters:

- whether or not overlaps existed between SEN allowances and other allowances or permitted payments, particularly TLRs;
- what the purpose of SEN allowances was, and should be;
- the future role of SEN allowances in the context of ECM developments such as the Common Assessment Framework (CAF), Children's Trusts and integrated services;
- in the long-term, the role of SEN allowances within the teachers' pay system; and
- the role of local authorities with centralised SEN services in awarding SEN allowances.

3.13 The Welsh Assembly Government wanted STRB's review to cover Wales and England on an equal basis and to take account of Wales-specific features.

3.14 NUT, BATOD, UCAC, NGA and GW supported the retention of SEN allowances. Some of these consultees argued that SEN allowances assisted in the recruitment and retention of specialist teachers to different schools, services and roles; recognised particular skills and experience; and recognised the demands of SEN work. NUT said that SEN allowances served functions that other parts of the pay system could not. NUT, UCAC and BATOD made

[10] Op.cit DfES, *Removing Barriers to Achievement*

proposals for changes to SEN allowances. NUT proposed discussions, involving all relevant parties on an equal footing, to establish new criteria for the award of SEN allowances.

3.15 NAHT saw additional remuneration for all teachers in special schools as essential to support recruitment and retention. NAHT proposed some short-term changes pending a full review by STRB.

SENCOs

3.16 RIG said there was anecdotal evidence that, following reviews of staffing structures, some SENCOs had lost pay and were not being awarded TLR payments. It would be unfortunate if this made the role less attractive. In RIG's view, SENCO responsibilities clearly related to teaching and learning. If additional (non-teaching) responsibilities were given to SENCOs, arising, for example, from the new Common Assessment Framework, then the financial package should be commensurate. RIG said that STRB should consider the extent to which teachers were being asked to undertake the SENCO role without any additional remuneration.

3.17 NAHT said there were differences in the way that SENCOs were rewarded: some schools paid a TLR while others continued to use SEN allowances. It was not clear whether this was because of differences in SENCOs' responsibilities, or confusion about which type of payment was appropriate.

3.18. UCAC said that lower-value SEN allowances alone did not recognise SENCOs' responsibilities and that SENCOs deserved at least SEN 2 or a higher-value TLR.

Unattached teachers

3.19 NUT, UCAC and BATOD reiterated the concerns they had expressed in 2005 about the pay and conditions of unattached teachers[11]. NUT said that many of these teachers specialising in SEN were not receiving SEN allowances. BATOD and UCAC said that reviews of staffing structures had led to unattached teachers losing pay and not being awarded TLR payments, which had seriously undermined morale and would affect retention and the quality of services provided by local authorities. This effect was compounded by local authorities seeking to move unattached teachers outside the STPCD and give them less favourable pay and conditions. UCAC said that many Athrawon Bro teachers in Wales were affected.

3.20 NUT and BATOD proposed that local employers of unattached teachers should be required to abide by the full provisions of the STPCD. BATOD acknowledged the need for some local flexibility but asked for national guidance to achieve equity in pay and conditions for these teachers. This was of particular significance with impending changes in children's services. BATOD also proposed that the title "unattached teacher" should be changed.

[11] Op.cit. STRB, *Fifteenth Report*, paragraphs 5.39 – 5.44

Our views and recommendations

3.21 We were asked to consider three questions: the extent to which SEN allowances fulfil an appropriate function, whether they are used appropriately, and whether there is an overlap with other payments. As the Secretary of State's remit letter anticipated, our consideration in this report represents initial reflections leading to further work and future recommendations.

3.22 In addressing these questions, we are conscious that 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. The allowances have not been reviewed for many years, so there are no recent national statements of their purpose and intended functions. Our present remit is therefore a timely opportunity to take stock.

3.23 Representations from consultees have highlighted a number of different possible functions for SEN allowances:

- 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;
- 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.

3.24 This list is extensive and we observe that consultees' views on the allowances' functions varied considerably. This may, to some degree, reflect the differing relevance of certain functions of SEN allowances to the various types of school and service. But we are concerned that the breadth of the list may indicate the lack of an underpinning rationale for the allowances.

3.25 Turning to the question of potential overlaps, it is clear that aspects of these functions also feature in other parts of the pay system, including:

- teachers' basic salaries, since all teachers are expected to have core competence in relation to SEN;
- TLR payments, since some teachers may have additional teaching and learning responsibilities in relation to SEN;
- national golden hello payments, since these help to recruit people with specific expertise to teaching and could be used for SEN specialisms;

- local recruitment and retention incentives, which help to recruit and retain specific expertise important at a local level; and
- local CPD incentives, which may be used by some schools and services to overcome local barriers to the acquisition of specific skills and qualifications.

3.26 This analysis and the issues reported by consultees in paragraph 3.5 suggest that there could be some overlap between SEN allowances and other parts of the pay system. This is a complex area, and it is difficult to reach a firm view when the rationale for the allowances is unclear and evidence is limited. This conclusion also applies to the third question posed by the remit, namely whether SEN allowances are used appropriately.

3.27 There is therefore a need for the Department to improve the evidence base, in particular in the areas below.

Labour market

- Numbers of teachers in SEN roles employed in different types of school and service[12] in England and Wales at present, and the numbers likely to be needed in the future
- Recruitment and retention data for teachers in SEN roles in different types of school and service
- Movement of teachers specialising in SEN between different types of school and service

Teachers

- Roles and responsibilities of teachers in SEN-related roles, including in different types of school and service and in the context of workforce remodelling
- Characteristics of teachers receiving SEN allowances, for example age and qualifications, in comparison with other teachers

Current local practice in schools and services

- Managers' perceptions of the functions of SEN allowances and their relative importance
- Factors taken into account in decisions about whether to award teachers additional remuneration in relation to SEN, particularly in the light of the observations above
- Factors taken into account in decisions to reward these teachers with specific types of remuneration (e.g. recruitment or retention incentive, TLR payment, SEN allowance); and in determining the value of payments.

[12] By "different types of school and service" we mean mainstream schools, resourced provision and special units in mainstream schools, special schools, pupil referral units and local authority specialist services.

3.28 We will give further consideration to the three questions in our remit and any additional matters remitted to us by the Secretary of State after the Department has provided further evidence. At this stage, it is too early to determine what changes to the pay system may ultimately be needed. Potential options will include retaining existing SEN allowances, perhaps with modifications; replacing SEN allowances with a new form of payment; making use of other parts of the pay system; and cessation of additional payments in relation to SEN.

3.29 This is a complex and sensitive area, and the next stage of work will therefore need to be managed carefully. Our remit refers to further evidence in 2007 and possible change in 2008. This timetable would mean the Department providing us with the additional evidence that we have requested by May 2007, in order to allow consultees and this Review Body sufficient time to consider it thoroughly. This would be a demanding timetable. Whether we consider the matter in 2007 or in a subsequent review, it is important that we have a sound evidence base and that we are able to do justice to the complexity of this subject.

3.30 Consultees have also highlighted the pay and conditions of unattached teachers. Following the Secretary of State's acceptance of the recommendation in our Fifteenth Report, the Department is investigating the pay and conditions of these teachers (including those who are in the leadership group) in comparison with other teachers[13].

3.31 **We recommend that:**

- **the Department provide additional evidence relevant to our remit[14], focusing in particular on the evidence requirements that we have highlighted in relation to the labour market, teachers and current local practice in schools and services.**

[13] Op.cit. STRB, *Fifteenth Report*, paragraph 5.53; and HC Deb (2004-05) 440, written answers col.951W

[14] STRB's remit: the extent to which SEN allowances fulfil an appropriate function in the teachers' pay and conditions system, whether they are used appropriately and whether there is an overlap in theory or practice with other permitted payments.

CHAPTER 4

The Excellent Teacher Scheme

Introduction

4.1 Our Fifteenth Report recommended that from September 2006, the salary for Excellent Teacher posts be a spot salary, determined by individual schools and services within an ETS salary range of £35,000 to £45,000 in pay bands B to D and extending to £50,000 in pay band A[1]. We also recommended that the ETS be reviewed by December 2008, with the results of the review remitted to this Review Body for consideration and recommendation.

4.2 In response, the then Secretary of State said that it was important that schools had a clear understanding about the potential salary implications of ETS posts so that they could plan effectively; that arrangements for determining ETS salaries were unambiguous and could be implemented effectively; and that the approach to ETS salaries was more generally consistent with the Department's approach to teachers' pay. She decided to defer the introduction of an ETS salary range until September 2008 and that there should be a single salary rate for ETS posts in each pay band in the interim period. She said it would be helpful to keep the ETS under review, but that a review would be most helpful in the context of the Department's wider plans for "new teacher professionalism" and the development of the career structure for the teaching profession as a whole. She would give further thought to the arrangements and timing of a review[2].

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

> *what framework may be appropriate to enable relevant bodies to set a spot salary for Excellent Teachers, within the ranges recommended by the STRB in its 15th Report; and whether, and if so, on what basis, the spot salary may be reviewed.*

Context

4.4 Since May 2006, eligible teachers in England and Wales have been able to apply to be assessed against the ETS professional standards, which at present are the same as standards for the AST scheme. Since September 2006, the first ETS appointments have taken effect. The Department has

[1] STRB (2005) *School Teachers' Review Body Fifteenth Report*, TSO (Cm 6663) paragraph 5.21

[2] HC Deb (2004-05) 440, written answers col.951W

consulted on proposed changes to teachers' professional standards, including for the ETS and AST schemes[3]. In Wales, GTCW has submitted advice to the Welsh Assembly Government on next steps in establishing the proposed Chartered Teacher Scheme[4].

