School Teachers' Review Body

Seventeenth Report Part Two – 2008

Chair: Bill Cockburn, CBE TD

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PART TWO – 2008

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Presented to Parliament by the Prime Minister and the
Secretary of State for Children, Schools and Families
by Command of Her Majesty
April 2008

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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
DCSF/the Department	Department for Children, Schools and Families (formerly Department for Education and Skills or DfES)
GW	Governors Wales
NAHT	National Association of Head Teachers
NASUWT	National Association of Schoolmasters Union of Women Teachers
NCSL	National College for School Leadership
NEOST	National Employers' Organisation for School Teachers
NGA	National Governors' Association
NUT	National Union of Teachers
PAT	Professional Association of Teachers
RIG	Rewards and Incentives Group (comprising ASCL, ATL, DCSF, NAHT, NASUWT, NEOST and PAT)
Secretary of State	Secretary of State for Children, Schools and Families
TDA	Training and Development Agency for Schools
UCAC	Undeb Cenedlaethol Athrawon Cymru (National Association of the Teachers of Wales)

Other

AST	Advanced Skills Teacher
CPI	Consumer Price Index
CSR	Comprehensive Spending Review for the period from April 2008 to March 2011
Current pay award	Teachers' pay award for the period from September 2006 to August 2008
DEL	Departmental Expenditure Limit
DSG	Dedicated Schools Grant
Estyn	Her Majesty's Inspectorate for Education and Training in Wales
ETS	Excellent Teacher Scheme
FTE	Full-time equivalent

Golden hello	Non-consolidated payments for qualified secondary teachers of priority subjects on completion of induction[1]
ITT	Initial teacher training
Local employers	Relevant bodies as defined by Part 1 of the STPCD
MA	Management Allowance
MFG	Minimum funding guarantee per pupil for schools
National Agreement	DfES (2003) *Raising Standards and Tackling Workload: a National Agreement*
NPQH	National Professional Qualification for Headship
Ofsted	Office for Standards in Education, Children's Services and Skills
OME	Office of Manpower Economics
PGCE	Postgraduate Certificate in Education
PPA time	Planning, Preparation and Assessment time, provided for in the STPCD
QTS	Qualified Teacher Status
RPI	Retail Price Index
Schools and services	Schools and local authority education services in which the STPCD applies
SEN	Special educational needs
Short notice teacher (supply teacher)	Teacher employed on a temporary, casual basis by schools and local authorities, for example to provide cover for vacancies or absences of permanent teachers (see Chapter 4)
STPCD	DCSF (2007) *School Teachers' Pay and Conditions Document 2007 and Guidance on School Teachers' Pay and Conditions*, TSO
STRB/ Review Body	School Teachers' Review Body
TLR payment	Teaching and Learning Responsibility payment
Unattached teacher	Teacher who does not work for a particular school, is employed otherwise than at a school, or in a pupil referral unit (see Chapter 5)
UPS	Upper pay scale
WTD	Working Time Directive, 93/104/EC, amended by 2003/88/EC

[1] Information on golden hello payments and priority subjects is available from TDA: <http://www.tda.gov.uk/Recruit/thetrainingprocess/fundinginengland/goldenhellos.aspx>. In Wales, the payments are slightly different and are known as teaching grants: <http://www.tda.gov.uk/Recruit/thetrainingprocess/fundinginwales.aspx#teaching>

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THE SCHOOL TEACHERS' REVIEW BODY

Our role

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

The members of STRB are:

Bill Cockburn, CBE TD (Chair)

Jennifer Board

Monojit Chatterji

Mark Goodridge

Dewi Jones

Elizabeth Kidd

Esmond Lindop

Bruce Warman

Anne Watts, CBE

Our vision and principles for teachers' pay and conditions

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

We envisage a world-class teaching profession which:

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

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

- leaders are able to make decisions without detailed rules and guidance;
- governors, heads and teachers are comfortable with the concept of rewards related to performance;

- high quality performance management and professional development are available to all teachers to help them to improve standards;
- schools and services have the confidence and capability to assess performance and reward staff; and
- performance and reward systems are managed effectively, transparently and fairly.

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

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

Our values and ways of working

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

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

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

CHAPTER 1

Introduction and Summary of Recommendations

Introduction

1.1 On 29 March 2007, the Secretary of State asked us to consider a range of matters relating to teachers' pay and conditions. We were asked to report on some matters in October 2007 and the remaining matters in March 2008. Our Seventeenth Report is therefore in two parts, of which this is the second. Our remit and a letter from the Minister of State concerning teachers' professional responsibilities are reproduced in Appendix A.

1.2 In this introduction, we report on the Secretary of State's initial response to recommendations in Part One of our Seventeenth Report and outline how we have conducted our work on the matters before us and the structure of this report.

Secretary of State's response to our recent recommendations

1.3 Part One of our Seventeenth Report was submitted to the Secretary of State on 26 October 2007[1]. The report was published by the Government on 15 January 2008. In a Parliamentary statement on that date, the Secretary of State announced how he proposed to respond to our recommendations and invited comments from teachers' representatives and other relevant organisations on our report and his proposed response[2].

1.4 We recommended an increase of 2.45% in teachers' pay from September 2008; that we undertake a review of teachers' pay for the period from September 2009, taking into account all relevant evidence; and submit a report by June 2009. Contingent upon our undertaking a review on this basis, we recommended further indicative increases of 2.3% from September 2009 and 2.3% from September 2010[3]. We also recommended enhancements in the values of certain points on the main pay scale and upper pay scale for teachers in bands A and B[4].

1.5 The Secretary of State indicated that he would accept these recommendations. He proposed to set us a remit in the course of 2008 to enable us to ensure that the indicative pay increases recommended for 2009 and 2010 continued to be appropriate. He suggested that he would need to consider, with us, practicalities in relation to the timing of the report,

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1 STRB (2008) *Seventeenth Report Part One*, TSO (Cm 7252)

2 House of Commons Debates (2007-08) 470, written statements col.21 and 22WS. The Secretary of State's detailed response is available at <http://www.teachernet.gov.uk/docbank/index.cfm?id=12382>

3 Op.cit. STRB, *Seventeenth Report Part One*, paragraph 5.53

4 Ibid. paragraph 6.75

expressing the view that a report in June 2009 would not allow enough time for changes to be implemented by September 2009.

1.6 We welcome the Secretary of State's intention to implement our recommendations and look forward to undertaking a mid-term review of the indicative increases in teachers' pay from 2009 and 2010. The discussions with the Secretary of State on the timing issues will be important, since our proposed timing for the review was carefully considered to ensure that we will be able to take proper account of the full range of the latest indicators. We are also pleased that the Secretary of State has accepted our recommendation for a review of the structure of the four pay bands to ensure that they effectively help those areas facing the most significant local labour market challenges[5].

1.7 We note that the Secretary of State expressed concerns about aspects of our recommended pay arrangements for associate ("unqualified") teachers[6] and invited views on whether RIG's proposed arrangements[7] would be preferable. It remains our view that our recommended changes would be the best solution.

This report

1.8 The timing of this report coincides with a range of developments in education which we discuss further in the main body of the report. It is clear to us from these developments that teachers and leaders are operating in an increasingly complex environment, affecting the curriculum they are required to deliver and the nature of the structures in which they work. This complexity underlines the importance of teachers' and leaders' professionalism, raises some questions about the appropriateness of current systems of reward and highlights to us the need for high quality governance.

1.9 Our strongly-held view is that teachers are accountable for outcomes, not inputs or activities, and that this principle should be supported by robust performance management. In Chapter 2, we set out the steps to guide future work in this area.

1.10 We welcome the remit from the Secretary of State to review the pay and conditions for the leadership group in the context of these changes. Effective leadership is critical to the success of schools and services. Since the context is changing, leadership must also change. We believe it is imperative that the reward system supports this, providing a framework in which new structures can be facilitated and encouraged. Furthermore, we believe it is good practice to take stock and assess whether the system of reward is the right one to recruit, retain and incentivise a high performing leadership workforce. In Chapter 3, we set out our vision for leadership and our principles of reward as the first stage of a process to examine these issues in more detail, and invite consultees to give these matters further consideration. We also emphasise the need for a fundamental review of governance arrangements, since we see these as a prerequisite for achieving the sort of leadership our schools require.

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[5] Ibid. paragraph 6.75

[6] Ibid. paragraph 8.54

[7] RIG (2007) Submission to STRB, summarised in ibid. paragraph 8.13

1.11 We have been asked to consider the pay arrangements for short notice, or supply, teachers (Chapter 4) and have also taken stock of the situation with respect to "unattached" teachers (Chapter 5).

Conduct of our review

1.12 Appendix B describes how we have conducted our work. We would like to thank our consultees for their submissions and oral representations. We are also grateful to NCSL for providing us with opportunities to discuss leadership matters with school leaders and to the education organisations that we visited in spring 2008.

Summary of recommendations

Teachers' Professional Responsibilities (Chapter 2)

Further to the recommendations in our Sixteenth Report[8], we recommend that:

- the Department, in consultation with all interested parties, take account of our draft statement of teachers' professional responsibilities in undertaking work to create an overarching statement of responsibilities for all teachers;
- this statement be supplemented if required with short, high-level additions for Advanced Skills Teachers, Excellent Teachers, assistant, deputy and head teachers; and existing statements of professional responsibilities in the STPCD be removed; and
- in the areas for which it is responsible, the Department review against better regulation principles the regulatory framework for teachers' and head teachers' responsibilities and activities.

Leadership Group (Chapter 3)

We recommend that:

- The Department's work to make governance more effective pay particular attention to improving local effectiveness in managing and rewarding teachers. This should address how to ensure all governing bodies have access to expert remuneration advice, and include consideration of the option of establishing specialist remuneration committees working across a group or federation of schools and services.
- The national framework of pay and conditions for leaders in the STPCD be changed to enable leaders to be paid for the full range of leadership arrangements. This work should:
  - be undertaken by this Review Body in the course of our next remit;
  - encourage local innovation in establishing leadership arrangements;

[8] STRB (2007) *Sixteenth Report*, TSO (Cm 7007), paragraph 8.26

  - improve the consistency and transparency of remuneration for the leaders concerned; and
  - ensure that all payments to leaders for work in maintained schools and services are within the scope of the national framework.
- This Review Body, in consultation with all interested parties, give consideration to what changes there should be to pay arrangements for the leadership group as a whole:
  - as a first stage, consultees consider our vision for leadership and reward principles and present us with written representations and evidence;
  - work be completed in time for changes to the STPCD to be implemented from September 2011.
- The Department and Welsh Assembly Government take steps to improve data to monitor the diversity of the workforce, including the entire leadership group.

Short Notice (Supply) Teachers (Chapter 4)

We recommend that:

- the amount paid in total to short notice teachers for each full day worked continue to represent 1/195th of the appropriate annual salary, but be articulated in future as two separate elements: payment for work done and a separate payment in respect of holidays;
- arrangements for pro-rata payment for less than a full day's work be aligned with those applying to part-time teachers when revised arrangements for the latter are settled;
- the Department, in consultation with all interested parties, develop provisions for the STPCD to stipulate how the holiday element of short notice teachers' pay should be calculated, ensuring that provisions are fully compliant with employment law;
- provisions resulting from this work be introduced to the STPCD as soon as practicable.

"Unattached" Teachers (Chapter 5)

We recommend that:

- the Department, in consultation with all interested parties, consider adopting an appropriate alternative to the title "unattached teacher";
- NEOST and other consultees undertake work to ensure that all local authorities have a written pay policy for their teachers.

CHAPTER 2

Teachers' Professional Responsibilities

Introduction

2.1 Our Sixteenth Report outlined the background to our work on teachers' professional responsibilities[1]. When originally asked to consider this matter in 2005, we had questioned whether statements of teachers' professional roles and responsibilities were needed in the STPCD. In view of the strength of consultees' shared views, our Sixteenth Report agreed that statements should continue to be in the STPCD, but suggested that their inclusion should be reviewed at an appropriate time in the future.

2.2 We defined teachers' professional roles and responsibilities as the professional functions of teachers and areas over which they had authority and for which they were accountable. In fulfilling their responsibilities, teachers developed as professionals and contributed to achieving high standards and good outcomes for pupils.

2.3 We noted shortcomings in the existing duties and agreed in principle with consultees' suggestions that they should be replaced with new statements of teachers' responsibilities. We explained what the purpose of the statements should be and outlined principles to guide work on new statements.

2.4 We recommended that the Department, in consultation with interested parties, prepare new statements of teachers' professional roles and responsibilities which were:

- focused on high standards and pupil outcomes;
- clear and accessible, describing the main contractual responsibilities for which teachers were remunerated;
- in a dedicated section of the STPCD, separate from other conditions of employment and responsibilities of employers;
- credible and relevant to teachers whatever their career stage and in different schools and services;
- concise, enabling and flexible;
- distinct from, but complementary to, GTC publications and professional standards.

2.5 We emphasised that a concise and flexible statement was important in the context of teachers' professionalism and changes in schools and that this would require the removal of material emphasising inputs rather than outcomes, duplicating other documents or providing unnecessary detail on specific tasks. We suggested that it would be helpful to have a clear structure

[1] STRB (2007) *Sixteenth Report*, TSO (Cm 7007), paragraphs 8.1 – 8.6

that allowed teachers and employers to see which professional standards related to specific aspects of teachers' responsibilities.

2.6 We did not, however, consider it the appropriate time for this work to be done, since the impact of many relevant changes in schools and the pay system was not yet clear. We recommended that new statements be prepared after the review of the leadership group had been completed and that they take account of developments in relation to TLR payments, SEN allowances and the ETS and AST schemes.

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

> *what should constitute new statements of teachers' professional roles and responsibilities, following your recommendations in the Sixteenth Report on this matter; and a corresponding set of roles and responsibilities for the leadership group; with the aim of producing a coherent set of roles and responsibilities that will apply across the profession.*

2.8 We were asked to have particular regard to *the need to ensure that recommendations support the significant changes that will affect the school system in the coming years, including those arising from extended schools and from reforms to provision for 14 – 19 year olds*.

2.9 The Minister of State also wrote to us about this part of our remit. He noted that, in the STPCD, teachers' professional duties were currently incorporated in the same sections as other conditions of employment. He explained that there was no expectation that we would make recommendations about other conditions of employment in response to our remit, but that the matters were closely linked.

2.10 It was envisaged that, in addition to making recommendations about the matters above, we would wish to comment on *the relationship between revised statements of professional roles and responsibilities and other conditions of employment*, and would be asked to consider other conditions of employment in our next remit. The Minister's letter is at Appendix A.

Context

2.11 As outlined in our Sixteenth Report, the STPCD includes:

- statements of professional duties for different groups of teachers[2];
- (in the same parts of the STPCD) provisions on aspects of teachers' conditions of employment[3];

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[2] DCSF (2007) *School Teachers' Pay and Conditions Document 2007 and Guidance on School Teachers' Pay and Conditions,* TSO, Section 2, parts 9 (head teachers), 10 (deputy and assistant head teachers), 11 (Advanced Skills Teachers and Excellent Teachers) and 12 (teachers other than head teachers)

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

- guidance on the role of teachers on the upper pay scale and in the leadership group[4];
- professional standards, which have recently been revised[5]; and
- provisions setting criteria, parameters and guidance for additional payments, for example Teaching and Learning Responsibility (TLR) payments and Special Educational Needs (SEN) allowances.