Representations from consultees

4.5 RIG said that arrangements for ETS salaries should be consistent with the general approach to teachers' pay and RIG's view that, within a national framework, the profession looked for certainty in making local decisions on teachers' pay and conditions. Schools needed a basis for reaching fair and consistent decisions on spot salaries for ETS posts that properly reflected the weight of the expectations of the posts and would be attractive to teachers, bearing in mind a range of factors, including that Excellent Teachers could not receive TLR payments. National criteria, similar to those for determining the AST salary range, would ensure clarity and fairness. These, with clear supporting guidance, would give schools the certainty they needed to manage the scheme as an integral part of their staffing and funding structures.

4.6 RIG argued that there should be no scope for differences in pay for ETS posts based on the degree of excellence of teachers or differences in professional duties, which were applicable to all teachers. RIG did, however, expect that in the context of staffing structures, there would be differences in the nature of the work undertaken by Excellent Teachers.

4.7 RIG proposed that the criteria for determining spot salaries for ETS posts should be the nature of the work to be undertaken in the context of the staffing structure in which the teacher was based and the degree of challenge in the expectations of the particular role. RIG wanted to advise schools not to impose constraints beyond these criteria on the use of the full salary range. Schools should decide where to pitch ETS salaries using only the two criteria and should also have a clear and justifiable rationale for any differences in salaries between ETS posts.

4.8 RIG considered that there should be the same scope for schools to review salaries for ETS posts in response to changes to the pay policy or staffing structure as existed for other posts.

4.9 The Welsh Assembly Government emphasised that the national framework needed to enable spot salaries to be set in ways that applied equally in both Wales and England.

4.10 TDA noted that the varying contexts in which Excellent Teachers were appointed might result in differences in the nature and challenges of the work they would undertake. It would therefore be appropriate for spot salaries to be set in line with the responsibilities of post holders.

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[3] Stanley, C. (24 May 2006) *Consultation on the Review of Professional Standards for Teachers*, DfES

[4] GTCW (2006) *A Professional Development Framework for Teachers in Wales: Professional Development, Recognition and Accreditation (Strand 2)*

4.11 NAHT considered that the requirements of ETS posts should be national and standard, but that managers should be allowed to set spot salaries to meet local needs. To simplify pay arrangements and reduce burdens on schools, any national framework should be straightforward and easy to understand. Only simple, minimal national guidance was needed. NAHT said that managers should have flexibility to review spot salaries as part of the annual pay review and in the context of the school's pay policy. Teachers in ETS posts should not expect an automatic or performance-related pay increase.

4.12 NUT did not support the ETS and AST schemes, but since the ETS had been implemented, it wanted common expectations and salaries for all ETS posts. NUT was opposed in principle to differentiated salaries for ETS posts. It considered that the arrangements that STRB had recommended would further fragment and complicate the teachers' pay system. Whatever the criteria by which spot salaries were set, local discretion would, in NUT's view, lead to unfair outcomes for teachers, such as decisions based on schools' budgetary positions. NUT saw the criteria proposed by RIG for determining ETS salaries as broad and unhelpful. RIG's proposed approach would reduce the transparency of pay decisions and increase the potential for unfairness. NUT therefore urged STRB to reconsider its previous recommendations and recommend a single spot salary for all ETS posts, differentiated across the four pay bands. NUT also asked STRB to recommend that Excellent Teachers should be eligible for TLR payments.

4.13 UCAC reiterated its previous reservations about the ETS and AST schemes. It proposed abolishing the ETS and modifying arrangements to allow greater access to TLR payments. But if the ETS continued, the salary range for ETS posts should reflect the range of TLR payments. Schools should be allowed flexibility to choose a spot salary within the range, depending on the specific nature of the ETS post, the size of the school and other factors. UCAC said that either of these approaches would lead to a simpler and more coherent pay system.

4.14 BATOD also continued to have strong reservations about the ETS, which it said was likely to create divisions and bureaucratic burdens for managers and teachers. BATOD was also sceptical about how the scheme related to teachers in specialist services and special schools, particularly with regard to the criteria and assessment arrangements for entry to ETS posts. Take-up of the scheme would also, in BATOD's view, be limited by affordability.

4.15 NGA had concerns about how the ETS would be implemented. Clear guidance would be needed for governing bodies and heads on what factors to take into account when determining the spot salary. GW said it would not be easy to identify "excellent" teachers. At present, governors in Wales were likely to view the award of ETS status as subjective, arbitrary, divisive and irrelevant to the standards agenda and the needs of schools. GW underlined that ETS salaries should match the demands of the role and be sufficient to motivate and retain teachers.

Our approach

4.16 In previous reports, we have emphasised that the ETS should represent a gold standard for classroom teachers to aspire to and a distinctive part of the career structure; that the concept has the potential to make a real contribution in all types and sizes of schools and services; and that it may be particularly helpful in primary schools[5]. But we have also expressed concerns about the ETS as implemented by the Department, including the title "Excellent Teacher" for the specific post; the opportunity for assessment against ETS standards being restricted to teachers in schools with an ETS post available; and the lack of a distinctive positioning of ETS in the career structure alongside TLR, AST and leadership group posts. We continue to have these concerns, particularly with regard to the last point.

4.17 The views and recommendations below are underpinned by our vision, our rationale for introducing the ETS salary range[6] and the points we have made about the STPCD in Chapter 1. They are also consistent with arrangements for determining AST and leadership group salary ranges and the value of TLR payments.

Our views and recommendations

4.18 We were asked to consider what framework may be appropriate to enable relevant bodies to set a spot salary for Excellent Teachers within the ranges we recommended in our Fifteenth Report.

4.19 To help managers to make sound decisions, the STPCD should set broad, high-level criteria for determining spot salaries for ETS posts within the range. In line with our initial views in our last report[7], we have identified three such criteria: the nature of the work to be undertaken by the Excellent Teacher; the degree of challenge of the role; and any additional factors the individual school or service deems appropriate. Since the emphasis must be on managers taking decisions appropriate to local circumstances, it is important that they are given maximum freedom to apply the criteria. Any national guidance on determining spot salaries for ETS posts, in Section 3 of the STPCD for example, should therefore be brief and based on these criteria.

4.20 We were also asked to consider whether, and on what basis, an ETS salary may be reviewed. It follows from our conclusions on the criteria for determining ETS salaries that appropriate grounds for review of an Excellent Teacher's salary would be when there were significant changes in the nature of the work to be undertaken, in the degree of challenge of the teacher's role, or in relation to any additional factor the individual school or service considered appropriate, such as a factor taken into account in determining the original salary. Managers might also wish to look at ETS salaries as part of any wider

[5] STRB (2005) *School Teachers' Review Body Fourteenth Report*, TSO (Cm 6430), Chapter 5; and op.cit. STRB, *Fifteenth Report*, Chapter 5

[6] Ibid. paragraphs 5.10-5.21

[7] Ibid. paragraph 5.19

review of teachers' salaries, for example when staffing structures were reviewed. Revalorisation of the ETS salary range and ETS spot salaries would be covered by our remits on teachers' pay in the normal manner.

4.21 Spot salaries are not pay scales and operate in a different way. This point needs to be clear in communication with teachers and schools about the ETS.

4.22 Managers will need to demonstrate good HR practice when they determine and review ETS spot salaries. As part of this, as we said in our Fifteenth Report, schools and services will need to describe a clear and transparent basis for their decisions in their pay policies. Managers will also need to explain the rationale for decisions clearly to individual teachers.

4.23 **We recommend that:**

- **when individual schools and services determine spot salaries for ETS posts within the ETS salary range, they have regard to the nature of the work to be undertaken, the degree of challenge of the role, and any additional criteria they consider appropriate;**
- **once determined, individual spot salaries for ETS posts be reviewed by the school or service:**
  - **if there are significant changes in the nature of the work to be undertaken, in the degree of challenge of the role or in relation to any additional factor the school or service considers appropriate;**
  - **as part of any wider review of salaries.**

CHAPTER 5

Part-time Teachers

Introduction

5.1 Our Fifteenth Report strongly endorsed the principle that part-time teachers should be treated equally with their full-time colleagues. In response to proposals from RIG, we recommended that the Department undertake work to consider the issues in standardising pay and conditions for part-time teachers, and agreed that detailed work on the modelling and methodology for a standardised approach to calculating part-time teachers' salaries be undertaken[1]. The Secretary of State has now asked us to consider for recommendation:

> *whether, following the STRB's endorsement in its Fifteenth Report of the principle that part-time teachers should be treated equally with full-time teachers, it is now possible to move towards a standardisation of approach to part-time teachers' pay and conditions within the STPCD, in the light of possible solutions to be identified and presented to STRB in evidence.*

Context

Background statistics (January 2006)[2]

- There are 93,000 part-time teachers in England and Wales. 21% of nursery and primary teachers, 18% of special school teachers, 13% of secondary teachers and 33% of other teachers (including unattached teachers) work part-time (headcount figures).
- Part-time teachers make up 10% of the FTE teacher workforce, double the percentage in 1990.
- 91% of part-time teachers are female, compared with 69% of full-time teachers.
- A significantly higher proportion of part-time teachers than full-time teachers have non-permanent employment contracts.

[1] STRB (2005) *School Teachers' Review Body Fifteenth Report*, TSO (Cm 6663) paragraph 6.51

[2] DfES (2006) *Statistical Evidence to STRB*

Representations from consultees

5.2 As they had in 2005, consultees all emphasised that part-time teachers must be treated equally with full-time teachers and made representations about current problems.

5.3 Consultees noted the requirements of employment law and recognised that, in the context of teachers' working time arrangements[3], it was difficult to measure part-time teachers' working time as a proportion of the working time of full-time colleagues in order to calculate fair pro-rata salaries. Consultees all held the view that the STPCD should stipulate how part-time teachers' pro-rata salaries should be calculated. Requiring all schools and services to use the same method would ensure transparency, fairness and equity and support the effective deployment of and expansion of opportunities for part-time teachers.

5.4 RIG said it had considered different methods of calculating part-time teachers' salaries and specifying part-time teachers' working time used by different local authorities. It described several methods and proposed that the following method should form the basis for new provisions in the STPCD that would apply to all part-time teachers employed in regular part-time service, as currently defined in the STPCD[4].

i. A part-time teacher's weekly session time[5] (in hours) is calculated and divided by a comparable full time teachers' weekly session time (in hours) to give the FTE proportion, e.g. 10.5 hours/ 27.5 hours = 0.382 FTE.

ii. The FTE proportion is multiplied by the relevant annual salary, e.g. 0.382 x UPS £31,098 = £11,879. This is the part-time teacher's salary.

iii. The part-time teacher is expected to work the equivalent proportion of the comparable full-time teachers' total annual directed time. This is outlined in the part-time teacher's contract of employment.

5.5 RIG advocated this method because it took account of differences between schools' organisation of sessions. It assumed that part-time teachers' non-directed working time was proportional to that of full-time colleagues. RIG believed that, subject to the detail of implementation, its proposals would comply with employment law, although only the courts could determine this. The application of any new provisions in the STPCD by local managers would be vital. RIG intended to accompany any changes to the STPCD with guidance to promote proper application of the pro-rata principle.

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[3] DfES (2006) *School Teachers' Pay and Conditions Document and Guidance on School Teachers' Pay and Conditions*, TSO, Section 2, paragraph 78

[4] Ibid. Section 2, paragraph 53

[5] Session time as defined by Education *(School Day and School Year) (England) Regulations* (1999) SI 3181 and determined by governing bodies

5.6 RIG noted that requiring all schools to follow its proposed method would probably have cost implications. It had not been possible to quantify these precisely, but the Department expected that the cost would not exceed 0.23% of the total teachers' pay bill. This figure was based on limited information about current practice at local level, and it was not possible to make a fully sound calculation of costs across England and Wales. RIG also noted that the Department could not commit to funding increased costs for part-time teachers' pay in advance of announcements on funding for education after March 2008.

5.7 RIG proposed that it should undertake further work and that the Secretary of State should consult on proposed changes to the STPCD. Depending on the results of this work, new provisions could be introduced to the STPCD from September 2008. RIG also proposed that additional statutory guidance should be considered, for example on managing additional "directed" time and access to CPD for part-time teachers.

5.8 The Welsh Assembly Government said that STRB's recommendations needed to apply equally in Wales and England. It expected the percentage increase in the overall cost of part-time teachers' pay to be similar in Wales. It wished to consider the anticipated cost pressure of part-time teachers' pay with stakeholders and alongside other priorities as part of its normal budget planning process. The Assembly Government agreed with RIG that changes should be brought in from September 2008.

5.9 NAHT proposed amending the STPCD to require that schools, not local authorities, determine part-time teachers' salaries, since schools were in a better position to measure teachers' working time[6]. NAHT said that RIG's proposal would be restrictive and that any time worked by part-time teachers in addition to their pro-rata directed time would need to be remunerated by another method. NAHT also thought that RIG's proposal did not make clear how salaries for part-time members of the leadership group should be calculated, although NAHT was not aware of any problems with schools' existing practices.

5.10 NAHT said that the potential costs of proposals for change needed to be carefully calculated and that cost pressures must be met by Government funding in both England and Wales. NAHT agreed with RIG that the provisions of the STPCD on safeguarding should apply in any situations where part-time teachers' salaries would decrease.

5.11 NUT and UCAC wanted the STPCD to prohibit certain working patterns of part-time teachers, particularly substantial gaps between timetabled sessions, since the teacher would not be paid for these gaps and could not work elsewhere during this "trapped time". UCAC reiterated the proposal it made in 2005 that the STPCD should require that part-time teachers' working time should be in timetabled in blocks of whole or half days.

6 Op.cit. DfES, *STPCD*, Section 2, paragraph 53.1

5.12 NUT saw RIG's proposed method as consistent with its own conclusions. RIG's method would not, however, address all the issues, particularly part-time teachers' attendance at directed time activities in addition to their pro-rata obligation, and how to ensure fair pay for teachers not covered by the working time provisions of the STPCD. NUT also emphasised that guidance should make clear to managers that the pattern of part-time teachers' directed time activities should be agreed before the start of each new academic year, or prior to a teacher starting a new job.

5.13 UCAC said that as well as changes to the way salaries were calculated, strong guidelines were needed on part-time teachers' working time, access to CPD and opportunities for promotion. UCAC suggested that the STPCD should specify arrangements for part-time teachers' attendance at parents' evenings, training days, and other meetings or CPD days when part-time teachers did not normally work.

5.14 NGA emphasised that when changes were introduced, transitional arrangements would be needed to ensure that teachers did not suffer detriment and to give schools time to plan properly.

Teachers employed on a "day-to-day or other short notice basis" (supply teachers)[7]

5.15 RIG said that if its proposed approach were adopted, the position of supply teachers would need to be considered further.

5.16 NUT and UCAC said that there were problems with current practice at local level in relation to the pay and conditions of supply teachers. Some, but not all, of these teachers were part-time. NUT considered that the distinctions between regular employment and supply teaching had blurred, with negative consequences. It proposed new definitions for the two types of employment arrangement.

5.17 NUT made representations about existing provisions of the STPCD on pay for supply teachers and proposed a number of changes: to specify that supply teachers (as redefined) should be paid a daily rate (rather than a monthly salary) only in specific situations; to ensure that schools paid the whole daily rate of 1/195th of the appropriate annual salary to supply teachers in certain circumstances; and to prevent deliberate avoidance by managers of nationally-agreed terms and conditions for teachers employed on a fixed-term basis[8].

5.18 UCAC proposed that once a teacher had worked on a temporary contract for one year, the contract should automatically become permanent.

[7] Ibid. Section 2, paragraph 53

[8] NEOST (2000) *Conditions of Employment for School Teachers in England*

5.19 NAHT said it agreed with NUT that the distinction between "regular" and "casual" teachers had become blurred and that there should be clear definitions in the STPCD. It considered it good practice for teachers who were regularly employed each week, even for a few hours, to have a pro-rata contract. Teachers who were employed on an irregular supply basis should, in NAHT's view, continue to be daily or hourly paid.

Our views and recommendations

5.20 It is a requirement of employment law and the STPCD that part-time teachers be treated equally with full-time colleagues[9]. Similarly, teachers employed on a fixed-term basis must be treated no less favourably than colleagues in permanent posts[10]. In view of the points put to us by consultees, particularly about existing practice, we agree that there should be a single, national method specified in the STPCD for calculating part-time teachers' pro-rata salaries and specifying working time. This will ensure that all schools and services treat part-time teachers fairly and comply with employment law and should also reduce administration in calculating pro-rata salaries. We note that RIG has identified a model that has broad support, though there are still issues to be resolved concerning detail and costs.

5.21 The Department should therefore develop appropriate provisions for the STPCD, in consultation with all interested parties. This is a matter of equal treatment, and the changes should be introduced as soon as practicable. Developing the provisions will be a detailed, technical challenge. They will need to be carefully formulated and specified to ensure compliance with employment law, noting that case law on the application of the pro-rata principle continues to develop[11]. Care will also need to be taken to avoid unintended consequences.

5.22 Two matters require attention as part of this work. There will need to be clarity on the basis for remunerating part-time teachers for additional working time. For most teachers, this will be additional directed time, but Fast Track, AST and leadership group teachers are not covered by the working time provisions of the STPCD. This has implications for calculating pro-rata salaries and remunerating additional working time for part-time teachers in these posts.

5.23 Our Fifteenth Report and consultees have highlighted wider matters in relation to the pay and conditions of part-time and fixed-term teachers, including definitions of employment arrangements in the STPCD[12]; the remuneration of supply teachers and teachers employed for a fixed term; the distribution of part-time teachers' working time in the school day and week; access to CPD and opportunities for career and pay progression; and whether schools or local authorities are best placed to implement provisions in the

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[9] *Part Time Workers (Prevention of Less Favourable Treatment) Regulations* (2000) SI 1551

[10] *Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations* (2002) SI 2034

[11] The pro-rata principle is included in the *Part Time Workers (Prevention of Less Favourable Treatment) Regulations*

[12] Op.cit. DfES, *STPCD*, Section 2, paragraph 78

STPCD about the pay and conditions of part-time teachers. The Department should take appropriate action in these areas to further reinforce the principle of equal treatment between part-time and full-time, fixed-term and permanent teachers.

5.24. **We recommend that:**

- **the Department, in consultation with interested parties:**
  - **develop provisions for the STPCD to stipulate how pro-rata salaries for part-time teachers should be calculated and working time specified;**
  - **give particular attention to the basis for (a) remunerating part-time teachers for additional working time; and (b) calculating pro-rata salaries and remuneration for additional working time for part-time teachers on the Fast Track scheme, in AST posts and in leadership group posts;**
  - **ensure that provisions for the STPCD are fully compliant with employment law;**
- **provisions resulting from this work be introduced to the STPCD as soon as practicable.**

CHAPTER 6

Teachers' Performance and Pay Progression

Introduction

6.1 The Secretary of State asked us to consider for recommendation:

> *with specific reference to the discussions and recommendations in your previous report, the extent to which there should be changes to the provisions of the STPCD to ensure the outcomes of performance management reviews provide the basis for decisions about pay progression, including evidence about the outcomes of CPD; and the extent to which provisions in England and Wales should be identical.*

Context

6.2 Our Fifteenth Report considered relationships between teachers' professional development, performance and pay[1]. We described a continuous cycle of performance, development and reflection, in which teachers' performance was assessed through appraisal and linked with pay progression through the school's pay policy, in accordance with the provisions of the STPCD[2]. We recommended that the outcomes of teachers' CPD and, if appropriate, their contribution to others' development, be taken into account as part of a range of evidence when schools assessed performance for pay progression purposes; and that the Department require schools and services to include details in their pay policy about how performance is assessed for pay purposes and how different factors are taken into account.