2.12 As noted above, the report emphasised the need for descriptions of teachers' responsibilities in the STPCD to be distinct from, but complementary to, GTC publications[6] and the frameworks of professional standards in place in England and Wales[7]. In England, the framework of standards for most teachers was recently updated; NCSL is currently reviewing standards for leaders.

Representations from consultees

Response to previous STRB recommendations

2.13 In response to STRB's views and recommendations in the Sixteenth Report, several consultees expressed further views about the purpose of and principles for new statements of responsibilities in the STPCD. Consultees generally agreed with STRB that:

- teachers' responsibilities and conditions of service should be presented in separate sections of the STPCD; and
- new statements of responsibilities should be clear and accessible.

2.14 UCAC did not agree with STRB that the existing descriptions of teachers' professional duties in the STPCD included too much detail: in UCAC's view, teachers were content with the descriptions, which informed local job descriptions and were helpful for reference.

2.15 RIG emphasised that new statements should:

- give schools scope to determine their own staffing structures;
- build on the principles of and promote a common understanding of teacher professionalism;
- minimise scope for local disputes over what specific responsibilities might entail;
- provide clear responsibilities and accountabilities.

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[4] Ibid. Section 3, paragraph 34 (application of upper pay scale progression criteria) and paragraph 30 (application of leadership group pay progression criteria)

[5] Ibid. Section 2, Annex 1 and 2

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

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

Approach and timing

2.16 RIG considered the matter of teachers' professional responsibilities to be linked with leadership matters and teachers' conditions of employment. RIG proposed that STRB should receive a further remit in 2008 on all these matters and that a coherent package of changes should be made to the STPCD in 2009.

2.17 In RIG's view, teachers' responsibilities and the contractual framework in which they were discharged were inextricably linked. RIG argued that fundamental revision of parts 9-12 of the STPCD was needed to achieve a national framework reflecting teachers' status as professionals. No amendments should be made to these parts of the document in respect of provisions on teachers' responsibilities until full consideration had been given to what changes were needed to teachers' conditions of employment. The matters should be taken forward together to achieve the right balance between flexibility and protection. Revised statements of responsibilities of the type RIG envisaged (see below) should only be introduced when there were contractual protections and safeguards in place.

2.18 RIG also suggested that revised responsibilities for heads should be developed in conjunction with new and revised standards for school leadership (see paragraph 2.29 below).

New statements of responsibilities

2.19 Several consultees highlighted developments in schools with implications for teacher's responsibilities, in particular the *Every Child Matters* (England)*/Rights to Action* (Wales)[8] agenda, including schools providing extended services and children's centres; and distributed leadership.

2.20 RIG proposed that the STPCD should define responsibilities for teachers and head teachers, but not for any other categories of teacher. RIG provided illustrative lists of responsibilities for teachers and heads[9], emphasising that it had not taken the current duties in the STPCD as a starting point, but had considered the needs of a modern profession, and that the lists were not the final wording as it might appear in the STPCD.

2.21 TDA suggested that new statements should reflect the revised professional standards for teachers[10]; foster an expectation that teachers should broaden and deepen their professional attributes, knowledge, understanding and skills at all career stages and in response to the opportunities presented by workforce reform; and reflect the principles underpinning TDA's CPD strategy[11]. TDA also argued that teachers could make a considerable impact on raising standards and improving pupil outcomes by contributing to the learning and development of other members of the school team: as teachers progressed in their careers, there would be higher expectations in this area.

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

[9] RIG (2007) Submission to STRB, Annex to Section 2, see Appendix B for details

[10] Op.cit. DCSF, *School Teachers' Pay and Conditions Document 2007*, Section 2, Annex 1 and 2

[11] TDA (2007) *Continuing Professional Development: a Strategy for Teachers*

2.22 GTCE considered that the value of a refreshed description of teachers' responsibilities would lie in it being a light-touch, high-level specification.

2.23 NUT proposed that the STPCD should continue to include statements of the responsibilities of head teachers, deputy head teachers, assistant head teachers, Advanced Skills Teachers, Excellent Teachers and teachers other than head teachers. In addition, NUT proposed that there should be a new statement for teachers in receipt of TLR payments, since these teachers played a vital and distinctive role. NUT provided examples of the duties of teachers with TLRs in comparison with other classroom teachers.

2.24 NUT proposed ways of structuring the relevant parts of the STPCD to separate teachers' responsibilities from entitlements and assist navigation.

2.25 UCAC suggested that new statements should require teachers to carry out certain activities required by wider legislation.

2.26 BATOD highlighted that, when new statements of teachers' responsibilities were prepared, careful consideration should be given to teachers working in specialist SEN services. BATOD argued that all teachers, including those in specialist SEN services, should have a responsibility to develop their understanding and knowledge of the learning and social needs of the children with whom they worked.

2.27 Governors' representatives suggested that revised statements should take account of the impact of schools providing extended services and other changes, and embrace the outcomes in *Every Child Matters/Rights to Action* regarding the wellbeing of children and young people. GW suggested that this could be done, for example, by adding to or adjusting aspects of teachers' existing duties[12].

Link between responsibilities, professional standards and codes, local job descriptions and wider regulations

2.28 Several consultees commented further on the relationship between new statements of teachers' responsibilities in the STPCD, professional standards and relevant GTC publications.

2.29 RIG considered that teachers should carry out their responsibilities in the context of the expectations set out in the relevant standards for each career stage; and of local job descriptions, which should be consistent with the statements of responsibilities in the STPCD. Teachers were also required to meet wider regulatory requirements.

2.30 RIG reported that new professional standards for classroom teachers had been introduced into the STPCD. The skills, knowledge and understanding and attributes needed for the effective discharge of teachers' responsibilities were detailed in the standards, which should not therefore be duplicated in new statements of responsibilities. NCSL had been remitted to review standards for leaders in England: this work was at an early stage.

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[12] Op.cit. DCSF, *School Teachers' Pay and Conditions Document 2007*, Section 2, Part 12, paragraph 72.2 and Part 9, paragraph 60

2.31 RIG also highlighted that heads' and teachers' responsibilities were discharged in the context of a regulatory framework that went beyond the provisions of the STPCD. In response to a request for further information, the Department listed some relevant education regulations, but reported that significant work would be needed to establish the full extent of regulations that were of relevance to the responsibilities of teachers and heads.

2.32 GTCE cautioned against the use of professional standards to emphasise stages of remunerated career progression rather than capturing what was expected of the profession in terms of maintaining and developing expertise and advancing specialisation. GTCE proposed that its *Code of Conduct and Practice* and *Statement of Values*[13] and the professional attributes section of professional standards should be acknowledged as the high-level encapsulation of teachers' shared professional role, with professional standards providing the basis for performance management.

2.33 UCAC was concerned that professional standards had been revised before new statements of responsibilities had been prepared, since in UCAC's view it was illogical to establish standards before clarifying teachers' roles and responsibilities.

Leadership group

2.34 RIG suggested that the starting point for a new statement of head teachers' responsibilities should be to define the scope of heads' responsibilities and the extent to which they could be delegated. RIG emphasised that whilst there were responsibilities that heads could delegate, heads retained overall responsibility for the leadership, performance and management of the school.

2.35 RIG considered that its illustrative list of responsibilities for heads reflected a clear focus on heads' core functions relating to teaching and learning, and was also in line with the school improvement and workforce remodelling agenda. The responsibilities could also apply to a head responsible for more than one school.

2.36 RIG suggested that work on teachers' responsibilities and other aspects of national pay and conditions should take into account ways in which leadership practice was and could be distributed, in the context of workforce remodelling. Where heads' responsibilities were delegated to other teachers, a determination should be made about whether these should lead to a TLR payment, or the establishment of a leadership group post; and the STPCD could include a criterion-based mechanism for determining placement in the leadership group, based on job weight, in a similar way to the existing provisions for the award of TLRs.

2.37 RIG further proposed that professional responsibilities for teachers should additionally apply to heads who taught classes.

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

2.38 NUT noted that at present, the STPCD made no distinction between the duties of deputy and assistant heads except in respect of deputising in the absence of the head[14]; and that duties for these grades were far broader than the current specification for heads. NUT considered that the brevity and generality of the duties for deputy and assistant heads risked devaluing the importance and contribution of these posts. NUT proposed that new statements for assistant and deputy heads should bring out more clearly the specific roles and responsibilities attaching to these posts; and needed to ensure a fair balance of responsibilities between deputy and assistant heads.

2.39 UCAC argued that at present, it was not clear from the STPCD to whom heads could delegate in their absence. UCAC's view was that only a deputy head should be left in charge when the head was absent, but reported that some local authorities interpreted the STPCD to suggest that an assistant head could deputise. UCAC proposed that the STPCD be changed to clarify this issue.

2.40 UCAC had concerns about the demands on heads arising from schools providing extended services, suggesting that it may be appropriate for heads to line-manage the person in charge of extended services, but that heads should not be directly involved in providing services.

2.41 Governors' representatives argued that at present the STPCD did not make it clear that heads were accountable to governing bodies and that this should be explicit. GW also argued that heads' prime responsibility was for standards of teaching and learning, and that heads had overall management responsibilities in respect of implementation of the extended schools concept.

Teachers

2.42 RIG considered that its illustrative list of responsibilities for teachers was consistent with STRB's previous recommendations and built on principles of "new professionalism". There was a clear focus on teachers' core functions of teaching and learning and on school improvement. The list was also consistent with the workforce remodelling agenda.

2.43 With respect to the scope of teachers' responsibilities, RIG considered that teachers should contribute to curriculum development by sharing their professional expertise with colleagues and advising on effective practice, but that responsibility for a subject area or line management of other teachers should be part of a leadership group post, or a post which attracted a TLR payment.

2.44 UCAC raised some specific concerns about teachers' responsibilities, including the relationship between teachers and teaching assistants; preparation of work for use in the classroom during a teacher's PPA time; training and mentoring of other members of staff; and management of staff.

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[14] Op.cit. DCSF, *School Teachers' Pay and Conditions Document 2007*, Section 2, part 10

2.45 GW considered that the professional roles and responsibilities of teachers should embrace the outcomes in *Every Child Matters/Rights to Action* regarding the development and well-being of children and young people.

Conditions of employment

2.46 Some consultees made wider points about aspects of teachers' conditions of employment.

2.47 RIG reported that it aimed to make further progress towards delivering the National Agreement commitment to secure an improved work-life balance for all teachers and exert downward pressure on working hours. There was still more to do to sustain and accelerate progress. RIG wanted to consider options in the context of its proposed 2009 timetable. RIG would also consider how to achieve a contractual entitlement to CPD in the context of the new professionalism agenda.

2.48 NUT considered that there were clear expectations of teachers in respect of CPD, of which NUT was fully supportive, but was concerned that teachers were not contractually entitled to CPD. NUT re-iterated its proposal that the STPCD should provide a contractual entitlement to CPD for all teachers, including those who worked part-time.

2.49 NUT also proposed that the STPCD should identify entitlements for each category of teacher, separately from statements of responsibilities; and that where no entitlement existed for a particular group, this should be made clear.

2.50 BATOD advocated ring-fenced funding for CPD for specialist SEN service staff and for the mandatory qualification for teachers of the deaf.

Our views and recommendations

2.51 As noted above, our previous reports identified shortcomings in the existing statements of duties in the STPCD, recommended that new statements of teachers' professional roles and responsibilities be prepared and outlined some guiding principles. We did not, however, consider it the appropriate time for this work to be done. This is the starting point for our response to our current remit.

Approach and timing

2.52 It remains our view that it is not yet the appropriate time to replace the existing statements of duties in the STPCD with new statements of teachers' professional roles and responsibilities.

2.53 Recent policy developments reinforce the need to wait before finalising new statements, including the publication of the *Children's Plan*[15], and work

[15] DCSF (2008) *The Children's Plan: Building Brighter Futures*, TSO (Cm 7280)

in schools in relation to *Every Child Matters/Rights to Action* and education for 14 to 19 year olds. These developments will require time to bed in before the effect on teachers can be properly assessed. In addition, as our Sixteenth Report noted, relevant aspects of the pay system, including the Excellent Teacher Scheme (ETS) and SEN allowances are scheduled for review; and other aspects of the pay system may also need to be reviewed in due course. These matters should be of greater priority than work on teachers' responsibilities during this CSR period[16].

2.54 We have been invited to comment on the relationship between revised statements of responsibilities on the one hand and teachers' conditions of employment on the other. As noted above, the same parts of the STPCD currently combine statements of professional duties for teachers with provisions on conditions of employment. Our Sixteenth Report recommended that new statements of responsibilities be in a dedicated section of the STPCD, separate from conditions of employment.

2.55 We continue to support separate presentation in this way. We are not persuaded that the substance of statements of responsibilities and of conditions of employment is intrinsically linked. It is not clear that changing statements of teachers' responsibilities would necessarily have a bearing on the conditions of employment in the STPCD, or vice versa. It is not, therefore, necessary for work on teachers' responsibilities to be done as part of or in parallel with work on conditions, or for changes to the STPCD to be made as a single package.

2.56 Related to this, some consultees have made suggestions about aspects of teachers' conditions of employment, in particular CPD, working time and work-life balance (paragraphs 2.46 – 2.50). These matters go beyond the scope of our current remit, but we would like to give our initial response.

2.57 We agree, of course, that it is vital for teachers to continuously improve their professional practice through CPD, and that teachers should have a satisfactory work-life balance. Teachers, as professionals, and local managers have mutual responsibility for these matters, supported at national level by GTC, TDA and others. These matters are also good general employment practice and should be a priority for any responsible employer.

2.58 At this stage, therefore, we do not consider that introducing further, specific "entitlements" or further detailed prescription of conditions of employment in the STPCD, as some consultees seem to envisage, would be the right approach. This would not be consistent with the aim of a proportionate and enabling national framework of pay and conditions, appropriate for a profession. It could also constrain the scope for good local solutions and have cost implications.

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[16] Op.cit. STRB, *Sixteenth Report*, paragraph 8.22

New statement of responsibilities

2.59 Our Sixteenth Report recommended a set of principles to guide the preparation of new statements of teachers' responsibilities. These are summarised above (paragraphs 2.4 – 2.6). We recommended that the STPCD should describe only the main responsibilities for which teachers are remunerated and be concise, enabling and flexible.

2.60 In due course, it should be possible to prepare a single, generic statement of responsibilities, relevant to all teachers and leaders, to replace the various existing statements. This would be in keeping with our principles and would simplify the STPCD.