6.3 At present, regulations stipulate appraisal arrangements for teachers in England and Wales respectively[3]. Revised performance management regulations and guidance for England were published in autumn 2006 and will come into effect in autumn 2007[4]. The regulations will affect links between performance management and pay progression for all teachers on incremental pay scales in England. The regulations will require pay progression criteria in the STPCD to be taken into account when the management and review of teachers' performance is planned, and that where teachers are eligible for progression, pay should be discussed in performance review meetings and a recommendation on progression made by the reviewer[5].

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[1] STRB (2005) *School Teachers' Review Body Fifteenth Report*, TSO (Cm 6663), Chapter 7

[2] Ibid. Figure 7.1 and paragraph 7.33

[3] *Education (School Teacher Appraisal) (England) Regulations* (2001) SI 2855 and *Education (School Teacher Appraisal) (Wales) Regulations* (2002) SI 1394 (W.137). Performance management is devolved to the National Assembly for Wales.

[4] *Education (School Teacher Performance Management) (England) Regulations* (2006) SI 2661 and RIG (2006) Teachers' and Head Teachers' Performance Management Guidance, DfES

[5] Op.cit. *School Teacher Performance Management (England) Regulations* (2006), Part 2, Sections 13 and 18

Representations from consultees

6.4 RIG emphasised that its representations were made in the context of its work on "new teacher professionalism" and the planned changes to performance management for teachers in England. It said that existing appraisal arrangements provided the links that STRB had recommended between CPD, performance and pay: the revised system for England would strengthen these.

6.5 RIG said that at present there were potentially unhelpful inconsistencies and variations in provisions of the STPCD concerning the links between performance and pay progression. Performance management should provide assessments of the totality of teachers' performance and should be the only process needed to inform decisions about pay progression. RIG proposed retaining the existing criteria for pay progression but replacing the current provisions with a consistent reference ensuring that the outcomes of performance reviews provided the basis for decisions about pay progression. RIG argued that this would enhance transparency and help schools to move closer towards STRB's vision.

6.6 RIG and the Welsh Assembly Government noted that some teachers in England and Wales were covered by the STPCD but not by appraisal regulations.

6.7 TDA endorsed the principle that pay progression should be linked to greater challenge for the individual, provided that teachers were well supported professionally. TDA was working with partners to identify and disseminate CPD impact evaluation measures for schools and to support the introduction of the new performance management arrangements in England.

6.8 NUT and NAHT considered that the Department should have consulted STRB before introducing the new performance management regulations, since the regulations would change the relationship between appraisal and pay progression.

6.9 NAHT had no objection in principle to decisions about pay progression being based on performance. Separate processes for appraisal and pay could lead to unnecessary bureaucracy and workload. At present the STPCD provided the basis for pay progression and appraisal outcomes were subordinate. NAHT said that existing provisions should not be replaced solely by references to the outcomes of appraisal or performance reviews. NAHT argued that draft changes to the STPCD should be put before STRB and consultees to clarify the intended effects of RIG's proposals.

6.10 NUT made wide-ranging representations about CPD and, as in 2005, commended its proposals in *Bringing Down the Barriers*[6]. NUT disagreed with STRB's preference for the term "mutual responsibility" over "entitlement"[7] and proposed amendments to the STPCD to give all teachers a contractual entitlement to CPD.

6.11 NUT stated that there should be no changes to the STPCD to incorporate links between performance management reviews and pay progression. NUT considered that existing appraisal regulations achieved the right balance in the relationship between performance management and decisions on pay[8]. Teachers on the main pay scale should continue to receive one point pay progression for each year of employment, unless the head considered that service had not been satisfactory. Consideration of withholding pay progression should, in NUT's view, only occur when teachers were subject to capability procedures.

6.12 NUT criticised the Department's "new professionalism" policies and, citing academic reports, said there was no evidence that performance-related financial incentives improved the quality of teaching. NUT said that the Department had not adequately assessed the equality impact of pay arrangements, especially links between performance and pay progression. It asked STRB to re-iterate its recommendation that schools and services be required to include details in their pay policies about how performance was assessed for pay purposes, which the Department had not implemented[9].

6.13 UCAC emphasised that it had never been in favour of performance-related pay. The present performance management system was an accepted guide and measure of whether a teacher should progress. UCAC suggested that the STPCD should provide guidelines about what should be done to help teachers if there were any doubts about performance.

6.14 BATOD was concerned about the issues surrounding target setting, performance management and pay and suggested that further information was needed.

6.15 NGA was concerned about integrating performance management and pay. GW had reservations about linking performance to pay progression and emphasised that the identification of CPD needs should be the primary output of appraisal, since this was a powerful means of improving standards of teaching and learning.

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[6] NUT (2004) *Bringing Down the Barriers*

[7] Op.cit. STRB, *Fifteenth Report*, paragraph 7.29

[8] Op.cit. *Education (School Teacher Appraisal) (England) Regulations* (2001), Part 2, Section 22

[9] Op.cit. STRB, *Fifteenth Report*, paragraph 7.36

6.16 Several consultees additionally submitted copies of their responses to the Department's consultations on revised performance management arrangements for teachers in England[10] and professional standards[11] and made wider points on these matters.

Approaches in England and Wales

6.17 RIG said that a particular issue was the extent to which the performance management regulations for England could be tied into the determination of pay without undermining the autonomy of the Welsh Assembly Government on performance management. RIG said its preferred approach would be to use the same, or at least similar, wording in the STPCD for both countries. Performance reviews, whether undertaken on the basis of English or Welsh arrangements, would provide the basis for decisions about pay progression. But this would mean that STRB's recommendations might not be implemented in the same ways, or indeed at all, in Wales. An alternative approach would be for the STPCD to stipulate performance management arrangements for pay purposes for Wales. This would ensure that arrangements were consistent, but could lead to duplication and confusion in Wales.

6.18 The Welsh Assembly Government considered that RIG's "new professionalism" agenda was, as far as pay was concerned, for the Department to implement in both Wales and England. It said that making links between performance and pay dependent on devolved legislation had risks, for example, that arrangements might not operate as intended in Wales or that performance management might be significantly different. Nevertheless, the STPCD could ensure the same essential pay outcomes in both countries without imposing requirements on the Welsh Assembly Government to introduce specific performance management arrangements.

6.19 The Welsh Assembly Government argued that if STRB recommended changes to the provisions of the STPCD to ensure that the outcomes of performance reviews provided the basis for decisions about pay progression, then the STPCD should allow reviews to be undertaken on the basis of English or Welsh arrangements. Existing appraisal regulations were a sufficient basis for the outcomes of CPD to be taken into account as recommended by STRB.

6.20 NUT, UCAC and GW emphasised that the STPCD should not interfere with the autonomy of the Welsh Assembly Government in devolved areas.

Our approach

6.21 In the context of our vision, we have consistently emphasised that fair, rigorous performance management should be the hub of all pay and career progression[12]. In our view, this is a fair and equitable approach that is

[10] Whitehouse, I. (1 June 2006) *Performance Management for Teachers and Head Teachers: Consultation on Draft Revised Regulations and Guidance*, DfES

[11] Stanley, C. (24 May 2006) *Consultation on the Review of Professional Standards for Teachers*, DfES

[12] STRB (2004) *School Teachers' Review Body Thirteenth Report Part 2*, TSO (Cm 6164), Chapter 2

consistent with practice in other professions and has a range of potential benefits, including making clear the importance of good performance; focusing attention on good practice, results, shared goals and values; supporting cultural and practical change; motivating teachers to perform well; and aiding the recruitment and retention of good teachers.

6.22 As we have said in previous reports, the right framework and enablers need to be in place for these benefits to be realised, including good leadership and governance; skilled, well-supported line managers; and consistent and sound HR policies and processes[13]. The first of these is a pertinent issue for the forthcoming review of the leadership group; the last is central to our current remit. The embedding of a rigorous performance management culture will undoubtedly take time, so it is essential that leaders and line managers demonstrate good capabilities in this area and that they are properly supported, encouraged and, where appropriate, challenged.

Our views and recommendations

Performance management and pay progression

6.23 We were asked to consider the extent to which there should be changes to the provisions of the STPCD to ensure that the outcomes of performance management reviews provide the basis for decisions about pay progression, including evidence about the outcomes of CPD; and the extent to which provisions in England and Wales should be identical.

6.24 We support the principle of a formal link between performance management reviews and pay progression for teachers. We are aware from consultees and from our visits to schools that there are concerns about such a link, largely due to concerns about the effectiveness of performance management. We have heard concerns that appraisal might involve crude targets and narrow measures of performance, leading to unfair decisions on pay progression; and about whether it is possible or helpful to differentiate between individuals' performance when teachers often work in teams.

6.25 Performance management is outside our remit, but it seems to us that such concerns are not insurmountable. Similar issues are addressed in other professions, and solutions can be found. In schools and services where teachers' performance is managed effectively, performance management arrangements recognise complex environments and team-working, there is ongoing professional dialogue and line managers make appropriate assessments of teachers' all-round performance, enabling teachers to be fairly rewarded.

[13] Op.cit. STRB, *Fifteenth Report*, Chapter 7

6.26 The STPCD should specify a consistent link between performance management reviews and pay progression for all teachers on incremental pay scales. For these purposes, the term "performance management reviews" means the annual reviews of teachers' performance required by the *School Teacher Performance Management (England) Regulations (2006)* and the *School Teacher Appraisal (Wales) Regulations (2002)* respectively.

6.27 When the *School Teacher Performance Management (England) Regulations (2006)* come into effect, there will be some differences in how teachers' performance is managed between England and Wales. We see no problem in principle with this, provided that performance management arrangements in both countries are robust and fit for the purpose of informing decisions on pay progression. Criteria for pay progression specified in the STPCD will continue to apply in both countries. The provisions of the STPCD should therefore be identical for England and Wales. The STPCD currently refers to the *School Teacher Appraisal (England) Regulations (2001)* for teachers in England and will need to be updated.

6.28 The Department and the Welsh Assembly Government will need to consider what arrangements should be put in place for teachers who are covered by the provisions of the STPCD but not by performance management or appraisal regulations.

6.29 At present, there is some confusion in the STPCD provisions concerning the links between performance management reviews and pay progression. There are explicit links for some groups of teachers, but not others, and there are anomalies and overlaps between the STPCD and the regulations in paragraph 6.26. There are two specific areas that require attention, one concerning teachers on the UPS, AST and leadership group pay scales; the other, teachers on the main pay scale.

6.30 For teachers on the *UPS, AST and leadership group pay scales*, the STPCD requires that before pay progression can take place, a performance management review is completed, and a decision taken that a performance-related criterion has been met[14]. This link between performance management and pay progression should remain in place.

6.31 In some cases, however, provisions in the STPCD additionally stipulate how performance should be managed[15]. For ASTs, for example, it specifies what should be included in objectives and what factors should be taken into account when performance is reviewed. This duplicates aspects of the regulations in paragraph 6.26. We are satisfied that if teachers' performance is

[14] DfES (2006) *School Teachers' Pay and Conditions Document and Guidance on School Teachers' Pay and Conditions*, TSO, Section 2, paragraphs 7.3(b) (criterion for pay progression for head teachers), 13.3(a) (criterion for pay progression for deputy head teachers), 15.3(a) (assistant head teachers), 19.4 (teachers on the upper pay scale) and 31.6 (Advanced Skills Teachers) and associated guidance in Section 3, for example paragraphs 26, 27 and 66 to 68

[15] Ibid. Section 2, parts of paragraphs 7.2, 13,2, 15.2 and 31.5 and associated guidance in Section 3

managed in accordance with those regulations, then performance reviews should provide all the information necessary to inform their decisions on whether teachers on UPS, AST or leadership group pay scales have met the criteria for pay progression in the STPCD.

6.32 In the light of this and the points about the STPCD in Chapter 1, we consider that the provisions on managing the performance of these groups of teachers should be removed from the STPCD and replaced by simpler provisions making reference to performance management arrangements in England and Wales respectively[16].

6.33 For teachers on the *main pay scale*, the STPCD currently includes no requirement for a performance management review and no explicit criterion for pay progression. It provides that teachers receive one point pay progression each year until they reach the top of the scale, with an implied criterion of satisfactory performance. In addition, managers can withhold or defer progression if they notify a teacher in writing that his or her service was not satisfactory; they can also award two points in one year to teachers whose performance was excellent[17]. Similar arrangements are in place for *unqualified teacher*s[18].

6.34 These arrangements are anomalous in comparison with those for other teachers eligible for progression on incremental pay scales. They are also inconsistent with the *School Teacher Performance Management (England) Regulations (2006)*, which, as outlined in paragraph 6.3, prescribe specific links between performance management and the STPCD[19].

6.35 We therefore consider, pursuant to our general conclusions above, that new STPCD provisions on pay progression for teachers on the main pay scale should require a performance management review to be completed, and a decision taken on the basis of that review that a performance-related criterion for pay progression has been met. The criterion should be an explicit statement of the current implied criterion of satisfactory performance. The same conclusion applies to unqualified teachers.

6.36 The introduction of a consistent link between performance management and pay progression for all teachers will have important benefits. It will build on existing good practice in schools and services; align pay progression arrangements for teachers on the main pay scale and unqualified teachers with those already in place for other teachers on incremental pay scales; improve consistency between the STPCD and the *School Teacher Performance Management (England) Regulations (2006)*; and help ensure that teachers see the link between performance and remuneration from the

[16] Op.cit. *School Teacher Performance Management (England) Regulations* (2006) and *School Teacher Appraisal (Wales) Regulations* (2002)

[17] Op.cit. DfES, STPCD, Section 2, paragraph 18

[18] Ibid. Section 2, paragraph 41

[19] Op.cit. *School Teacher Performance Management (England) Regulations* (2006), Part 2, Section 18

beginning of their career. It will help teachers to prepare for threshold assessment and for the framework of accountability they will face when they progress to more senior positions. And it will provide a better basis for the use of existing pay flexibilities, helping schools to reward excellent performance with double increments, and to distinguish more effectively between unsatisfactory performance meriting deferral or withholding of pay progression, and serious underperformance meriting capability procedures.

6.37 We welcome consultees' assurances that the performance management arrangements for teachers in both England and Wales enable the outcomes of teachers' CPD and, when appropriate, their contribution to others' development, to be taken into account when performance is assessed and decisions taken about progression, in the way that we described in our Fifteenth Report.

6.38 Transparency about schools' decisions is particularly important in the sensitive area of performance and pay. At present, the STPCD requires that local pay policies explain how pay decisions are made, but does not make clear the need for those policies to set out how teachers' performance is assessed for pay purposes and how different factors are taken into account[20]. We continue to believe that local pay policies should be explicit on this point, and therefore reiterate our recommendation from our Fifteenth Report.

6.39 **We recommend that:**

- **all progression on incremental pay scales follow a performance management review[21] and determination by the individual school or service that the individual teacher's performance has satisfied an explicit, performance-related criterion for pay progression in the STPCD[22];**
- **consequential amendments to the STPCD be made, including to make explicit the criterion of satisfactory performance for pay progression on the main pay scale and the pay scale for unqualified teachers, and to remove provisions concerning how teachers' performance should be managed;**
- **as recommended in our Fifteenth Report, the Department require schools and services to include details in their pay policy about how performance is assessed for pay purposes[23].**

[20] Op.cit. DfES, *STPCD*, Section 3, paragraph 8

[21] "Performance management review": the annual review of a teacher's performance undertaken in accordance with the *Education (School Teacher Performance Management) (England) Regulations* (2006) SI 2661 or the *Education (School Teacher Appraisal) (Wales) Regulations* (2002) SI 1394 (W.137)

[22] Op.cit. DfES, STPCD, Section 2, paragraphs 7.3(b)(iii) (criterion for pay progression for head teachers), 13.3(a)(ii) (criterion for pay progression for deputy head teachers), 15.3(a)(ii) (assistant head teachers), 18.1.1(b) (teachers on the main pay scale) 19.4 (b) (teachers on the upper pay scale), 31.6 (Advanced Skills Teachers) and 41.5 (unqualified teachers); and associated guidance in Section 3

[23] Op.cit. STRB, *Fifteenth Report*, paragraph 7.36

CHAPTER 7

Approaches to Pay in England and Wales

Introduction

7.1 The Secretary of State asked us to consider for recommendation:

> *given the independent educational developments and directions in England and Wales in the light of devolution, whether the STRB considers that it is appropriate for an identical approach to pay matters across both England and Wales to be maintained or whether a more flexible approach might be adopted.....this is a longer-term issue on which the STRB's initial views are sought.*

7.2 The Secretary of State said that although we were asked to reflect on these issues now, further thought and discussion would be needed before any firm recommendations on change could be made. He sought our interpretation of this issue in the light of the divergences in the England and Wales educational framework arising from devolution.

Context

7.3 The National Assembly for Wales has devolved responsibilities for and powers over a range of education matters. These include funding for schools and a number of workforce issues, including performance management, teacher training, CPD, induction, some professional standards and training bursaries and golden hello payments. Teachers' pay and conditions remain the responsibility of the Department.

7.4 The Government of Wales Act, which will come into force in summer 2007, will enhance the Assembly's powers to make laws in areas for which it has responsibility. The Act also provides for the possibility of further powers being conferred on the Assembly in the future[1].

Representations from consultees

7.5 RIG emphasised that its representations did not concern the devolution of pay matters or locally determined pay. They were intended to open up a debate about how the current situation might most helpfully be managed. RIG said that although there were variations between England and Wales in the context in which teachers and head teachers worked, there were no essential differences in teachers' roles. Differences in education policy did not require specific changes to pay matters or increased flexibility.

[1] *Government of Wales Act* (2006) (c.32)

7.6 RIG considered the core issue to be the increasing difficulty of detaching pay from devolved matters, including education funding, performance management, CPD and induction. The "new professionalism" agenda was driving policy development on teachers' pay and conditions and was underpinned by provisions in the STPCD, so had an impact on Wales. Key current issues were links between performance management and pay progression and professional standards.

7.7 RIG said that the Welsh Assembly Government was fully involved in its work, but that not all issues could easily be resolved. For example, the timing of the review of school staffing structures in Wales had not tied in with the dates set in the STPCD for the cessation of new management allowances and the start of safeguarding arrangements.

7.8 RIG said that local flexibilities in the STPCD were welcome, but should not result in a difference in the overall treatment of teachers in England and Wales. The effects of pay arrangements and the timing of any changes should be identical in England and Wales and in line with STRB's vision. A range of approaches would be needed to meet these principles. Identical wording in the STPCD may not always be appropriate, especially when this would not necessarily lead to the same outcomes. RIG asked STRB to reflect on these principles and on whether it was better to have a pay system that looked the same on paper but was different in practice, or have one which was consciously designed to produce the same effect in both countries. This may mean that the STPCD would look different for each country or drive policy decisions by the Welsh Assembly Government in devolved areas.