2.61 The illustrative list of responsibilities prepared by RIG[17] is concise and outlines important aspects of teaching and learning. However, it is largely focused on inputs and teachers' day-to-day activities rather than the outcomes that teachers, as professionals, are expected to deliver. It is not clear how the list would fit with professional standards; and it is incomplete in the picture it presents of teaching, in particular with respect to team and whole-school responsibilities, and responsibilities in relation to *Every Child Matters/Rights to Action*. Ministers in both England and Wales have consistently emphasised that these latter responsibilities are an integral part of the mission of schools and services, not separate, bolt-on activities. They therefore need to be an integral part of a teacher's professional role.

2.62 We have prepared our own draft statement, drawing on our principles. We present this as an illustration of the type of statement that we think will be needed in the future. The statement is short and high-level. It reflects teachers' important role in improving the all-round achievement and well-being of children and young people. It does not prescribe: as professionals, teachers themselves are best able to determine what they need to do to achieve good outcomes and they will also be guided by a shared professional commitment to their pupils, their institutions and the wider community. A statement of this nature would also complement professional standards and GTC publications.

[17] Op.cit. RIG (2007) Submission to STRB, Annex to Section 2, paragraph 13

TEACHERS' PROFESSIONAL RESPONSIBILITIES

Teachers are responsible and accountable for helping children and young people to achieve their full potential, by providing education of a world-class, continually-improving standard and contributing to the delivery of excellent services for children and young people.

As professionals, teachers act in accordance with the values[18], code of practice[19] and standards[20] of their profession; and fulfil the requirements of their employer and the law.

This is achieved through teachers' excellence in:

- teaching, learning and assessment;
- leadership;
- management;
- support for the achievement and well-being of children and young people as diverse individuals;
- relationships with children and young people, families and local communities;
- team-working and collaboration with colleagues in the school or service and wider services for children and young people;
- continuing professional development; and
- support for colleagues' development.

The roles and responsibilities of individual teachers and the outcomes for which they are accountable are agreed locally and reflected in job descriptions and performance objectives[21].

2.63 When, in due course, the Department progresses the work on teachers' responsibilities recommended in our Sixteenth Report, in consultation with interested parties, it should take account of our draft statement above, in addition to our previously-recommended principles. At an appropriate time, we will also invite consultees to give us their feedback.

2.64 RIG has proposed that in addition to a statement of responsibilities for teachers, there should be a separate statement for heads. It provided an illustrative list (paragraph 2.20). RIG has also suggested that there is a need to clarify which responsibilities heads may delegate and the criteria determining whether TLR payments or leadership posts would be more appropriate for this purpose (paragraph 2.36). NUT has proposed that there should be statements of responsibilities for a number of categories of teacher (paragraph 2.23). A number of consultees have identified the need to clarify who can deputise for the head in his or her absence.

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[18] Op.cit. GTCE, *Statement of Professional Values and Practice*; op.cit. GTCW, *Statement of Professional Values and Practice*

[19] Op.cit. GTCE, *Code of Conduct and Practice for Registered Teachers*

[20] Op.cit. DCSF, *School Teachers' Pay and Conditions Document 2007*, Section 2, Annex 1 and 2

[21] *The Education (School Teacher Performance Management) (England) Regulations* (2006) SI 2661; *The School Teacher Appraisal (Wales) Regulations* (2002) SI 1394 W.137

2.65 As we have previously stated, the national framework of pay and conditions in the STPCD should support the effective management and remuneration of teachers, providing a good basis for local decisions. As outlined in paragraph 2.11, the framework currently includes separate statements of duties for certain categories of teacher; broad descriptions of roles for other teachers; and criteria, parameters and guidance for additional payments.

2.66 Questions about what amendments may be needed to existing arrangements for specific groups of teachers would most logically be considered when the relevant aspects of the pay system are reviewed (see paragraph 2.53 above).

2.67 We envisage a simpler, slimmer STPCD in the future, including a generic statement of responsibilities for all teachers of the type presented above. This statement could be supplemented as necessary for pay purposes, for example with short additions to the main statement to describe high-level responsibilities for certain categories of teacher; or with criteria, parameters and guidance to inform local decisions.

2.68 It is unlikely that lengthy, detailed and separate statements of responsibilities for Advanced Skills Teachers, Excellent Teachers and head teachers will continue to be needed. We are unlikely to endorse any proposals from consultees that would add to the length, detail or complexity of the STPCD or restrict what work can be done by certain groups of teachers. With respect to teachers in the leadership group, for example, it should be up to local leaders and governors to determine how responsibilities and associated work should be distributed within teams to achieve the outcomes for which they have overall accountability. This will include deputising for the head in his or her absence.

2.69 Looking at the wider regulatory framework, there are extensive wider regulations on aspects of teachers' – and especially head teachers' – responsibilities and activities in addition to the STPCD[22]. These cover, for example, school aims and objectives, budgets, people management, standards, the curriculum, pupil admissions and discipline, religious education and premises management. The current fragmented plethora of regulation is confusing for teachers and governors, makes it difficult to get a full picture of the legal framework, creates risks of duplication, and presents barriers to distributed leadership. Regulations in the education field affecting schools and services should be clear, mutually consistent and non-duplicatory, and should bear a rational relationship (where applicable) to what is specified in the STPCD. We think this area needs a careful review against better regulation principles. In addition, heads and governors have responsibilities under wider regulatory frameworks such as employment and health and safety: it may be possible to do more to help them to navigate these more effectively.

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[22] For example, the *School Standards and Framework Act 1998* (c.31, Part 3, Sections 35 and 36) gives Ministers powers to confer functions on head teachers through regulations and specifies certain functions for heads. The *Education (School Government) (Terms of Reference) (England) Regulations* (2000) SI 2122 specify and imply a range of responsibilities of heads.

Recommendations

2.70 **Further to the recommendations in our Sixteenth Report, we recommend that:**

- **the Department, in consultation with all interested parties, take account of our draft statement of teachers' professional responsibilities in undertaking work to create an overarching statement of responsibilities for all teachers;**
- **this statement be supplemented if required with short, high-level additions for Advanced Skills Teachers, Excellent Teachers, assistant, deputy and head teachers; and existing statements of professional responsibilities in the STPCD be removed; and**
- **in the areas for which it is responsible, the Department review against better regulation principles the regulatory framework for teachers' and head teachers' responsibilities and activities.**

CHAPTER 3

Leadership Group

Introduction

3.1 Part One of our Seventeenth Report outlined the background to our work on leadership[1]. In summary, our Fifteenth Report recommended that we be remitted to look fundamentally at the leadership group and how its changing role and responsibilities should be reflected in its future pay structure; and that, to provide evidence for this work, an independent study be carried out[2]. These recommendations were accepted and the Department subsequently commissioned and published a study[3].

3.2 As outlined in Chapter 1, in March 2007 the Secretary of State asked us to report in October 2007 on a range of pay matters. Part One of our Seventeenth Report analysed relevant evidence[4] and recommended that leaders receive the same pay increases as other teachers for the period from September 2008[5]. The Secretary of State indicated that he intended to accept this recommendation.

3.3 The Secretary of State also asked us to consider for recommendation:

> *whether, to ensure that every school has the scope to establish the leadership structures that will meet their needs, there should be changes to the pay and conditions for the leadership group, taking account of the need to:*
>
> - *allow for federations and other collaborative arrangements that might provide effective solutions to schools' needs;*
> - *aid and promote the distribution of leadership within schools, as appropriate; and*
> - *enable appropriate leadership and management arrangements for the extended services provided directly or indirectly through their schools.*

3.4 We were asked to have particular regard to *the need to ensure that recommendations support the significant changes that will affect the school system in the coming years, including those arising from extended schools and from reforms to provision for 14 – 19 year olds*. The Secretary of State also said he would be grateful if we could consider how best to increase the diversity of the leadership group.

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1 STRB (2008) *Seventeenth Report Part One*, TSO (Cm 7252), paragraphs 7.4 – 7.7

2 STRB (2005) *Fifteenth Report*, TSO (Cm 6663), paragraphs 4.19 – 4.37

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

4 Op.cit. STRB, *Seventeenth Report Part One*, paragraphs 7.46 – 7.53

5 Ibid. paragraph 7.109

3.5 This remit is inextricably linked with the overall effectiveness of the whole leadership structure, comprising governing bodies, teachers in the leadership group, other teachers and support staff. It is not possible, for example, for the national framework of pay and conditions for leaders to be fully effective unless it is well operated by the governing bodies to which leaders are accountable.

Context

Current pay and conditions

3.6 The existing pay arrangements for leaders have been in place since 2000[6].

- The leadership group pay spine is a 43-point spine with different values in each of the four pay bands. In September 2007, the value of the spine ranged from £34,938 to £98,022 in band D and £41,541 to £104,628 in band A.
- There are three leadership group grades: assistant head, deputy head and head.
- To set salaries for heads, governing bodies:
  - first assign the school to a group using a formula based on key-stage-weighted pupil numbers (the formula is different for special schools). There are eight overlapping groups, each associated with a range of points on the spine;
  - then assign a seven-point individual school range (ISR), in accordance with certain parameters and taking into account recruitment or retention considerations and changes in heads' responsibilities.
- To set salaries for assistant and deputy heads, governing bodies select a five-point individual pay range on the spine, in accordance with certain parameters and taking into account the responsibilities of the post, the background of pupils and whether a post is difficult to fill.
- The STPCD sets parameters, for example concerning:
  - when the ISR should be reviewed;
  - minimum differential in salary between classroom teachers and members of the leadership group;
  - minimum differential in salary between assistants or deputies and heads;
  - maximum starting salary within the ISR for newly-appointed heads.

[6] DCSF (2007) *School Teachers' Pay and Conditions Document 2007 and Guidance on School Teachers' Pay and Conditions*, TSO, Section 2, Part 3

- There are also local pay flexibilities, for example:
  - to select a higher ISR than indicated by the formula if the school is causing concern or if there would otherwise be substantial difficulty recruiting or retaining a head;
  - for schools in these circumstances and in the top two groups, to select an ISR with a maximum above the spine maximum. This means that these schools can theoretically pay heads as high a salary as they deem appropriate;
  - to make performance payments to teachers temporarily seconded to head a school causing concern[7].
- Leaders' pay progression within their individual pay range is based on performance, assessed in accordance with performance management regulations[8].

3.7 With respect to conditions of employment, there are no national working time arrangements for leaders as there are for other teachers. The STPCD does, however, provide for leaders who teach to have a proportionate amount of PPA time, heads to have dedicated headship time, and all teachers with leadership and management responsibilities to have reasonable time within the school week to discharge those responsibilities.

Independent study

3.8 As noted above, the Department published an independent study on school leadership in January 2007[9]. This has provided useful new information, including on emerging leadership structures, leadership in other sectors, perceptions of existing pay arrangements, and how leaders spend their time. The authors of the study also gave detailed consideration to issues in or affecting our present remit, including reward for leaders[10], models of leadership and governance. The report included a number of recommendations across a broad spectrum, many of which lie outside our remit. We have taken account of all the information and views presented in the report.

3.9 With respect to leaders' reward, the report suggested that:

- pupil numbers may no longer be appropriate to determine leaders' salaries and that other factors should be taken into account[11];
- there is significant support among leaders for performance to be a factor in leaders' salaries (from over 70% heads in England and 55% of heads in Wales)[12];

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7 Ibid. Section 2, paragraph 43

8 *Education (School Teacher Performance Management) (England) Regulations* (2006) SI 2661; *School Teacher Appraisal (Wales) Regulations* (2002) SI 1394. In a few cases, these regulations are not applicable and the STPCD specifies how performance should be taken into account.

9 Op.cit. PricewaterhouseCoopers, *Independent Study*

10 Ibid. paragraphs 19, 7.1 – 7.60 and 8.24 – 8.29

11 Ibid. paragraphs 7.17 and 7.52

12 Ibid. paragraph 7.19

- the existing pay arrangements, as operated locally, may be resulting in inadequate incentives for teachers to seek promotion and inappropriate differentials in salaries between individual leaders[13];
- not all governing bodies are making effective use of existing pay flexibilities[14];
- modification to the pay system will be needed to accommodate new models of leadership[15];
- some 85% of leaders have external roles that account for up to 20% of their working time[16].

Developments in education

3.10 Our remit has highlighted several relevant developments in education, including the scope for schools to establish diverse leadership structures; federations and other collaborative arrangements; the distribution of leadership within schools; schools' provision of extended services; and changes in relation to education for 14 to 19 year-olds.

Leadership structures

3.11 The independent study identified several models of leadership in place in schools in England and Wales, with differences in the roles of teachers, non-teaching staff and professionals from other agencies and in the distribution of responsibility and accountability in teams[17]. The traditional model of an all-teacher leadership group, with clear lines of accountability, predominated in primary schools. Secondary schools were more likely to have flatter structures and to have support staff on the senior team.

3.12 We understand that the vast majority of leaders are on permanent, full-time employment contracts, but some work part-time and/or on a fixed-term contract.

Collaboration between schools and system leadership

3.13 Schools can work together in a range of ways, from loose, informal collaboration[18] on matters of mutual interest through to formal partnerships and federations[19]. They may collaborate, for example, to raise standards, help a local school in challenging circumstances, share resources, improve education for 14 to 19 year-olds, or provide extended services for children, young people and communities (see below).

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[13] Ibid. paragraphs 7.26 – 7.28 and 8.28

[14] Ibid. paragraph 7.11

[15] Ibid. paragraphs 7.34 – 7.37

[16] Ibid. paragraphs 2.34 – 2.35

[17] Ibid. paragraphs 4.2 – 4.5

[18] Schools have scope to collaborate with other schools and Further Education providers in a range of ways, for example through joint committees or informal meetings.

[19] Under sections 24 and 25 of the *Education Act 2002* (c.32), a federation (sometimes referred to as a "hard" federation) is a formal agreement by which two or more maintained schools share a single governing body. Each school retains its separate legal identity in respect of its budget, admissions and performance and schools continue to run on separate sites. Section 26 of the Act provides for "soft" governance federations, in which separate governing bodies are retained by schools, but certain powers are delegated to joint committees.

3.14 This can lead to changes in leadership arrangements and school staffing structures[20]. Of most relevance to our remit, some emerging local leadership arrangements – which may be temporary or permanent – involve:

- an overall head formally leading two or more schools, instead of or in addition to a head in each school – such as a head leading all the schools in a federation, or their original school and a second school in challenging circumstances;
- leaders working for or having responsibilities of relevance to more than one school or service – such as an assistant head working to improve an aspect of 14-19 education across a group of schools, or a head providing support to, but not leading, another school.

Some heads working in these kinds of arrangements may be referred to as "executive heads", "managers" or "principals".

3.15 Some leaders also have external or "system leadership" roles[21], for example as School Improvement Partners (SIP), consultants for other schools, services or local authorities, or through NCSL programmes such as National Leaders of Education[22].

3.16 At present, only anecdotal information is available, for example on the number of leaders involved and how they are remunerated[23]. RIG recently published advisory guidance about the governance of and remuneration for some of these roles[24]. The Department has explained that this guidance highlighted three potential issues: lack of parity of treatment of leaders, the scope for leaders to receive double payments, and the impact of new leadership arrangements on other school staff.