7.9 The Welsh Assembly Government said that STRB's remit from the Secretary of State was not intended to cover the devolution of pay and conditions. This issue would need to be considered in the context of the provisions of the Government of Wales Act. It had no intention of seeking the devolution of teachers' pay and conditions when there was no appetite for this in advance of the wider enhancement of the Assembly's powers.

7.10 The Welsh Assembly Government described the direction and distinctiveness of education policy in Wales. Although there were clear and developing differences with England, these were not resulting in significant differences in the duties of or demands on teachers. The STPCD had equal relevance in both countries and in the vast majority of instances delivered equal outcomes for teachers.

7.11 The Welsh Assembly Government emphasised that differences in the two countries might affect the operation of the pay system. Scope for differences arose when implementation of pay policy was optional and relied on specific funding or initiatives to take effect. The provisions in the STPCD theoretically worked in exactly the same way for both countries, but differences in outcomes would occur due to factors outside the scope of the pay system. The Welsh Assembly Government said that changes to teachers' pay and conditions should be made in a way which, whilst possibly involving different provisions in some parts of the STPCD, could be applied equally and fairly so that outcomes were the same in both countries.

7.12 NUT, NAHT, NGA, BATOD and GW wanted existing arrangements for teachers' pay and conditions in England and Wales to be retained. Several of these parties highlighted problems that could occur if there were separate arrangements for teachers in Wales. Several parties also stated that it would not be appropriate for STRB to have any involvement in the devolution of pay and conditions to the National Assembly for Wales.

7.13 NUT welcomed RIG and the Welsh Assembly Government's view that there were no significant differences in the role of teachers between England and Wales. Differences in Wales arose within the framework of the existing system and had not produced anomalous outcomes in pay. STRB should not conclude from decisions on pay and conditions that had been helpful to teachers in Wales that a common approach could not be taken.

7.14 NAHT noted that the STPCD included considerable discretion, for example to address recruitment and retention issues. Existing flexibilities were sufficient to allow contextualisation to the Welsh political and educational landscape.

7.15 GW said that it expected policy and practice between Wales and England to diverge further. The STPCD provided a considerable degree of flexibility and discretion to meet conditions in Wales.

7.16 UCAC would only support changing the national pay structure when all educational matters were fully devolved to the Welsh Assembly Government. UCAC welcomed the flexible approach that was being taken and said that Wales did not and should not have to adopt initiatives like the ETS and AST schemes.

Our approach

7.17 As we noted in our Fifteenth Report, the national framework of pay and conditions for teachers in England and Wales includes scope for significant local discretion[2]. Policies and practices in schools and services in England and Wales need not be identical, provided that they are consistent with the rules, parameters and guidance in the STPCD.

Our views

7.18 Most consultees said that the main issue of relevance to this part of our remit was the relationship between performance management and pay progression. Our recommendations in Chapter 6 reinforce the principle of a coherent national framework within which English and Welsh performance management arrangements co-exist.

[2] STRB (2005) *School Teachers' Review Body Fifteenth Report*, paragraph 5.54

7.19 We note that there are distinctions and differences between England and Wales in the areas of devolved responsibility outlined in paragraph 7.3. For example, in Wales, there is an early professional development programme, and a Chartered Teacher Scheme has been proposed by GTCW[3], but there is no Fast Track scheme. The scope for local discretion within the national framework means that there are also differences in local practice between, and indeed within, the two countries. For example, there is variation in the types of teaching posts included in schools' staffing structures.

7.20 We have concluded that at present, the existing national framework with local discretion provides sufficient flexibility to accommodate differences that have arisen to date between England and Wales, none of which challenge the principle in paragraph 7.17. The Department should, however, keep this matter under review in consultation with the Welsh Assembly Government, since education is a dynamic field and it is possible that that there could be developments in the future that would require this conclusion to be revisited.

[3] GTCW (2006) *A Professional Development Framework for Teachers in Wales: Professional Development, Recognition and Accreditation (Strand 2)*

CHAPTER 8

Teachers' Professional Responsibilities

Introduction

8.1 In 2005 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. In our Fifteenth Report, we agreed in principle with the majority of consultees that a review of the statements of duties in the STPCD was needed, but did not think it appropriate for work to begin on a revised text[1].

8.2 We recommended that consultees consider the fundamental question of whether a description of teachers' professional role and responsibilities was needed (specifically whether it was needed in the STPCD), and present us with written evidence and views[2]. We would then consider how work on teachers' professional responsibilities might best be taken forward.

8.3 We subsequently invited consultees to make representations on the fundamental question and related matters, as outlined in Appendix B. The Secretary of State has now asked us to respond to those representations and make a recommendation on next steps.

Context

8.4 The STPCD includes statements of professional duties of head teachers, Advanced Skills Teachers, Excellent Teachers and classroom teachers[3]. The same parts of the STPCD include provisions on other aspects of teachers' conditions of employment, including working time and provisions introduced following the National Agreement, for example on 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. The STPCD also stipulates arrangements for additional payments to teachers for undertaking additional responsibilities, for example TLR payments.

[1] STRB (2005) *School Teachers' Review Body Fifteenth Report*, TSO (Cm 6663), paragraph 8.27

[2] Ibid. paragraph 8.31

[3] DfES (2006) *School Teachers' Pay and Conditions Document and Guidance on School Teachers' Pay and Conditions*, TSO, Section 2, parts IX, X, XI and XII and Annex 5

8.5 The STPCD includes professional standards for the threshold, AST and ETS, Fast Track and Chartered London Teacher[4]. Following work by TDA, the Department consulted in 2006 on proposed changes to the framework of professional standards, including the standards in the STPCD[5]. GTCW has proposed changes to professional standards for teachers in Wales[6].

8.6 A Code of Conduct and Practice[7] applies to teachers in England, published by GTCE, which recently revised its advisory Statement of Professional Values and Practice[8]. In Wales, there is an advisory Statement of Professional Values and Practice, published by GTCW[9].

Representations from Consultees

8.7 The majority of consultees considered that having statements of duties in the STPCD provided a clear, legislative framework outlining expectations of teachers. This was also useful for teachers and managers and helped to ensure consistency and fairness in the management and deployment of teachers, good industrial relations and the achievement of high standards in schools and services. Different consultees said that having statements of professional duties in the STPCD had the following benefits:

- teachers' duties were consistent across the maintained sector in England and Wales: the STPCD provided the authoritative point of reference and had legal status. This supported the movement of teachers between schools, reduced administrative burdens on heads, governors and local authorities and was helpful in cases of disagreement;
- employment contracts and job descriptions of individual teachers were in line with national expectations;
- there was clarity about teachers' duties and their relationship with pay. Teachers, managers and other interested parties knew what might be expected of teachers at each career stage in return for remuneration and this was clear in contracts of employment. This helped managers with recruitment, deployment and remuneration and teachers to plan their careers. But several consultees said that there were problems at present, for example in relation to the award of TLR payments and the responsibilities of teachers and support staff;
- schools could not impose inappropriate duties on teachers, which helped with workload;
- managers could take action in cases where teachers' performance or conduct in relation to the duties was unsatisfactory; and

[4] Ibid. Section 2, Annex 1 to 4

[5] Stanley, C. (24 May 2006) *Consultation on the Review of Professional Standards for Teachers*, DfES

[6] GTCW (2005) *Professional Development Framework for Teachers in Wales*

[7] GTCE (2004) *Code of Conduct and Practice for Registered Teachers: Setting Minimum Standards for the Regulation of the Profession*

[8] GTCE (2006) *Statement of Professional Values and Practice for Teachers*

[9] GTCW (2006) *Statement of Professional Values and Practice*

- teachers, particularly heads, were contractually responsible for carrying out certain activities required by wider legislation.

8.8 All the consultees thought that statements of teachers' professional roles and responsibilities were needed in the STPCD. The following additional points were made by different consultees:

- removing duties from the STPCD and thereby changing their legal status would have significant negative consequences in the areas above;
- the education system was largely governed by statute. The STPCD set the national framework for pay and conditions and it was appropriate for it to include statements of duties. Consultees argued that this was not inconsistent with teachers' status as professionals, as STRB had suggested[10];
- as the extended and community-focused schools initiatives progressed it would be important for duties to be clearly defined;
- in the current context, dropping duties from the STPCD would send a message that teachers' legal protections had been removed.

Proposals for change

8.9 Most consultees held the view that the existing statements of duties in the STPCD should be revised, and referred STRB to representations they had made in 2005[11]. Several also suggested that the duties were not sufficiently well known or understood.

8.10 RIG argued that a revised national framework of professional duties in the STPCD would be an integral part of the "new teacher professionalism". RIG said that it was not yet appropriate to draft revised duties, due to the timescales associated with developments that would have a significant impact on the content of the duties and the need for the timing of any changes to be aligned with other relevant changes, especially in relation to the leadership group. RIG proposed that revised duties should be introduced to the STPCD in September 2008 and be published at an earlier stage to give schools time to plan and prepare for their introduction.

8.11 RIG proposed that a revised framework of duties in the STPCD should:

- establish parameters within which local roles and responsibilities could be set;
- provide clarity and certainty of expectation for employers and employees;

[10] Op.cit. STRB, *Fifteenth Report*, paragraphs 8.25 and 8.28

[11] Consultees' representations on teachers' professional responsibilities in 2005 were summarised in op.cit. STRB, *Fifteenth Report*, Chapter 8

- include generic professional duties and entitlements and specific responsibilities associated with particular roles;
- take account of the workforce remodelling agenda and meet the provisions of the National Agreement;
- take account of the "new professionalism" agenda; and
- be capable of enduring over time.