Distributed leadership

3.17 Distributed or shared leadership, where employees throughout an organisation – not just a few people in senior positions – are engaged in, influence and take personal responsibility for aspects of leadership, is an important aspect of effective school leadership. The independent study found evidence of a difference in views between leaders and other staff about the extent to which responsibilities were distributed at present, and identified several barriers to distributed leadership[25].

Extended services and children's centres

3.18 As part of work to safeguard and promote the welfare of children and young people (the *Every Child Matters/Rights to Action* agendas) and to raise standards, schools are working in partnership with other schools and organisations to provide a range of services for their pupils and communities.

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[20] Ibid; NCSL (2006) *Varieties of Shared Headship: a Preliminary Exploration*

[21] Hill.R (2008) *Achieving More Together: Adding Value Through Partnership*, ASCL, Figure 13.10

[22] Information on NCSL's National Leaders of Education (NLEs) / National Support Schools (NSS) programme is available at <http://www.ncsl.org.uk/nle.cfm>

[23] DCSF (2008) Further Information and Evidence for STRB. See Appendix B for more details

[24] RIG (2007) *Rewarding Teachers and Raising Standards – Implementing the National Agreement on Rewards and Incentives*

[25] Op.cit. PricewaterhouseCoopers, *Independent Study*, paragraphs 12 – 14

3.19 In England, the Department has asked all schools, in partnership with local authorities and other organisations, to offer access to a specified range of services by 2010, including childcare, extra-curricular activities, parenting support, access to specialist health and family services, and community ICT, sports and arts facilities[26]. In Wales, schools are encouraged to provide a range of services and activities, often beyond the school day, to help meet the needs of their pupils, pupils' families and the wider community[27]. In both countries, a number of children's centres, which provide services for children up to the age of five, are located on school sites[28].

3.20 We understand that some leaders have responsibilities in relation to extended services and children's centres, but at present, information about this and how these leaders are remunerated is limited. Better information is required.

14-19 developments

3.21 The Department and Welsh Assembly Government both have targets and programmes for the education and training of 14 to 19 year-olds, aiming to increase the options available to young people, ensure that they stay in education or training and develop the right skills for further or higher education and work[29]. Work is underway, for example, to introduce new qualifications and improve learning support and advisory services. This will require schools to work in partnership with other schools, further education colleges and others.

Representations from consultees

Current pay and conditions

3.22 At the request of STRB, the Department provided information on leaders' current earnings[30].

3.23 RIG noted that at present, the STPCD did not specify pay arrangements for newly emerging leadership arrangements or for certain responsibilities. There were also wider regulations concerning the roles and responsibilities for which leaders could – and could not – be remunerated under the scope of the STPCD. At present, a variety of payment mechanisms were used, for example existing local pay flexibilities in the STPCD (see paragraph 3.6); and the award of additional, non-pensionable payments to leaders through separate employment contracts (outside the scope of the STPCD).

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[26] Further information is available at: <http://www.teachernet.gov.uk/wholeschool/extendedschools/>

[27] National Assembly for Wales (2003) *Community Focused Schools*, Circular 34/2003

[28] DCSF (2007) *Sure Start Children's Centres: Phase 3 Planning and Delivery*

[29] DCSF (2008) *The Children's Plan: Building Brighter Futures*, TSO, Chapter 5; <http://new.wales.gov.uk/topics/educationandskills/policy_strategy_and_planning/learning_pathways/?lang=en>

[30] Op.cit. DCSF, Further Information and Evidence for STRB

3.24 NUT noted that at present, the pay arrangements in the STPCD did not take account of recent changes such as extended services and federations. NUT did not think there would be advantages in heads having fixed-term contracts, which in NUT's view would be a deterrent and compound problems with recruitment and retention.

3.25 UCAC did not think that heads taking on responsibility for more than one school were receiving sufficient remuneration.

3.26 BATOD highlighted that local authorities had different arrangements for rewarding heads of SEN services. Some used the teachers' pay arrangements, for example placing heads on the leadership group spine or on a classroom teacher's salary with a TLR payment. Others used local government pay arrangements such as Soulbury[31].

3.27 Governors' representatives reported that schools and local authorities were currently addressing the reward issues raised by new leadership structures as and when they arose.

Developments in education

Leadership structures

3.28 RIG considered that the structure of a leadership and whole-school team would be effective if it achieved its aims, raised standards for every child and young person in the school, and used resources effectively to do so. It was for schools and governing bodies to establish the most appropriate leadership structure for their circumstances. Evidence on the effectiveness of different structures was limited.

3.29 BATOD expressed concern about the structures, funding, governance and leadership of specialist SEN services and made several proposals.

Collaboration between schools and system leadership

3.30 Consultees highlighted and commented on some of the emerging leadership arrangements, including those summarised in paragraph 3.14 above. Several noted that, at present, there was variation in how local managers remunerated the leaders involved.

3.31. RIG reported on the development of federations and associated leadership structures. RIG argued that it was imperative for there to be an individual, named head of every school, even if one head led more than one school.

3.32 NUT considered that the title "executive head" applied in relation to heads who were appointed to lead, support or supervise more than one school, was potentially damaging and divisive. The title implied that these leaders had additional skills and responsibilities, which was not necessarily the case.

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[31] The "Soulbury" national framework of pay and conditions apply to certain local authority employees involved in education, e.g. inspectors and advisers, educational psychologists and youth and community service officers. A national negotiating body, the Soulbury Committee, comprises representatives of local government employers and employees.

3.33 Some consultees made broader points about different types of collaboration, which are not summarised here.

Distributed leadership

3.34 RIG discussed the concept of distributed leadership, which was essentially about sharing out leadership across the organisation. In school leadership, there was a distinctive focus on teaching and learning. Leadership was not the province of an individual or confined to those with formal roles, but a function that could be performed formally or informally by all teachers, support staff and students. Distributed leadership did not imply any particular structure or model, but referred to the way in which leadership was practiced.

3.35 RIG emphasised the important role of non-teaching professionals such as finance and HR specialists in senior teams. RIG also highlighted that when heads were in charge of more than one school, this would have an impact on the roles of other staff.

3.36 NUT did not think that the independent study[32] had described all the conditions necessary for effective distributed leadership. NUT argued that to secure effective leadership, conditions in schools and support for heads should be such that heads had the time and understanding to foster confidence and professional autonomy amongst their staff and develop a culture of distributed leadership.

Extended services and children's centres

3.37 RIG provided contextual information about schools with co-located children's centres or delivering extended services[33]. It suggested that some heads were in overall charge of these services, while others were responsible for strategic direction, but not for day-to-day operational management. Government guidance advised against heads taking on direct responsibility for running a children's centre[34], but local intelligence suggested that in some areas there were concerns over the responsibilities and accountabilities of some heads.

3.38 TDA argued that leadership structures were fundamental to the delivery of the *Every Child Matters* agenda and highlighted that delivering extended services was challenging.

3.39 NUT highlighted research findings[35] which found that many heads and their staff did not feel in control of extended services, and that the provision of such services was one of the main drivers increasing heads' workload. NUT considered that heads, as strategic educational leaders, should continue to be responsible for extended schools. NUT proposed that STRB should seek a remit to report on the implications of extended services for the leadership group, working with a sub-group of consultees.

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[32] Op.cit. PricewaterhouseCoopers, *Independent Study*, paragraph 12 – 15

[33] RIG (2007) Submission to STRB, paragraphs 3.31 – 3.36. See Appendix B for details

[34] DCSF (2007) *Governance Guidance for Sure Start Children's Centres and Extended Schools*, section 6.8

[35] Smithers, A; Robinson, P (2007) *School Headship: Present and Future*, University of Buckingham; NUT (2007) *National Union of Teachers Survey: The Roles and Responsibilities of Head Teachers*

3.40 UCAC emphasised the need to ensure that provision of extended services did not have a negative impact on the working conditions of teachers and leaders. UCAC argued that when schools worked in partnership with other organisations, lines of responsibility for pupil achievement should be clear.

Vision for leadership

3.41 Consultees were invited by STRB to outline their vision for leadership.

3.42 RIG said it was important to be clear as to what would be expected of school leadership in the future, in the context of increased demands, higher expectations on the part of parents and the public, greater autonomy, increased accountability, diverse and changing political agendas, a focus on personalisation of teaching and learning, different models of governance and the changing role of local authorities. Leadership was extremely challenging. RIG suggested that school leaders should:

- be deeply committed to and care passionately about the well-being, education and development of all youngsters, be driven by a fundamental moral purpose;
- want to make a difference, and have the vision, skills, knowledge, understanding, attributes and qualities to make that difference a reality;
- understand that the key to raising standards of teaching and learning was the school workforce, and help to create the conditions for effective teaching and learning to flourish;
- where they were directly responsible for teaching and learning, command the professional respect of their colleagues as lead practitioners, practising participative leadership;
- respect their colleagues as professionals and maintain professional empathy with them;
- be flexible, able and willing to collaborate with others, and have the skills to work in teams both within and beyond the school, with team members possessing diverse professional skills;
- be committed to working well with, but not attempting to replace, other children's workforce professionals.

3.43 NGA considered that the attributes of future school leaders should largely be the same as at present: school leaders should have a commitment to the well-being of children and young people and to create an environment for high-quality teaching and learning in which children and young people were encouraged to achieve their full potential.

Equality and diversity

3.44 Several consultees highlighted in submissions to STRB in summer 2007 that women were under-represented in the leadership group and that a large number of leaders were approaching retirement[36].

[36] Op.cit. STRB, *Seventeenth Report Part One*, paragraphs 7.13 – 7.15

3.45 NUT highlighted research findings[37], and expressed concern that there may be imbalances in leadership appointments in relation to gender and race. NUT proposed that governing bodies and local authorities should conduct regular equality audits of appointments to the leadership group, TLR posts and of applications for progression to and up the upper pay scale.

3.46 UCAC said further work was needed to attract more people with disabilities, from ethnic minority backgrounds and women, to apply for leadership posts and to support them once in post. In UCAC's view, it was difficult for teachers with chronic health conditions or disabilities to remain in the teaching profession or apply for leadership group posts. UCAC suggested that it would be helpful to have more shared middle-management and leadership posts and more systematic and strategic CPD opportunities for middle managers in schools.

Future pay arrangements

3.47 Several consultees considered that adjustment to the pay arrangements in the STPCD might be needed to provide sufficient flexibility to take account of new leadership structures, but did not make specific proposals.

3.48 RIG believed that the pay and conditions of the leadership group had to strike the right balance between flexibility and protection, challenge and reward; underpin effective leadership; support schools to build capacity to meet the expectations of pupils and families, society and Government; and be affordable.

3.49 RIG suggested that communicating and providing advisory guidance on existing pay flexibilities could help to achieve progress. With respect to remuneration for emerging leadership structures, RIG considered that the variety of local practices (see paragraph 3.14) indicated a need to consider whether the STPCD required amendment.

3.50 RIG suggested that this matter should be considered as part of further work on teachers' professional responsibilities and conditions of employment. There was a link between leaders' responsibilities and payment arrangements.

3.51 RIG suggested that where heads' responsibilities were delegated to other teachers, a determination should be made about whether these should lead to a TLR payment, or the establishment of a leadership group post; and that the STPCD could include a criterion-based mechanism for determining placement in the leadership group, based on job weight, in a similar way to the existing provisions for the award of TLR payments.

3.52 RIG proposed that if any changes to leaders' pay and conditions were required, these should come into effect in September 2009, following a further remit to STRB, with one exception (see paragraph 3.53 below). This, RIG argued, would allow proper consideration of the impact of the changing policy context, provide schools with sufficient lead-in time to plan and

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[37] Education Data Surveys (2007) *The State of the Labour Market for Senior Staff for Schools in England and Wales 2006-2007*

implement any significant changes, and fit with the Government spending review planning cycle. Changes to pay and conditions of the leadership group would also impact on those for other teachers.

3.53 RIG argued that the case of heads additionally becoming head of a second school causing concern for a fixed-term merited earlier changes to the STPCD. RIG proposed that an existing local pay flexibility to reward the incumbent head of a school causing concern[38] should be extended, with amendments to the STPCD from September 2008. At the end of the fixed-term appointment to the school causing concern, the head would return to their original salary.

3.54 TDA emphasised that the pay and conditions framework should take into account the changes emerging from workforce reform and the challenges of delivering extended services. The framework should also enable schools and clusters of schools to select a leadership model appropriate to their needs, whether this was a federated or collaborative structure; a model of distributed leadership; or a direct or indirect extended schools structure.

3.55 As noted in Part One of our Seventeenth Report, ASCL and NAHT made several proposals in their joint submission to STRB in summer 2007[39].

- The minimum differential in salary between classroom teachers and teachers in the leadership group, specified in the STPCD[40], should be increased to be based on U3 rather than U1 as at present.
- New local flexibilities for the remuneration of heads with additional responsibilities, for example associated with extended schools, children's centres, executive headship or running two or more schools should be introduced, along with a duty on schools and services to consider exercising these in certain circumstances.
- Leaders' contracts of employment should include an exit package should the contract be terminated by the employer, with specified levels of compensation.

3.56 NUT referred STRB to its previous representations on pay for the leadership group[41]. NUT did not consider that there was a case for substantial change to the pay structure: the 43-point spine provided the capacity to reward all leaders according to differing levels of responsibility and could accommodate any necessary amendments, for example to take account of federations and the provision of extended services.

3.57 NUT proposed, however, that STRB should examine whether the professional responsibilities of head teachers, deputy head teachers and assistant head teachers in the STPCD should recognise the implications of extended services for the management of schools. STRB should also examine

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[38] Op.cit. DCSF, *School Teachers' Pay and Conditions Document 2007*, Section 2, paragraphs 12.2.5 – 12.2.6

[39] Op.cit. STRB, *Seventeenth Report Part One*, paragraphs 7.40 – 7.45

[40] Op.cit. DCSF, *School Teachers' Pay and Conditions Document 2007,* Section 2, paragraph 12.3

[41] Op.cit. STRB, *Seventeenth Report Part One,* paragraphs 7.36 and 7.41

the current pay arrangements to ensure that they enabled appropriate rewards for leaders with responsibilities in this area.

3.58 NUT considered that the STPCD should provide sufficient flexibility for governing bodies to recognise in salaries any differences in responsibilities of heads working under new leadership structures compared with other heads[42]. NUT made proposals about how heads in different circumstances could be rewarded[43].

- Heads in soft federations, who would be likely to retain their existing responsibilities, should retain existing salaries. Any reward for additional responsibilities taken on by one or more of the heads, for example the federation co-ordinator, could be addressed through existing local flexibilities in the STPCD.
- The overall head of a hard federation should have their salary based on the aggregate number and ages of the pupils in the federated schools.
- For hard federations including schools with different groups, it would not be practical for the STPCD to specify a fixed salary differential between the overall federation head and those heading the individual schools in the federation. Salary levels for leaders in federations should take account of leaders' responsibilities, including the number and ages of pupils for whom leaders had responsibilities.
- The establishment of a hard federation should be treated as a school reorganisation. Any substantive salary reductions for heads of schools in the federation whose posts were replaced by posts of lesser responsibility, for example following transfer of responsibilities to the overall head of the federation, should be managed through safeguarding.