8.12 The Welsh Assembly Government emphasised that any changes to duties should apply equally and fairly to both Wales and England and that proper account would need to be taken of any issues relating to devolved areas.

8.13 NUT and GTCE suggested that in addition to statements of teachers' duties in the STPCD, there was a need for a regulatory definition of the core characteristics of qualified teachers and separate regulations defining the work of support staff. UCAC similarly wanted to distinguish teachers' roles, responsibilities and accountabilities from those of teaching assistants.

8.14 NAHT suggested that in the long-term, coherent terms and conditions for employees in different children's services might be necessary. NAHT welcomed RIG's proposed timing for work on teachers' duties, since this would coincide with the review of the leadership group.

8.15 NUT said that it might be helpful to clearly separate duties from other matters in the STPCD. It also proposed separate statements for teachers with additional responsibilities, to help teachers to understand their own and others' roles and to help ensure fair remuneration. NUT did not think that any existing duties were out-dated. NUT wished to participate in work to review and revise duties.

8.16 UCAC wanted consideration to be given to unattached teachers and to how the STPCD applied outside school settings. BATOD said that the existing duties did not reflect the role of teachers working in specialist services and that this was a factor in local authorities seeking to increase teachers' responsibilities without suitable remuneration and employing teachers under arrangements other than the STPCD. It proposed revising statements of duties to encompass the roles of unattached teachers. It suggested drawing up statements of the roles and responsibilities of teachers specialising in fields of SEN and gave examples of the types of duties that peripatetic teachers of the deaf might undertake. BATOD argued that these changes would improve consistency and help ensure that unattached teachers were covered by the provisions of the STPCD.

Our approach

8.17 Our views and recommendations on this part of our remit are underpinned by our vision and build on the views we have expressed in our Fifteenth Report and in Chapter 1.

8.18 In this chapter, we refer to teachers' professional "roles and responsibilities". By this we mean the professional functions of teachers and areas over which they have authority and for which they are accountable. In fulfilling their roles and responsibilities, teachers develop as professionals and contribute to achieving the goals of their school or service, such as high standards and good outcomes for pupils.

8.19 Roles and responsibilities are distinct from teachers' objectives, values, conduct, capability, qualifications, competencies, skills and attributes, which are not the appropriate domain of the STPCD. The roles and responsibilities of teachers are also distinct from those of employers. We do not use the term "duties" because in our view it is outdated, not in keeping with teachers' professional status and implies that teachers need a specified list of tasks to do their jobs. We also prefer the term "employers' responsibilities" to "entitlements", since the latter implies that schools and services need detailed national prescription in order to manage teachers effectively.

Our views and recommendations

8.20 In view of the strength of consultees' shared views on this part of our remit, we agree that statements of teachers' professional roles and responsibilities should continue to be included in the STPCD. This matter should, however, be reviewed again at an appropriate time in the future.

8.21 As we said in our Fifteenth Report, against a dynamic background in schools and services and in view of teachers' status as professionals, the existing statements of duties in the STPCD fall seriously short. It remains our view that the statements are outdated, do not present a positive picture of teaching are too lengthy, detailed and prescriptive, and inhibit change[12]. There is also duplication with teaching standards and statements of professional values. We therefore agree in principle that they should be replaced with new statements of teachers' professional roles and responsibilities.

8.22 Despite these shortcomings, now is not the appropriate time for the existing statements of duties to be replaced. The impact of many relevant changes is not yet clear, including developments in schools and services with implications for teachers' responsibilities, revision of professional standards in England and Wales and the forthcoming review of the leadership group. Other relevant reviews or evaluations may also be on the horizon, of the ETS and

[12] Ibid. paragraphs 8.25-8.26

AST schemes, TLR payments and SEN allowances. All of these will have an impact on new statements of teachers' roles and responsibilities in the STPCD.

8.23 As outlined in Chapter 1, the national framework of pay and conditions – and specific elements of this framework – should be underpinned by clearly stated objectives. This is consistent with good HR, finance and change management practice. We note from the representations outlined above that although there is much common ground, consultees seem to have a range of views about the core purpose of statements of teachers' professional responsibilities and, associated with this, what the new statements should contain. It is important, therefore, that the Department makes clear its objectives for the new statements in order to inform consultation, guide work to prepare new statements and support future evaluation of their effectiveness.

8.24 In our view, the purpose of the new statements should be to specify for teachers and employers the main contractual responsibilities – and only the main contractual responsibilities – for which qualified teachers are remunerated. The emphasis should be firmly on ensuring high standards and the best possible outcomes for all pupils. The statements should support the effective management and remuneration of teachers in the context of ongoing change in schools and services; and contribute to recruitment and retention, career development and the movement of teachers between schools and services.

8.25 To fulfil their purpose, the new statements should be:

- focused on high standards in schools and services and good outcomes for pupils;
- clear and accessible, describing the main contractual responsibilities for which qualified teachers are remunerated;
- in a dedicated section of the STPCD, separate from other conditions of employment, such as working time and the responsibilities of employers, including those arising from the National Agreement;
- credible and relevant to teachers whatever their career stage and in different schools and services;
- concise, enabling and flexible. This is important in the context of teachers' professionalism and changes in schools and services and will require the removal of material that emphasises inputs rather than outcomes, duplicates other documents or provides unnecessary detail on specific tasks; and
- distinct from, but complementary to, GTC publications[13] and professional standards[14]. A clear structure that allowed teachers and employers to see which professional standards related to specific aspects of teachers' responsibilities would be helpful.

[13] Op.cit. GTCE, *Code of Conduct and Practice for Registered Teachers and Statement of Professional Values and Practice;* and op.cit. GTCW, *Statement of Professional Values and Practice*

[14] "Professional standards": the standards included in op.cit. DfES, *STPCD*, Section 2, Annex 1 to 4; and the additional standards in the frameworks of professional standards for teachers applying in England and Wales respectively.

We are attracted to the Scottish model of concise, specific statements that do not function as a prescriptive list[15].

8.26 **We recommend that:**

- **the Department, in consultation with interested parties, prepare new statements of teachers' professional roles and responsibilities which are:**
  - **focused on high standards and pupil outcomes;**
  - **clear and accessible;**
  - **credible and relevant to teachers;**
  - **concise, enabling and flexible;**
  - **in a dedicated section of the STPCD, separate from other conditions of employment; and**
  - **distinct from, but complementary to, GTC publications[16] and professional standards[17];**
- **new statements be prepared after the review of the leadership group has been completed, and take account of developments in relation to TLR payments, SEN allowances and the ETS and AST schemes.**

[15] Scottish Executive (2001) *A Teaching Profession for the 21st Century: agreement reached following recommendations made in the McCrone Report*, Section 2 and Annex B

[16] Op.cit. GTCE, *Code of Conduct and Practice for Registered Teachers and Statement of Professional Values and Practice;* and op.cit. GTCW, *Statement of Professional Values and Practice*

[17] See footnote 14.

CHAPTER 9

Forward Look

9.1 In the Introduction, we emphasised the importance of improving the national framework of pay and conditions and developing good HR practice in schools and services to ensure the achievement of our vision and equip schools to succeed in a changing environment. Progress in these vital and inter-related areas at national and local level is a joint endeavour, in which good communication and wide consultation will be key.

9.2 The recommendations in this report will take schools and services further forward on this journey. They will establish a rigorous, transparent and consistent relationship between performance and pay progression; ensure that part-time teachers are treated equally with full-time colleagues; help schools and services to set spot salaries for Excellent Teacher posts that are fair, transparent and appropriate in the light of local circumstances; and contribute to the recruitment and retention of mathematics and science teachers and the improvement of the quality of teaching and learning in these and other priority subjects. In other areas, including SEN allowances and teachers' professional responsibilities, we have outlined steps towards further improvements in the future.

9.3 Reviewing the strategic context for our work[1], and looking forward, it is clear that the challenges facing schools and services continue to be significant, not least in the arena of providing high-quality, integrated services for children and young people. As outlined in our Fifteenth Report, the capabilities of the leadership group are of central importance in meeting these challenges[2]. Following the Secretary of State's acceptance of our recommendations for a fundamental review of school leadership, the Department commissioned an independent study, due to be completed by December 2006[3]. We look forward to considering this and wider evidence in responding our remit in 2007[4].

[1] STRB (2005) *School Teachers' Review Body Fifteenth Report,* TSO (Cm 6663) Chapter 1

[2] Ibid. paragraphs 4.24-4.32

[3] HC Deb (2004-05) 440, written answers col.951W; and DfES (16.02.06) *Press Notice: Final Proposals for Teachers' Pay*. Information about the leadership group study commissioned by DfES is available at: <http://www.teachernet.gov.uk/news/?id=1017>

[4] STRB (2005) *School Teachers' Review Body Fifteenth Report,* paragraphs 4.32 and 5.53

APPENDIX A

Remit and Directions from the Secretary of State

Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT
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Rt Hon Alan Johnson MP

17 May 2006

Mr Bill Cockburn CBE TD
Chairman
School Teachers' Review Body
Office of Manpower Economics
6th Floor
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LONDON
SW1E 6SW

Dear Bill

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 the STRB's previous work, we already have a pay award running until September 2008; this is therefore a year in which the STRB is not being asked to make major pay recommendations. We are also taking forward your recommendations on a number of other fronts. Work on the Leadership Review is well in hand and we are beginning to take forward other issues raised in your report, some of which are further reflected in this remit. As signalled in our joint evidence to you about the new professionalism we are working with partners on the introduction of more effective performance management arrangements and working with both the Training and Development Agency for Schools and partners on the development of revised framework of professional standards for schools. These matters will be the matter of full consultation with interested parties. The revisions to the 'pay standards' will not be put to the STRB for consideration because my view is that these are subsidiary matters under sections 125(3)(a) and (b) of the Education Act 2002 and so will be the subject of statutory consultation with the usual parties.