3.59 UCAC argued that the current method of calculating a school's ISR[44] was not compatible with recent and future developments in education, such as schools working in partnership to offer a greater variety of subjects for 14-19 year old pupils.

3.60 BATOD proposed that there should be an investigation into the structure of specialist SEN services and the pay of those employed in them, particularly leaders. BATOD also reported that it had prepared a model pay policy for SEN services.

3.61 GW argued that there should be more flexibility in the pay structure for heads to take account of developments with heads' responsibilities for extended schools and in relation to federations and other collaborative arrangements.

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[42] NUT (2007) First submission to STRB, paragraph 55. See Appendix B for details

[43] NUT (2007) Third submission to STRB. See Appendix B for details

[44] Op.cit. DCSF, *School Teachers' Pay and Conditions Document 2007*, Section 2, Part 3

Other aspects of the pay system

3.62 Consultees made points about the current pay arrangements for classroom teachers:

- RIG argued that in certain cases, for example when heads were responsible for more than one school, governing bodies should consider reward for other members of staff taking on additional leadership and management responsibilities.
- NUT had concerns about TLR payments and referred STRB to its previous representations[45]. NUT argued that the introduction of the payments had reduced opportunities for teachers, especially those in primary schools, to hold posts of responsibility. NUT argued that this undermined staffing structures, and diminished the effectiveness of schools.

Conditions of employment

3.63 Some consultees made points about aspects of leaders' conditions of employment covered in the STPCD, including working time and CPD.

3.64 As noted in Part One of the Seventeenth STRB Report, consultees were concerned about leaders' workload and working time[46].

3.65 RIG noted that there was no national "directed time" or limit on working days in the STPCD for teachers in the leadership group or ASTs. RIG considered that this was an anomaly and that the next step in contractual change should be to address it. RIG wanted to consider options in the context of its proposed 2009 timetable.

3.66 NUT proposed that heads should be entitled to leadership and management time of no less than 50% of the school timetable from September 2008, rising to 60% by September 2009; and that deputy and assistant heads should be covered by the same provisions relating to work-life balance as classroom teachers[47].

Other matters raised by consultees

3.67 Consultees also highlighted wider matters:

- NUT and UCAC were concerned about the pace and management of change in the education sector.
- NUT, UCAC and GW argued that all heads should have qualified teacher status (QTS) and experience in teaching.
- NUT proposed that sabbaticals should be available to leaders – and teachers – every seven years.
- Several consultees argued that changes should be made to school funding arrangements.

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[45] Op.cit. STRB, *Seventeenth Report Part One,* paragraphs 7.82 – 7.84

[46] Ibid. paragraphs 7.31 – 7.34

[47] Op.cit. DCSF, *School Teachers' Pay and Conditions Document 2007,* Section 4, paragraphs 23 – 29

Our views and recommendations

3.68 We have been asked to consider whether changes are needed to the national framework of leaders' pay and conditions in view of the need for schools to have scope to establish the right leadership structures, taking into account certain developments in education. This is a valuable opportunity to bring the national framework up-to-date and ensure that it provides strong foundations for the future.

Strategic context

3.69 When we last examined the strategic context for our work in 2005, we highlighted some key challenges facing schools and services and the vital importance of good leadership[48]. The policy and organisational developments we described earlier in paragraphs 3.10 – 3.21 mean that in 2008, the environment in which school leaders operate is complex, challenging and dynamic. The key imperative remains the attainment, readiness for employment and all-round achievement and well-being of children and young people, outlined in Government targets and *Every Child Matters/Rights to Action*. In this context, a first-rate teaching profession with outstanding leaders is essential.

3.70 We articulate what we think this challenging environment requires in our vision for leadership below. We have considered leadership in the round and our vision refers to the whole leadership structure, comprising teachers in the leadership group, support staff and governing bodies.

[48] Op.cit. STRB, *Fifteenth Report,* Chapter 1

VISION FOR LEADERSHIP

Education is fundamentally important to individuals, families, communities and society, and to enhancing competitiveness in a rapidly changing world. It is essential, therefore, that schools are places of inspiration, innovation and world-class achievement, helping students to achieve their full potential. Leaders play a critical role in making this a reality.

Leadership should be:

- Strategic and rigorous in delivery, with teams working together to meet the highest standards and ensure the best pupil outcomes, setting challenging goals, continuously improving and adapting to changing circumstances.
- Professional and fulfilled, creating a learning environment of excellence, setting personal examples of reflective practice and continuous professional development.
- Strong and unified, with the whole team founded on clarity of purpose, embracing full accountability for achievement, and a "can do", innovative culture that distributes responsibility boldly and celebrates and rewards success.
- Motivating, maximising the contribution and confidence of all team members to continuously improve performance and igniting the enthusiasm and ambition of students to learn and achieve to their full ability.
- Engaging and collaborative, building effective relationships with colleagues, students, parents, other professions and the community.
- Courageous and decisive.

3.71 For this to be achieved, several things must happen. Schools need to establish the right organisational structures and governance arrangements; develop a confident, innovative, "can-do" culture; and recruit, retain and motivate leaders with sufficiently broad and deep skills. The national framework of pay and conditions is a factor in each of these areas. Equally, its effectiveness is dependent on schools having the right structures, culture and skills. Before looking in detail at our specific remit we would therefore like to discuss some of these inter-related matters.

3.72 With respect to the overall organisation of schools and leadership teams, we agree with the independent study and with consultees that there is unlikely to be any single best model for all schools. But nor is it the case that the existing structure of a school is necessarily best for the future. Indeed, in light of the challenging context and strategic imperatives outlined above, it may not be possible for some schools – especially small schools with limited resources and those underperforming – to succeed under the current, traditional arrangements. Collaborative approaches such as federations have

the potential to offer significant benefits, for example to enhance the quality of education and aid staff development, efficiency and partnership working[49].

3.73 At present, consideration and establishment of new structures and leadership models seem to be ad-hoc and depend largely on local managers' capabilities and openness to change. There is no coherence and the pace of change is slow[50]. Stronger central guidance and challenge may be necessary to remove barriers and stimulate more systematic consideration and establishment of new structures[51].

3.74 As our previous reports have emphasised, governors play a critical role and are integral to good leadership. Governors, who serve and give their time on a voluntary basis, have significant accountability and a range of important responsibilities. They not only establish the strategic direction and values of the school, but also manage the recruitment, performance and reward of leaders. We reiterate the point we made at the beginning of this chapter, that the national framework of pay and conditions for leaders cannot be effective unless it is well operated at a local level. Leaders cannot be effective unless the body to which they are accountable is also effective.

3.75 Recent reports, including the independent study[52] and a report by NCSL[53], have raised questions about the effectiveness of current governance arrangements and argued that these need to be strengthened. We agree. For many schools, it is understandably difficult to recruit and retain governors with the time and necessary range of skills to undertake this role effectively. This can compromise the extent to which schools have in place the appropriate levels of support, challenge and monitoring. Addressing this is not a matter of providing more guidance or training for individual governors but of fundamental reform to the *system* of governance to ensure it has the right number of bodies with the right number of members with the right skills, organised, structured and led in the most effective manner. As part of this, we welcome the Department's plans to make governing bodies smaller and more effective[54]: this should permit better management of leaders' performance and reward. There may be useful lessons to be learned from models of governance in other UK organisations and in education in other countries.

3.76 There is a particular need to improve local effectiveness in managing and rewarding teachers, especially those in the leadership group. This could be achieved, for instance, by ensuring that all governing bodies have access to expert remuneration advice or by establishing specialist remuneration committees working across a group or federation of schools and services. We would like the Department to give particular consideration to this matter and our suggestions as it plans and progresses reforms. In our view, this matter is of fundamental importance for the future of school leadership.

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[49] Op.cit. Hill.R, *Achieving More Together,* Chapters 2 – 3

[50] Ibid. Chapters 4 and 12

[51] Ibid. Chapter 14

[52] Op.cit. PricewaterhouseCoopers, *Independent Study*, paragraphs 8.7 – 8.8

[53] NCSL (2007) *Primary Leadership: Advice to the Secretary of State*

[54] Op.cit. DCSF, *The Children's Plan,* paragraphs 4.73 – 4.74

Diversity of the leadership group

3.77 We have been asked to consider how to improve the diversity of the leadership group. As highlighted in Part One of Our Seventeenth Report[55], there is scope for improvement in the teaching profession as a whole. The proportion of the teaching workforce that is female is high and increasing, but disproportionate numbers of leaders are male. Minority ethnic groups are under-represented throughout the profession. There is also anecdotal evidence that it is difficult for people with health conditions and disabilities to enter and progress in the teaching profession.

3.78 A truly diverse workforce should be broadly representative of its wider community and should ensure that staff are treated equitably irrespective of their age, disability, gender, race, sexual orientation, religion and beliefs. Whilst there exists reasonable information on gender issues, there is little or no evidence available on participation and progression in the profession with respect to these wider diversity issues. In certain areas, such as the under-representation of ethnic minorities in the leadership group, this may reflect an under-representation in the teaching profession as a whole.

3.79 Without reasonable information, it is impossible to robustly monitor improvements in the diversity of the leadership group, governors or the wider profession. We have previously emphasised the need for the Department and Welsh Assembly Government to improve national-level equality-monitoring data[56] and ask that this now be progressed as a matter of urgency.

3.80 Those making submissions to us did not cover these issues in any detail and did not present much by way of substantial evidence. On the basis of what we have, however, we cannot see any basis for concluding that the pay system itself is a barrier to the achievement of a more diverse workforce.

3.81 In the absence of better evidence, we nonetheless believe there are a number of practical, common-sense, ideas that would be helpful in this area (with scope in some cases to build on existing good practice):

- Encourage the creation of more part-time, flexible leadership posts. This would provide new opportunities for people who are currently deterred from considering promotion.
- Find ways to reduce the length of time taken for teachers with potential to become leaders and progress to headship, for example through expansion of existing development schemes. There is a need to challenge the assumption that long service in teaching is a necessary precursor to leadership.
- Provide opportunities for teachers to gain early leadership experience, for example through short-term secondments and shadowing.

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[55] Op.cit. STRB, *Seventeenth Report Part One*, paragraphs 1.16 and 3.35

[56] Ibid. paragraph 1.16

- Encourage people from a wider range of occupational backgrounds to join the profession and to become school leaders. At present, the pool of potential leaders is, in practice, limited and there are barriers to the career progression of people with different experience.

Reward

3.82 As outlined above, consultees consider that the existing pay arrangements, with minor adjustments, should remain in place for the future. It is our view, however, that the existing arrangements will not suffice for the medium-to-long-term, for two reasons. Firstly, the national pay arrangements do not accommodate or encourage the new leadership structures and roles that have emerged. Secondly, certain drawbacks with the pay system have become apparent since the system was adjusted in 2000 and changes are needed to make it fit for the future. We consider both these issues below.

New leadership structures and roles

3.83 The current, long-standing pay arrangements for leaders are based on a traditional model of one, permanent head for each school and a narrow view of leaders' responsibilities. They pre-date the emerging leadership structures and new aspects of leaders' responsibilities outlined in paragraphs 3.10 – 3.21.

3.84 As new structures and roles have emerged, therefore, local pay arrangements have been put in place. At present, the number of leaders involved is small and only anecdotal information is available about pay arrangements. Consultees have highlighted that there is a range of practice. Some governing bodies and local authorities have stretched existing flexibilities in order to pay leaders under the STPCD; others have made separate payments for aspects of leaders' jobs, or sought to move leaders onto wholly different pay and pension arrangements.

3.85 The current position is confusing for all involved, and both leaders and employers are exposed to risks. In the absence of any national framework or established conventions on local oversight, there is no consistency of practice and there is a risk of inequity. There also appears to be varying practice on the extent to which additional payments are remitted to a leader's school or retained by the individual. The lack of clarity on remuneration issues could contribute to leaders being pulled in too many directions at once with negative consequences for their core work. Likewise, it could deter schools from establishing innovative leadership arrangements and good leaders from taking on new roles. We understand why ad hoc arrangements have had to be made until now, but we do not think they provide a sound basis for the future.

3.86 Further, new leadership structures and jobs are designed in order to improve standards and all-round outcomes for pupils. It is not, therefore, logical, desirable or consistent with the spirit of the *Children's Plan, Every Child Matters/Rights to Action* or the standards agenda – all of which are part of the mainstream mission of a school or service – for leaders who are employed to work entirely for maintained schools and services to be paid under piecemeal contracts or outside the scope of teachers' pay arrangements.

3.87 Without prejudice to the primacy of local flexibility in determining reward, the STPCD should therefore be changed to enable leaders to be paid for the full range of leadership arrangements, including but not limited to:

- an overall head formally leading two or more schools, instead of or in addition to a head in each school;
- leaders working for or having responsibilities of relevance to more than one school or service;
- external roles such as School Improvement Partner, "system leadership" roles, and consultancy for national education bodies;
- leadership of services for children, young people and communities;
- fixed-term appointments;
- shared and joint leadership posts.

3.88 This change will have two consequences. One will be to replace a series of piecemeal payments with one salary in respect of a leader's contribution to the maintained sector. The other will be that appropriate oversight will be needed to ensure that the overall division of a leader's time is reasonable and transparent, and that it is fairly remunerated. It is our view that all leaders taking on additional roles should do so with the explicit approval of their governing bodies.

3.89 Some consultees have made specific proposals for immediate change, for example concerning leaders of federations and temporary support for challenging schools. We view the matter in a broader light and do not think that piecemeal changes for specific groups of leaders would be helpful at this stage. It would be better to establish a broad over-arching approach, with the right degree of local flexibility. In view of the need for local flexibility, we are similarly not persuaded that joint headship should be ruled out as a matter of course. It is unlikely to be a widespread model but its effectiveness cannot be assessed unless it is tried.

3.90 The risks associated with the current arrangements and the likelihood that the number of leaders working under new arrangements will continue to increase both indicate a need for early action. It would be desirable for the STPCD to be updated in the near future, and certainly during the current spending review period. (We understand that this approach could require interim amendments to the current statements of heads' responsibilities, notwithstanding our view in Chapter 2 that it is not yet the appropriate time to finalise new statements of teachers' responsibilities.)

3.91 We would like to give further consideration as part of our next remit to the way in which the STPCD should facilitate new structures and roles, in particular ensuring the leaders concerned can be paid under the STPCD for the full range of leadership responsibilities. The goal will be to mitigate the risks we have identified, improve transparency and remove barriers to local innovation. Any new provisions should be framed flexibly, since leadership roles and structures will continue to evolve.

Pay design

3.92 The remuneration of senior professionals is a common challenge for organisations in all sectors. Regular checks are needed to ensure that pay systems keep pace with changes in the strategic environment and support organisational success.

3.93 It is timely to evaluate the arrangements for school leaders: the pay system was last adjusted in 2000 and there have been significant developments in education since that time. As highlighted above, the national framework of pay and conditions should support the establishment of the right organisational structures and governance arrangements; the development of a "can-do" culture; and help to recruit, retain and motivate leaders with sufficiently broad and deep skills.

3.94 We have considered the findings of the independent study, some of which are highlighted in paragraph 3.9, the analysis presented in Part One of our Seventeenth Report[57] and consultees' views. In our view, there are drawbacks with the existing arrangements.

- The arrangements are somewhat prescriptive, and although there is some local flexibility, this is not always being effectively managed by governing bodies.
- The existing formula – based on pupil numbers and key stage – has the effect that leaders of large secondary schools receive the highest financial rewards, and leaders of small primary schools the lowest. This may not be appropriate in view of leaders' respective responsibilities and challenges and presents barriers to the movement of leaders between schools. Such arrangements may also work against collaboration between institutions at the 14-19 stage where there needs to be more freedom for learners to move between institutions.
- Links between performance and pay for leaders are weak, and there is limited scope for local managers to differentiate financial rewards according to leaders' individual performance.
- Related to this, there is no element of variable pay for leaders. Permanent, consolidated pay progression is the only type of financial reward on offer. This is inconsistent with remuneration practice for other senior professionals.
- There are three grades in the leadership group, but in practice there has been blurring of the assistant and deputy head grades.
- There may not be sufficient incentives for leaders to work in challenging schools.
- There is insufficient provision to retain experienced or retiring heads on flexible terms, such as a part-time or job-share basis.
- Where leaders are employed on a fixed-term basis, there is no guidance on how compensation should be determined in the event of early termination of the contract.

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[57] Op.cit. STRB, *Seventeenth Report Part One*, paragraphs 7.46 – 7.53

3.95 Looking forward, we do not think that the current arrangements, even modified as we propose in paragraph 3.87 above, would fulfil the objectives set out in paragraph 3.93 above or provide a sound basis for the future. We therefore believe that it is also necessary to consider more wide-ranging changes to the pay system than those envisaged by consultees.

Reward principles

3.96 Before considering what specific changes may be needed, it is important to be clear about what principles should underpin the national pay framework. We have developed some principles to set direction: we believe that improving the pay arrangements in accordance with these principles will provide a better basis for the future success of schools and services.

REWARD PRINCIPLES

The national pay arrangements for leaders should:

(i) Support the establishment of effective and efficient leadership structures and arrangements.

(ii) Accommodate the full range of leadership arrangements.

(iii) Attract people with sufficiently broad skills and experience.

(iv) Retain and motivate good leaders.

(v) Recognise:

- the nature, size, circumstances and strategic imperatives of the school(s) or service(s);
- the responsibilities and degree of challenge and risk accepted by the individual;
- competitive labour market forces;
- leaders' performance, measured in terms of school or service improvement, team outputs and personal impact.

(vi) Provide a significant proportion of variable pay for leaders, linked to appropriate performance measures.

(vii) Provide scope for local managers to offer tailored remuneration packages to attract and reward individuals.

(viii) Support flexible career paths, including rapid promotion for those who merit this, pathways to and from other careers, and attractive options for those nearing retirement.

(ix) Facilitate movement of leaders within and between schools and services, including those in challenging circumstances.

(x) Be transparent and fair.

3.97 As we have highlighted, the effective operation of the pay system is dependent on local governance, where reform is needed. The current governance arrangements present a significant barrier to the achievement of our vision and constrain the options for change.

3.98 We cannot yet identify what specific changes to the pay system may be needed: this will require further work in several stages. However, our focus will be on the need to properly accommodate the emerging new structures of leadership and to address the issues set out in paragraph 3.94 above.

3.99 Dialogue should start now, so that changes can be introduced at the start of the next government spending review period in 2011/12. As a starting point, we would welcome consultees' views on our vision and reward principles. This will inform our consideration of what changes to the pay system may be needed. There will clearly also be interaction between this work and the first strand of work we outline in paragraph 3.87.

Conditions of employment

3.100 We do not wish to recommend any changes to aspects of leaders' conditions of employment that fall within our remit. It is not our view that this is a pre-requisite for an examination of the reward system. We note consultees' ongoing concerns about leaders' workload and the suggestions from RIG and NUT, but do not think that the conditions in the STPCD are the cause of high workloads. In line with our views in the previous chapter (paragraph 2.68), we do not consider that further national prescription of conditions of employment for leaders in the STPCD, for example in relation to working time or work-life balance, would be the right approach.

Recommendations

3.101 **We recommend that:**

- **The Department's work to make governance more effective pay particular attention to improving local effectiveness in managing and rewarding teachers. This should address how to ensure all governing bodies have access to expert remuneration advice, and include consideration of the option of establishing specialist remuneration committees working across a group or federation of schools and services.**
- **The national framework of pay and conditions for leaders in the STPCD be changed to enable leaders to be paid for the full range of leadership arrangements. This work should:**
  - **be undertaken by this Review Body in the course of our next remit;**
  - **encourage local innovation in establishing leadership arrangements;**
  - **improve the consistency and transparency of remuneration for the leaders concerned; and**

- **ensure that all payments to leaders for work in maintained schools and services are within the scope of the national framework.**

- **This Review Body, in consultation with all interested parties, consider what changes there should be to pay arrangements for the leadership group as a whole:**
  - **as a first stage, consultees consider our vision for leadership and reward principles and present us with written representations and evidence;**
  - **work be completed in time for changes to the STPCD to be implemented from September 2011.**
- **The Department and Welsh Assembly Government take steps to improve data to monitor the diversity of the workforce, including the entire leadership group.**

CHAPTER 4

Short Notice (Supply) Teachers

Introduction

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

> *what changes should be made to pay arrangements to specify how short notice teachers' pay must be calculated and paid, including holiday pay.*

4.2 This is the first time that we have been asked to give consideration to the pay arrangements for these teachers. We understand that "short notice" or "supply" teachers are employed on a temporary, casual basis by schools and local authorities, usually to provide cover for vacancies or absences of permanent teachers. They may work full-time or part-time, for one or more school or service at a time, and under contracts of varied duration.

4.3 Our remit only pertains to short notice teachers employed directly by schools and local authorities: it does not extend to teachers engaged by employment agencies.

Context

Background statistics

Data on this group of teachers are limited, but research produced for the Department in 2006[1] provides some information. The statistics below are drawn from this study except where stated.

- It was estimated that in 2005 around 40,000 teachers undertook supply teaching at some point during the year (more than 7% of total headcount)[2].
- Roughly 3% of the FTE teacher workforce in January 2007 was made up of "occasional" teachers[3]. Over half of occasional teachers worked in primary schools, indicating a higher level of internal cover in secondary schools.

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1 Institute for Policy Studies in Education, London Metropolitan University; University of Glasgow (2006) *The Recruitment, Deployment and Management of Supply Teachers in England,* DCSF

2 Institute for Policy Studies in Education, London Metropolitan University (2006) *General Teaching Council Survey of Teachers 2006*, GTC

3 DCSF (2007) *School Workforce in England, January 2007,* SFR 29/2007 Table 2. "Occasional" teachers are defined as teachers employed on the date of data collection having a contract of less than one month. This excludes supply teachers engaged on longer-term contracts, but includes teachers engaged through agencies.

Background statistics *(continued)*

- Compared to the wider teaching population:
  - the proportion of men and women in supply teaching was similar;
  - supply teachers were older, with more than 50% aged 50 or above, though there were regional exceptions such as Inner London;
  - a higher proportion of supply teachers were NQTs;
  - supply teachers were more likely to work in "challenging" schools.
- More than half of supply teachers obtained work directly from schools, around a third through private agencies and the remainder through local authority services.
- The main reasons for employing supply teachers were to cover short-term sickness, and to cover permanent teachers whilst they were undertaking CPD activities.
- Supply teachers worked an average of 2.9 days per week, with most placements lasting less than a week.
- Most supply teachers had not received CPD in the preceding year. When asked about reasons for not undertaking CPD, many alluded to potential loss of pay or inappropriate timing.
- The vast majority of secondary schools expected supply teachers to supervise work set by other teachers. In contrast, primary schools generally expected supply teachers to teach according to the absent teacher's plan.

Existing pay arrangements

4.4 The STPCD[4] specifies that:

- short notice teachers be paid on a daily basis at a rate of 1/195th of ***P***, the appropriate annual salary[5]:

$$\text{pay for each day worked} = \frac{\boldsymbol{P}}{195}$$

- short notice teachers employed for less than a day be paid on a pro-rata basis. The method for doing so is not specified; and
- short notice teachers receive pay progression in the same way as permanent teachers, providing they have completed periods of employment amounting to at least 26 weeks in aggregate within the previous school year[6].

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4 DCSF (2007) *School Teachers' Pay and Conditions Document 2007 and Guidance on School Teachers' Pay and Conditions*, Section 2, paragraph 50

5 The appropriate annual salary for supply teachers is the point on the relevant pay scale, based on the teacher's length of service; a spot salary for Excellent Teachers; or the appropriate point on the spine for the leadership group or ASTs

6 Op.cit. DCSF, *School Teachers' Pay and Conditions Document 2007,* Section 2, paragraph 1.8. The STPCD defines a week of employment for these purposes as a period from the beginning of the week in which the employment commences to the end of the week in which the employment is terminated, whether the teacher's service during that period has been full-time or part-time or regular or otherwise. This means, for example, that a supply teacher working for one day in each of 26 weeks at different schools would qualify for pay progression

4.5 Short notice teachers are not explicitly covered by the provisions of the STPCD on certain conditions of employment such as working time. Under the terms of the "burgundy book"[7], they have different conditions of service from permanent teachers.

Legal developments

4.6 Under the *Working Time Regulations*[8], workers are entitled to 4.8 weeks of paid annual leave (24 days if working a five-day week), rising to 5.6 weeks in April 2009 (28 days if working a five-day week). Developments in case law to date[9] have held that:

- workers should receive payment for annual leave additional to that for work done, in the form of a payment in respect of a specific period during which the worker takes leave, i.e. holiday pay may not be "rolled-up" alongside payment for work done;
- the minimum period of annual leave may not be replaced by an allowance in lieu, except where the employment relationship is terminated; and
- the holiday element of pay must be consistently and transparently calculated and identified.

Arrangements in Scotland

4.7 In 2003, the Scottish Negotiating Committee for Teachers made changes to holiday pay for all teachers[10]. Teachers in Scotland have a 195 day working year and 66 days of annual leave (the remaining 104 days of the year being Saturdays and Sundays). The national pay framework specifies that pay for teachers is on a daily basis at a rate of 1/195th of ***P***, the appropriate annual salary, broken down into two elements, proportional to the number of working days, and the number of days of annual leave:

- payment for each day's work at $\frac{\boldsymbol{P}}{195} \times \frac{195}{261}$
- holiday pay at $\frac{\boldsymbol{P}}{195} \times \frac{66}{261}$

4.8 Holiday pay therefore comprises 25% of teachers' total pay. As permanent teachers are normally paid monthly, this is a largely notional way of working out pay. The timing of payment of holiday pay to supply teachers is agreed locally.

Representations from consultees

4.9 RIG provided contextual information on the working patterns and current pay arrangements for short notice teachers. RIG reported that this part of STRB's remit arose from a specific legal issue that needed to be addressed

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7 NEOST (2000) *Conditions of Service for School Teachers in England and Wales*

8 *Working Time Regulations* (1998) SI 1833. The regulations implement the Working Time Directive, 93/104/EC, subsequently amended by 2003/88/EC.

9 European Court of Justice (ECJ) joined cases ref. C-131/04 and C-257/04, *Messrs Robinson-Steel, Clarke, J.C. Caulfield, C.F. Caulfield and Barnes;* and Employment Appeal Tribunal (EAT) case ref. UKEAT/0301/07, *Lyddon v. Englefield Brickwork*

10 SNCT (2003) *Changes to Scheme of Salaries and Conditions of Service and Previous SNCT Circulars,* SNCT/26

following a European Court of Justice (ECJ) judgement[11] in March 2006 about the application of the European Working Time Directive (WTD): specifically, payment for holidays.

4.10 RIG reported that the ECJ judgement had ruled that paying holiday pay along with payment for work (commonly known as "rolled-up" holiday pay) was unlawful because all workers, until the termination of their employment, had to be given paid holiday and receive payment at the time they actually took holiday.

4.11 RIG did not consider that this legal issue applied to teachers who were paid on an annual basis, but advised that the arrangements for short notice teachers' pay in the STPCD needed to be amended. The STPCD needed, as a minimum, to specify:

- how short notice teachers' pay was calculated (but not on the basis of the current arrangements);
- that, in addition to this payment, short notice teachers must also be paid a sum in respect of annual leave; and
- how this annual leave payment must be calculated.

4.12 RIG noted that the current pay arrangements included a holiday pay element: it was therefore necessary to find an alternative means of calculating a rate for a day's work for short notice teachers, and an appropriate holiday rate, that would leave teachers with the same rates of pay overall.

4.13 RIG proposed that short notice teachers should continue to be paid on a daily basis at a rate of 1/195th of the appropriate annual salary, but that this should be divided into two elements. The amount split off for holiday pay should be no higher than necessary, to minimise disruption and the amount of pay for which teachers might need to wait longer. RIG highlighted and provided details of the arrangements in place in Scotland (see paragraphs 4.7 – 4.8), but believed that a model directly linked to minimum holiday entitlement under the WTD would be more appropriate and beneficial to short notice teachers in England and Wales. RIG noted that from September 2008, this entitlement would be 24 days, rising to 28 days from April 2009.

4.14 RIG therefore proposed that changes to the STPCD should be made in two stages. From September 2008:

- the salary divisor would be 219 (195 working days, plus the 24 days holiday entitlement);
- short notice teachers' payment for each day's work would be at $\frac{\boldsymbol{P}}{195} \times \frac{195}{219}$ (89.0% of the present daily rate); and
- short notice teachers' holiday pay would be $\frac{\boldsymbol{P}}{195} \times \frac{24}{219}$ (11.0% of the present daily rate).

[11] Op.cit. ECJ judgement, *Robinson-Steele*

From April 2009:

- the salary divisor would be 223 (195 working days, plus the 28 days holiday entitlement);
- short notice teachers' payment for each day's work would be $\frac{P}{195} \times \frac{195}{223}$ (87.4% of the present daily rate); and
- short notice teachers' holiday pay would be $\frac{P}{195} \times \frac{28}{223}$ (12.6% of the present daily rate).

RIG acknowledged that this approach would mean that the STPCD would need to be amended in future should the minimum holiday entitlement change again.

4.15 RIG proposed that pay for short notice teachers engaged for less than a whole day should be calculated as a daily proportion of a full-time teachers' weekly session hours, and paid in two separately-identified payments as above.