A number of aspects of this remit look ahead to the future rather than to immediate change. There are matters which I am asking the STRB to reflect on now, but which are likely to lead to further thought and discussion before any firm recommendations for change can be made.

This includes England and Wales issues. On the areas related to the five-year strategy and the New Professionalism agenda in particular, evidence and comments necessarily relate essentially to England. The STRB itself has identified risks inherent with the

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different financial and legal framework in the two countries and the potential for divergent outcomes. It would be valuable to have the STRB's interpretation of this issue in relation to pay systems in the light of the divergences in the England and Wales educational framework arising from devolution.

I also plan to refer in my remit next year to the 'Gateways to the Professions' report, and to ask the STRB to have regard to relevant issues resulting from changes in student support arrangements.

Considerations to which the STRB is to have regard

The considerations should include the following:

a. the need for all recommendations to be affordable;

b. the context of the developments in new professionalism and the range of work already in hand following the Review Body's Fifteenth Report;

c. the need for coherence across the pay system;

d. the importance of promoting the simplification of the pay system.

It is also essential that the Review Body give due regard to the relevant legal obligations, particularly anti-discrimination legislation regarding 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 there are steps that should be taken to improve the use of current pay incentives and flexibilities to improve the recruitment, retention and quality of science and mathematics teachers;

b. whether science teachers who are not physics and chemistry specialists should receive an incentive to encourage them to complete physics and chemistry continuing professional development enhancement, leading to an accredited qualification, to enable them to teach those subjects effectively;

c. the extent to which SEN allowances fulfil an appropriate function in the teachers' pay and conditions system, whether they are used appropriately and whether there is overlap in theory or practice with other permitted payments, in preparation for further evidence in 2007 and possible change in 2008;

d. what framework may be appropriate to enable relevant bodies to set a spot salary for Excellent Teachers within the ranges recommended by the STRB in its 15th Report; and whether, and if so, on what basis, the spot salary may be reviewed;

e. whether, following the STRB's endorsement in its Fifteenth Report of the principle that part-time teachers should be treated equally with full-time teachers, it is now possible to move towards a standardisation of approach to part-time teachers' pay and conditions within the School Teachers' Pay and Conditions Document, in the light of possible solutions to be identified and presented to the STRB in evidence;

f. with specific reference to the discussions and recommendation in your previous report, the extent to which there should be changes to the provisions of the School Teachers' Pay and Conditions Document to ensure the outcomes of performance management reviews provide the basis for decisions about pay progression, including evidence about the outcomes of CPD; and the extent to which provisions in England and Wales should be identical;

g. given the independent educational developments and directions in England and Wales in the light of devolution, whether the STRB considers that it is appropriate for an identical approach to pay matters across both England and Wales to be maintained or whether a more flexible approach might be adopted. As indicated above, this is a longer-term issue on which the STRB's initial views are sought.

I also expect your report to include a response on the evidence to be submitted by 1 September 2006 on whether a description of teachers' professional role and responsibilities is needed, following the recommendation in your 15th Report, together with a recommendation on next steps.

Timescale for report

In order to allow adequate time for consideration of and consultation on your recommendations, your report should be with me by Friday 22 December.

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

Yours sincerely

ALAN JOHNSON

APPENDIX B

Conduct of the Review

B1 On 17 May 2006, the Secretary of State for Education and Skills asked us to consider eight matters on teachers' pay and conditions and submit a report by 22 December 2006. We were required to have regard to a number of considerations. The Secretary of State's letter is at Appendix A.

B2 We worked to respond to our remit from May to December 2006. On 18 May 2006, we gave the following organisations the opportunity to make written representations and provide evidence:

Government organisations
Department for Education and Skills (DfES)
General Teaching Council for England (GTCE)
General Teaching Council for Wales (GTCW)
Office for Standards in Education (Ofsted)
Training and Development Agency for Schools (TDA)
Welsh Assembly Government

Association of local authorities
National Employers' Organisation for School Teachers (NEOST)

Organisations representing teachers
Association of School and College Leaders (ASCL)
Association of Teachers and Lecturers (ATL)
British Association of Teachers of the Deaf (BATOD)
National Association of Head Teachers (NAHT)
National Association of Schoolmasters Union of Women Teachers (NASUWT)
National Union of Teachers (NUT)
Professional Association of Teachers (PAT)
Undeb Cenedlaethol Athrawon Cymru (National Association of the Teachers of Wales) (UCAC)

Organisations representing governors
Information for School and College Governors (ISCG)
National Association of School Governors (NGA)

Others
Agency for Jewish Education
Association of Foundation and Voluntary Aided Schools
Catholic Education Service
Education Office of the Methodist Church
Foundation and Aided Schools' National Association
The Free Churches' Council - Education

General Synod of the Church of England Board of Education
National Primary Schools' Association

B3 ASCL, ATL, DfES, NASUWT, NEOST and PAT are members of the Rewards and Incentives Group (RIG). These parties chose to submit evidence and representations as a group.

B4 We invited consultees to respond in writing by 21 July 2006 and asked them to copy their submissions to other consultees. We allowed consultees to comment on other consultees' representations and evidence by 1 September 2006.

B5 In April 2006, we had written to consultees inviting them to submit written representations on whether a description of teachers' professional and responsibilities was needed in the STPCD and some related questions by 1 September 2006. The related questions included:

- How useful were existing descriptions of teachers' professional duties in the STPCD?
- How and for what purpose(s) were the descriptions used by different parties, and which were the most important uses?
- What did the descriptions add to GTC publications, professional standards and local job descriptions?
- If a description of roles and responsibilities was needed in the STPCD:
  - What should be its core purpose?
  - Were separate descriptions needed for different categories of teacher and why?
- What would be the consequences of not having descriptions in the STPCD, or at all?
- How did arrangements for teachers compare with arrangements in other professions and for teachers in other countries?

B6 The following consultees submitted written representations and / or evidence: BATOD[1], GTCE, GW, NAHT[2], NGA, NUT[3], RIG[4], TDA, UCAC[5] and the Welsh Assembly Government. NAHT and NUT[6] submitted comments on others' submissions. Several consultees additionally submitted copies of their responses to DfES consultations concerning proposed changes to professional standards[7] and performance management regulations for teachers in England[8].

[1] BATOD (2006) Available at: <www.batod.org.uk/index.php?id=/batod/latest/STRB06.htm>

[2] NAHT (2006) Available at: <www.naht.org.uk/userfiles/36371075/nahtsubmissiontostrbfinalversionjuly20062.pdf>

[3] NUT (2006) Available at: <www.teachers.org.uk/story.php?id=3822>

[4] RIG (2006) Available at: <www.teachernet.gov.uk/docbank/index.cfm?id=10225>

[5] UCAC (2006) Available at: <www.athrawon.com/Main/Default.aspx?PageID=48&lang=b>

[6] NUT (2006) Available at: <//www.teachers.org.uk/story.php?id=3823>

[7] Stanley, C. (24 May 2006) *Consultation on the Review of Professional Standards for Teachers,* DfES

[8] Whitehouse, I. (1 June 2006) *Performance Management for Teachers and Head Teachers: Consultation on Draft Revised Regulations and Guidance,* DfES

B7 At the request of OME, RIG provided written responses to questions of relevance to several remit matters in September 2006[9] and DfES submitted statistical evidence in September[10] and October 2006[11].

B8 The Secretary of State for Education and Skills and the following organisations were invited to make oral representations: NAHT, NGA, NUT, TDA, RIG, UCAC and the Welsh Assembly Government. STRB met representatives from each of these organisations in September 2006. The Minister of State for Schools participated in the RIG meeting and the Minister for Education and Lifelong Learning participated in the Welsh Assembly Government meeting.

B9 We carefully considered the consultees' representations. We examined relevant statistical, economic and other evidence provided by and drawn to our attention by the consultees and wider evidence. The key sources of evidence are acknowledged in relevant chapters of this report.

B10 In total, STRB had 17 working meetings between 17 May 2006, when the remit was received, and 20 December, when the report was submitted. This includes oral representation meetings with consultees, but excludes the visits and meetings below.

Visits and meetings

B11 Between February and July 2006 members of STRB visited the following areas:

- Lewisham (Inner London)
- Tower Hamlets (Inner London)
- Redbridge (Outer London)
- Birmingham
- Sandwell
- Surrey
- Cardiff
- Kent
- Cornwall

B12 17 schools were visited in these areas: 10 secondary schools, 6 primary schools and one special school. In each school, STRB members met groups of teachers to discuss pay and conditions. On many of the visits, STRB members also met groups of school leaders and officials of local authorities. In two areas, STRB met unattached teachers employed in local authority education services, including leaders of those services.

[9] RIG (2006) Available at: <www.teachernet.gov.uk/docbank/index.cfm?id=10315>

[10] DfES (2006) *Statistical Evidence to STRB* Available at: <www.teachernet.gov.uk/management/payandperformance/pay/SatsEvidenceSept2006/>

[11] DfES (2006) *Supplementary Statistical Evidence to STRB*. Available at: <www.teachernet.gov.uk/management/payandperformance/pay/SatsEvidenceSept2006/Supplementary_Stats_Evidence_2006/>

B13 On 21 June 2006, STRB members visited the National College of School Leadership (NCSL). On 5 and 6 July 2006 the full STRB visited Cardiff. STRB members met the Minister for Education and Lifelong Learning, officials of the Welsh Assembly Government, GTCW, GW, Estyn and the Association of Directors of Education in Wales.

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