4.16 RIG did not think it would be necessary or appropriate for the STPCD to specify when short notice teachers should receive their holiday pay and proposed that this matter should be covered in advisory guidance. It would sometimes be appropriate for holiday pay to be paid at the same time as short notice teachers received the other part of their pay, for example, when a teacher was employed for such a short period that the taking of paid annual leave during that time would not be practicable or usual; or when employment was terminated. In these cases, payment in respect of holiday entitlement should be separately identified. In other cases, holiday pay would need to be deferred until an appropriate holiday period. This would be a change for the teachers concerned.

4.17 RIG also suggested that advisory guidance could be published on good practice on the issuing of contracts and the circumstances in which it might be appropriate for fixed-term contracts, rather than short notice arrangements, to be offered.

4.18 With respect to implementation, RIG proposed that changes to the pay arrangements for short notice teachers should be implemented from September 2008, when changes to part-time teachers' pay were also planned[12]. RIG did not consider that this would place a large administrative burden on employers. Consideration would need to be given to how changes and their rationale should be communicated to teachers.

4.19 NUT objected to RIG's proposals, arguing that RIG had misunderstood the ECJ judgement and the application of the WTD. In NUT's view, the daily rate paid to supply teachers had never been expressed as including an element of holiday pay: the purpose of paying supply teachers on a 1/195th basis per day was to ensure that, if a supply teacher secured work on every day of a school year, that teacher would receive the same total sum as a regularly employed teacher.

[12] RIG (2007) Submission to STRB, paragraph 4.22. See Appendix B for details

4.20 NUT acknowledged that there was a problem in respect of the WTD, but argued that the problem had only arisen because the STPCD appeared to permit the use of day-to-day contracts to engage teachers for extended periods. In NUT's view, this was an unlawful abuse of the existing provisions.

4.21 NUT considered that only where day-to-day contracts were used to engage teachers for periods of time which extended on either side of a school closure period did a pattern of employment occur of the kind which was of concern to the ECJ. The rule against rolled-up holiday pay existed to prevent rolled-up pay being used as a disincentive to taking the holiday entitlement required by the WTD. It did not exist to prevent the fixing of a daily rate for day-to-day contracts equivalent to the daily earnings of a comparable salaried worker in circumstances in which it could not operate as a disincentive to taking holidays.

4.22 NUT proposed that the use of day-to-day contracts for teachers engaged for extended periods be prohibited: the employment of a teacher in a single post spanning a termly school closure period should be salaried so that they would be paid during school holidays. In NUT's view, there was no reason for employers to engage teachers on day-to-day contracts for such extended employment.

4.23 NUT considered that teachers employed for extended periods on day-to-day contracts were disadvantaged in comparison with salaried colleagues: under the terms of the document specifying teachers' conditions of service (the "burgundy book")[13], teachers employed on day-to-day contracts had no contractual entitlements to sick leave, maternity leave or minimum notice periods. In NUT's view, supply teachers were treated less favourably than regularly employed teachers and those with fixed term contracts.

4.24 NUT argued that RIG's proposal was not necessitated by the WTD nor by the ECJ judgement; rather it was provoked by bad practice in the application of the burgundy book and the current STPCD provisions on the pay of supply teachers. In NUT's view, adoption of RIG's proposal would institutionalise this practice, which NUT argued would lead to widespread breach of EU directives on part-time and fixed-term work and the domestic regulations implementing those directives; further, the effect would also be indirectly and unlawfully gender discriminatory, given the disproportionate impact on women in the part-time teaching workforce.

4.25 Were RIG's proposals recommended by STRB and adopted by the Government, NUT would expect to legally challenge the effects.

4.26 NUT proposed that supply teachers should continue to be paid for each day's employment at 1/195th the salary to which that teacher would be entitled if employed as a full-time teacher.

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[13] Op.cit. NEOST, *Conditions of Service for School Teachers in England and Wales*

4.27 NUT argued that some employers interpreted inappropriately the current STPCD provisions on how supply teachers engaged for less than a whole day should be remunerated. NUT proposed that supply teachers should be regarded as being employed for a day if, on any day upon which they worked, they were required to be available for work for the whole school day, notwithstanding that they might not be required to actually work for the whole day.

4.28 NUT acknowledged that in some instances supply teachers would be genuinely engaged for less than a full day, to cover part-day absences of regular teachers. NUT proposed that engagement of a supply teacher should not be reducible below a school session[14] (i.e. for a morning or an afternoon), and that sessional engagement should be remunerated at a rate equivalent to that proportion which the length of the session in question bore to the total length of the school sessions for the day. In NUT's view, the simplicity and ready understandability of this proposal outweighed the disadvantages of any arbitrariness in the approach.

4.29 NUT made further proposals concerning the definition of supply teachers and part-time teachers, and a proposal concerning the pay of part-time teachers undertaking "supply" work: where a part-time teacher was asked to work additional days or sessions in the absence of another teacher, these should be treated as separate engagements to their regular contract, and the 1/195 rate or proportionate part-daily rate should apply.

4.30 UCAC said that supply teachers should be paid on a pro-rata basis equivalent to that of a full-time teacher. UCAC proposed that teachers on day-to-day contracts should be paid on a 1/190th basis, while those on longer term contracts should be paid on a 1/195th basis. This was because the former group would generally only be engaged for the 190 days that teachers were expected to be available to teach pupils; the latter group would be expected to attend 5 days of INSET events. UCAC considered that supply teachers could alternatively be paid hourly, based on pro-rata directed time, at 1/1265th of salary per hour.

4.31 GW said there needed to be fairness in the way that salaries of short notice teachers were calculated vis-à-vis teachers with longer term contracts, for example on the incidence of public holidays, but did not make specific proposals.

Our views and recommendations

4.32 Teachers employed on a short notice basis have an important role, bringing flexibility to schools and services and ensuring the continued provision of a good quality education to pupils. We strongly endorse the principle that these teachers should be treated equitably and in a way that is compliant with employment law.

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

4.33 We have been asked to consider specific issues around the pay arrangements for short notice teachers. Recent developments in employment case law mean that the method of payment to temporary employees has become a complex legal issue (see paragraph 4.6 above). It is not our role to make legal interpretations, but we understand that the law in this area is clear and that there is a need for a change in the way short notice teachers' pay is calculated. Specifically, there is a requirement to identify holiday pay separately. This will require changes to be made to the pay arrangements set out in the STCPD.

4.34 In practice, short notice teachers will continue to receive the same amount of pay overall, but the holiday component will be separately and transparently identified and, in some cases, paid at a later date than the payment for work done.

4.35 We note the detailed proposal from RIG (see paragraphs 4.13 – 4.14 above), which links the formula for calculating payment for work done and holiday pay to the minimum statutory leave entitlement under the working time regulations, and so aims to minimise the amount separated out for holiday pay. This would minimise immediate disruption to short notice teachers' pay, but would also mean that the formula would need to change in line with any future changes to the minimum leave entitlement. Using the minimum statutory entitlement also raises issues of comparison with the holiday entitlement of other teachers.

4.36 We also note the arrangements in place in Scotland (paragraphs 4.7 – 4.8) where the holiday pay component is greater than that proposed in the RIG model, equating to the number of days outside term-time and weekends. The formula for Scotland is therefore future-proofed as it not tied to changes in statutory minimum holiday entitlement. But it would result in a higher proportion of short notice teachers' pay being separated into holiday pay.

4.37 UCAC has proposed that short notice teachers should be paid on a 1/190th basis as they are unlikely to attend 5 days of INSET events. We believe that it is reasonable to expect short notice teachers to undertake continuing professional development, so do not support this proposal.

4.38 We are attracted to the broad approach inherent in the RIG proposals and Scottish model and believe this provides a viable framework for the calculation of short notice teachers' pay. The precise details will, of course, need to be carefully formulated and specified to ensure compliance with employment law. We also note that case law in this area continues to develop. Care will also need to be taken to avoid any unintended consequences, such as indications of less favourable treatment under employment law in relation to part-time and fixed-term work. As this is a matter of legal compliance, changes to the STPCD should be made as soon as possible.

4.39 It will also be important for any changes to pay arrangements to ensure that short notice teachers who work for less than a day are paid fairly on a pro-rata basis. The Department's work on developing revised arrangements for part-time teachers' pay could be extended to cover this issue. Precise details will

again 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 also continues to develop[15].

4.40 As we have stated above, separate specification of holiday pay for these teachers will, in some cases, affect the timing of payments. Teachers' working patterns vary greatly, and it is not possible for the STPCD to cover every local circumstance. We therefore endorse RIG's proposal for separate, advisory guidance (paragraph 4.17).

4.41 Some consultees have expressed concern about some teachers being employed inappropriately on a short notice basis and about other aspects of local employers' treatment of these teachers. These are broader matters, falling outside our remit and the scope of the STPCD, but they evidently require further investigation and we suggest that consultees work together to address them. We note that some local authorities have produced advisory guidance for schools about the management and reward of these teachers.

4.42 **We recommend that:**

- **the amount paid in total to short notice teachers for each full day worked continue to represent 1/195th of the appropriate annual salary, but be articulated in future as two separate elements: payment for work done and a separate payment in respect of holidays;**
- **arrangements for pro-rata payment for less than a full day's work be aligned with those applying to part-time teachers when revised arrangements for the latter are settled;**
- **the Department, in consultation with all interested parties, develop provisions for the STPCD to stipulate how the holiday element of short notice teachers' pay should be calculated, ensuring that provisions are fully compliant with employment law;**
- **provisions resulting from this work be introduced to the STPCD as soon as practicable.**

[15] The pro-rata principle is included in the *Part Time Workers (Prevention of Less Favourable Treatment) Regulations* (2000) SI 1551

CHAPTER 5

"Unattached" Teachers

Introduction

5.1 "Unattached" teachers are those who do not work for a particular school, are employed otherwise than at a school, or work in a pupil referral unit[1]. Their employers are local authorities. Some teachers are based mainly at one school (in a SEN "resource unit", for example); some work as part of a structured team to provide a service across an area (in a specialist service, for instance); and others may be peripatetic (for example, teaching music at several different schools) with limited contact with colleagues. Unattached teachers may, like other teachers, have QTS or be "unqualified" (associate) teachers, work full-time or part-time, or be on a permanent or temporary basis. Some are ASTs or leaders[2].

5.2 In recent years, several consultees have expressed concerns relating to the pay and conditions of unattached teachers[3]. Most recently, BATOD made representations regarding this group of teachers in May 2007[4] and highlighted its model pay policy for local authority services[5]. We have previously highlighted shortcomings in the available evidence and a lack of impetus on the part of the Department and local authorities in improving data[6].

5.3 In our Fifteenth Report[7], we recommended that "the Department investigate the pay and conditions of unattached teachers (including such teachers in the leadership group) in comparison with other teachers. The investigation should be completed in time to inform our next review of pay". This was accepted. In 2007, the Department published the results of a survey of local authorities[8], including statistics on the characteristics of unattached teachers, and certain pay matters including incremental progression.

5.4 It is timely to take stock of the situation in the context of our remit to consider *whether any further modifications are required to the pay arrangements for any particular category of teachers.*

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1 DCSF (2007) *School Teachers' Pay and Conditions Document 2007 and Guidance on School Teachers' Pay and Conditions,* TSO, Section 2, Part 1

2 DCSF (2007) *Investigation into the pay and conditions of unattached teachers* suggested that in January 2007 10.8% of unattached teachers were paid on the leadership spine, compared with 16% of teachers in schools.

3 STRB (2002) *Eleventh Report,* TSO (Cm 5353), paragraphs 167 – 168; STRB (2004) *Thirteenth Report Part Two,* TSO (Cm 6164), paragraphs 6.3 – 6.4; STRB (2005) *Fifteenth Report*, TSO (Cm 6663), paragraphs 5.38 – 5.46; STRB (2007) *Sixteenth Report*, TSO (Cm 7007), paragraphs 3.19 – 3.20

4 STRB (2008) *Seventeenth Report Part One,* TSO (Cm 7252), Appendix B, paragraph 7

5 BATOD's model pay policy for local authority services has not yet been published

6 Op.cit. STRB, *Eleventh Report*, paragraph 169 – 170; STRB (2003) *Twelfth Report,* TSO (Cm 5715), paragraphs 7.6 – 7.7; Op.cit. STRB, *Thirteenth Report,* paragraphs 6.6 – 6.7; STRB (2005) *Fourteenth Report,* TSO (Cm 6430), paragraph 6.13

7 Op.cit. STRB, *Fifteenth Report*, paragraphs 5.52 – 5.53

8 Op.cit. DCSF (2007) *Investigation into the pay and conditions of unattached teachers*

Context

Current arrangements in the STPCD

5.5 When paying unattached teachers, local authorities have discretion to apply whichever provisions of the STPCD they consider appropriate in the circumstances, having regard to the local pay policy and the teachers' position in the staffing structure[9]. In practice, we understand that local authorities must pay unattached qualified teachers on the main or upper pay scale, or, when appropriate, on the leadership spine, the AST spine or the Excellent Teacher range. Pay progression arrangements are the same as for teachers in schools. Unattached teachers are also eligible for additional payments.

5.6 Local authorities, like school governing bodies, are required to have a pay policy which, amongst other things, outlines how they make decisions on discretionary elements of the pay system.

5.7 We understand that unattached teachers are subject to the same conditions of employment in the STPCD as other teachers.

5.8 There is anecdotal and survey evidence that some local authorities consider the roles of some unattached teachers to be advisory and outside the scope of a teachers' role[10]. In these instances, they have moved teachers away from the STPCD and onto "Soulbury" pay arrangements[11].

Statistics update

5.9 As highlighted above, data on this group of teachers are limited. The DCSF survey and our recent pay survey[12] have, however, provided some new information.

5.10 The key findings of the DCSF survey of local authorities are set out below.

- There were roughly 23,400 unattached teachers (headcount) in January 2007, representing 4.9% of the total teacher headcount in schools in England and Wales[13].
- The number of unattached teachers employed by individual local authorities ranged from zero to 816.
- Roughly a quarter of unattached teachers were employed in music services; 20% in SEN services; 20% in pupil referral units (PRUs)[14], and the remainder in various other services.

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9 Ibid. Section 2, paragraph 45

10 The Education Act 2002 (section 122) stipulates that for pay purposes, teachers are those who are under contract to a local authority or governing body to provide primary or secondary education and carry out specified work, detailed in *The Education (Specified Work and Registration) (England) Regulations* (2003) SI 1663, Part 6. The specified work is planning, preparing and delivering lessons and courses, and assessing and reporting on pupil progress and attainment.

11 See footnote 31 in Chapter 3

12 ORC (2007) *Survey of Teachers' Pay 2007,* OME

13 DCSF (2007) *Statistical Evidence to STRB,* Table A2. For further information, see op.cit. STRB, *Seventeenth Report Part One*, Appendix B, paragraph 14

14 Pupil referral units provide education to children of compulsory school age who cannot attend school, e.g. for behavioural or medical reasons.

- There were differences in the characteristics of the populations of teachers employed in each type of service, but, comparing the overall population of unattached teachers with that of teachers in schools:
  - the proportion of female teachers was similar;
  - a higher proportion of unattached teachers worked part-time (46% of the total headcount in comparison with 18% of teachers in schools in 2007);
  - a higher proportion of unattached teachers were associates (unqualified): more than 15% did not have QTS, compared to less than 4% of teachers in schools[15]. This was largely attributable to the number of unattached music teachers, many of whom did not have QTS.

5.11 With respect to local authorities' management of these teachers, the survey found that, contrary to requirements, a third of local authorities did not have a pay policy for unattached teachers[16] and nearly a quarter of local authorities did not have a performance management policy.

5.12 The 2007 pay survey[17] found the following.

- Median pay for full-time, unattached, qualified classroom teachers[18] in band D in January 2007 was £35,262. This compared favourably with other teachers[19], probably because nearly three-quarters of unattached, qualified teachers are paid on the upper pay scale (UPS), compared to around 55% of classroom teachers in the same pay band.
- Nearly half of qualified unattached teachers were at the top of the upper pay scale, and fewer than 8% were on points M1 – M5. The corresponding figures for teachers in schools were 31% and 33% respectively.
- With respect to additional payments:
  - 45% of unattached teachers received SEN allowances, compared to 100% of special school teachers, 2% of primary and 1% of secondary teachers;
  - 18% received a safeguarded management allowance, compared to 9% of teachers in schools;
  - 19% of unattached teachers received a TLR payment compared to 11% of teachers in schools.

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15 DCSF (2007) *School Workforce in England, January 2007*, SFR 29/2007, Table 2

16 Op.cit. DCSF, *Investigation into the pay and conditions of unattached teachers,* paragraph 4.19

17 Op.cit. ORC, *Survey of Teachers' Pay 2007*

18 Paid on the main or upper pay scales only

19 The pay survey found that median pay of full-time qualified classroom teachers in primary, secondary and special schools in band D was £31,098, £33,444 and £34,695 respectively

5.13 Our previous reports noted evidence that the proportion of unattached teachers receiving pay progression was smaller than that of teachers in schools. This is explained by the distribution of unattached teachers on pay scales, noted above. The pay survey does indicate, though, that in September 2006 the proportion of eligible unattached teachers applying for progression through the threshold to the upper pay scale was much smaller than in schools: 19% compared with 60%.

Our views and recommendations

5.14 Our vision for the teaching profession applies equally to "unattached" teachers. It is important that these teachers are treated fairly compared to colleagues employed in schools. The term "unattached" is unhelpful and does not reflect the fact that these teachers are at the core of vital specialist services. We hope the Department and others will consider adopting an appropriate alternative title, such as "local authority teacher".

5.15 The available evidence does not suggest that these teachers are at a general disadvantage compared to other teachers. Nor are there any obvious problems with the current pay arrangements in the STPCD.

5.16 There are, however, specific issues about some local authorities' practice, for example in relation to performance management and progression to the upper pay scale. We are also concerned about evidence from the Department's survey that a third of local authorities did not have a written pay policy for teachers employed in local authority services: pay policies are necessary to ensure that decisions on discretionary elements of pay are made equitably and transparently, and are a legal requirement[20]. We suggest that NEOST and other consultees work together to address these matters.

5.17 There may be other issues at ground-level that have not yet come to light. We will continue to look to our consultees to highlight and provide evidence of any such issues.

5.18 We remain concerned that the Department does not collect sufficient information about local authority teachers and their remuneration. The Department's survey provided some new information, but evidence is still inadequate compared to that for other teachers. It is important that this is addressed, not least to inform our upcoming work on SEN allowances: our Sixteenth Report outlined the required evidence base[21].

5.19 **We recommend that:**

- **the Department, in consultation with all interested parties, consider adopting an appropriate alternative to the title "unattached teacher";**
- **NEOST and other consultees undertake work to ensure that all local authorities have a written pay policy for their teachers.**

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[20] Op.cit. DCSF, *School Teachers' Pay and Conditions Document 2007,* Section 3, paragraphs 6 – 18

[21] Op.cit. STRB, *Sixteenth Report*, paragraph 3.27

APPENDIX A

Remit and Directions from the Secretary of State and Letter from the Minister of State about Teachers' Responsibilities

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Bill Cockburn CBE TD
Chairman
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29 March 2007

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.

Within the framework of previous, including the most recent, STRB recommendations, and in consultation with stakeholders, we are looking to bring in a range of important changes in teachers' pay arrangements in the coming years (subject to the completion of the due statutory processes, and additional consultation as appropriate). These include changes to part-time teachers' pay arrangements and the introduction of the new pay ranges for excellent teachers (which are also covered in this remit).

We have also already introduced a range of other significant important changes following STRB recommendations, including Teaching and Learning Responsibility payments and salary safeguarding.

Further matters are also in the process of being followed up. The survey of unattached teachers should be completed by Easter 2007, and we hope this will give some useful pointers on the position relating to unattached teachers, though we anticipate that further work will be required. And we plan to take other important matters further following your last report, as signalled in the Secretary of State's Parliamentary Statement, including a thorough review of SEN allowances.

This remit sets out a number of challenging issues on which I am requesting STRB recommendations. We are now looking towards the next pay award period for England and Wales, in what will be a very challenging financial context for the public sector. We have now, thanks to STRB recommendations, had multi-year awards

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since 2004, and these have been very important in ensuring predictability and stability in schools' budgets. The STRB's next pay award recommendations will be critical.

There is also a demanding agenda in relation to the Leadership Group, resulting from the STRB's 15th report recommendation that a review should take place, which has led to the recently-published PricewaterhouseCoopers report. Clearly at this relatively early stage there is much further consideration and discussion that must take place, but we look forward to developing evidence for the STRB.

Considerations to which the STRB is to have regard

The considerations should include the following:

a. the need to make all recommendations affordable within a context of a requirement for responsibility in all public sector pay settlements and, with regard to wider Government pay policy, in particular you should continue to base pay settlements on the achievement of the inflation target of 2 per cent, and the need for education funding to meet a range of priorities linked to school improvement. You should also take into consideration the specific pay pressure which may arise from the changes to part-time teachers' pay arrangements set out in your 16th report, including the effects on pay drift;

b. the Government's commitment to three-year budgeting and the need for schools and local authorities to be able to plan ahead, in which a further multi-year teachers' pay award will be key;

c. the principle that pay progression should continue to be linked to greater challenge for the individual (in a context where teachers are well supported professionally);

d. the need to ensure consistent and reasonable pay arrangements which encourage teacher professionalism together with enhancing recruitment and retention;

e. the importance of promoting the simplification of the pay system;

f. the context of the new professionalism agenda and the range of work taken forward and in progress; and

g. the need for coherence across the pay system.

The Review Body should also 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 teachers' pay should increase and if so, the appropriate increase, taking into account in particular the factors identified above. I request the STRB, in line with our school funding reforms, to make recommendations on an award which runs from September 2008 – August 2011;

b. whether the salary ranges for excellent teachers set out in the Fifteenth Report should be updated also in line with any general increase applied to pay scales;

c. whether the value of SEN allowances should be uplifted over the period of the award, subject to the outcome of the proposed future review;

d. whether the nationally applicable maxima and minima for the value of TLR payments applicable in England and Wales should increase in line with any general pay award recommendations; and whether any adjustments are needed to differentials within and between the ranges to take account of new uplifts, in any or all of the years for which you are making recommendations;

e. following the 'Gateways to the Professions' report of November 2005 and the Government's response, whether teachers' starting salaries should be affected by the changes in student support identified in recommendation 16 in the report (see www.dfes.gov.uk/hegateway/hereform/**gatewaystotheprofessions**/index.cfm;

f. whether changes should be made to the unqualified teachers' pay scale to ensure it is fit for purpose, in particular whether it should be shortened; whether the differentials between progression points should be reviewed; and whether there should be any changes in progression criteria in the light of any changes you recommend. You should also review the role and nature of the unqualified teachers' allowance;

g. whether any further modifications are required to the pay arrangements of any particular category of teachers, including those in the leadership group and on regional pay bands;

h. what changes should be made to pay arrangements to specify how short-notice teachers' pay must be calculated and paid, including holiday pay;

i. what should constitute new statements of teachers' professional roles and responsibilities, following your recommendations in the 16th Report on this matter; and a corresponding set of roles and responsibilities for the leadership group; with the aim of producing a coherent set of roles and responsibilities will that apply across the profession;

j. whether, to ensure that every school has the scope to establish the leadership structures that will meet their needs, there should be changes to the pay and conditions for the leadership group, taking account of the need to:
   - allow for federations and other collaborative arrangements that might provide effective solutions to schools' needs;
   - aid and promote the distribution of leadership within schools, as appropriate; and
   - enable appropriate leadership and management arrangements for the extended services provided directly or indirectly through their schools.

When considering professional roles and responsibilities and leadership the STRB should have particular regard to the need to ensure that recommendations support the significant changes that will affect the school system in the coming years, including those arising from extended schools and from reforms to provision for 14 – 19 year olds. I would be grateful if the review body could also give their consideration to the question of how best to increase the diversity of leadership groups in school.

Timescale for report

This is a demanding agenda and the timing of your report will be critical in respect of a range of issues. In order to allow adequate time for consideration of and consultation on your recommendations before any changes are introduced, your report on items a – g should be with me by Friday 26 October 2007, as should any recommendations on the other items that you believe will have significant cost implications for the forthcoming CSR period. Your report on items h – j should follow by Monday 17 March 2008.

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

Yours
Alan

ALAN JOHNSON

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20th September 2007

Dear Bill

STRB REMIT: MATTERS FOR REPORT

Alan Johnson's letter of 29 March 2007 set out the issues on which the Government is seeking recommendations from the School Teachers' Review Body (STRB) this year and a timetable for reporting.

One of the matters for recommendation in that letter (section i) was what should constitute new statements of teachers' professional roles and responsibilities and a corresponding set of roles and responsibilities for the leadership group, with the aim of producing a coherent set of roles and responsibilities that will apply across the profession. I am writing to clarify this aspect of the remit to ensure all consultees are clear about the scope of the matters under consideration.

As you know, in the STRB's 16th report one of the recommendations was that the new statements of teachers' professional roles and responsibilities should be in a dedicated section of the School Teachers' Pay and Conditions Document (STPCD), separate from other conditions of employment. Currently teachers' professional duties and the duties of the leadership group are incorporated in Sections 9 – 12 of the STPCD with other conditions of employment. There is no expectation that the STRB will make recommendations about other conditions of employment for teachers as part of the current remit but Ministers do recognise that these matters are very closely linked. It is envisaged that the STRB will wish to comment on the relationship between revised statements of professional roles and responsibilities and other conditions of

employment in addition to making recommendations about revised statements of professional roles and responsibilities and that the STRB would be asked to consider other conditions of employment in their next remit.

I hope this clarification is helpful.

Yours ever

Jim Knight MP

APPENDIX B

Conduct of the Review

B1 This is the second of a two-part review in response to a letter from the Secretary of State of 29 March 2007. Part One of our Seventeenth Report concerned seven pay matters on which we were asked to report in October 2007. This report concerns the three matters on which we were asked to make recommendations by 17 March 2008 and another matter, unattached teachers, to which we wished to give further consideration in response to our remit to consider whether any further modifications were required to the pay arrangements of any particular category of teachers.

B2 We were asked to have regard to a number of considerations. The Secretary of State's letter is at Appendix A.

B3 On 20 September 2007, the Minister of State wrote to us to clarify our remit in relation to teachers' professional responsibilities. The letter is at Appendix A.

B4 Most of our work on the matters in this report was undertaken between November 2007 and March 2008, although we started consultation and preparatory work earlier in 2007, in parallel with our work on Part One of our Seventeenth Report.

Consultation

B5 On 16 May 2007 we gave the following organisations the opportunity to make written representations and provide evidence on the matters on which we were due to report in March:

Government organisations

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

Organisations representing teachers

Association of School and College Leaders (ASCL)
Association of Teachers and Lecturers (ATL)
British Association of Teachers for the Deaf (BATOD)
National Association of Head Teachers (NAHT)
National Association of Schoolmasters Union of Women Teachers (NASUWT)
National Union of Teachers (NUT)

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

Association of local authorities

National Employers' Organisation for School Teachers (NEOST)

Organisations representing governors

National Governors' Association (NGA)
Governors Wales (GW)

B6 We invited the above consultees to respond in writing by 16 October 2007 and asked them to copy their submissions to other consultees. We later gave consultees an opportunity to comment in writing on other consultees' submissions by 29 November 2007.

B7 As noted in Part One of our Seventeenth Report, we additionally notified other education organisations of our remit in March 2007[1].

B8 The following consultees made written submissions in October 2007: BATOD[2], GTCE[3], GW[4], NGA, NUT[5], TDA[6], RIG (joint submission)[7], and UCAC[8]. RIG provided statistical information about the supply of and demand for teachers in the leadership group and contextual information about the National Professional Qualification for Headship (NPQH)[9]. NUT submitted research on aspects of headship[10], and a report on a survey of roles and responsibilities of heads[11].

B9 The Welsh Assembly Government declined to make a submission because of the non-devolved nature of the remit. The Minister for Children, Education, Lifelong Learning and Skills reported that the Welsh Assembly Government had contributed to and supported the RIG submission.

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1 STRB (2008) *Seventeenth Report Part One,* TSO (Cm 7252), Appendix B, paragraph 6

2 BATOD (2007) <http://www.batod.org.uk/index.php?id=/batod/latest/payconditions/STRB22007.htm>

3 GTCE (2007) <http://www.gtce.org.uk/shared/contentlibs/93802/93125/2007_STRB_call_for_evidence.pdf>

4 GW (2007) <http://www.governorswales.org.uk/publications/2008/01/30/submission-school-teachers-review-body/>

5 NUT (2007) First Submission to STRB <http://www.teachers.org.uk/story.php?id=4200>

6 TDA (2007) <http://www.tda.gov.uk/about/planspoliciesreports/reports/annualevidence.aspx>

7 RIG (2007) <http://www.teachernet.gov.uk/docbank/index.cfm?id=11987>

8 UCAC (2007) <http://www.athrawon.com/images/Upload/Ymgynghoriad%20STRB%20Evidence%20Hydref%20October%202007PLVDH.doc>

9 RIG (2007) Supplementary information from the Rewards and Incentives Group <http://www.teachernet.gov.uk/docbank/index.cfm?id=11985>

10 Smithers, A; Robinson, P (2007) *School Headship: Present and Future*, University of Buckingham

11 NUT (2007) *National Union of Teachers Survey: The Roles and Responsibilities of Head Teachers* <http://www.teachers.org.uk/story.php?id=4005>

B10 The following consultees were invited to make oral representations: NGA, NUT, RIG (invited to make joint representations with the Secretary of State), UCAC and the Welsh Assembly Government. Four meetings were held in November and December 2007 at which NGA, NUT, RIG (joint representations, including the Minister of State for Schools) and UCAC made representations. The Welsh Assembly Government declined to make oral representations.

B11 Two consultees made supplementary written submissions.

- In November 2007 NUT made a submission in response to RIG's proposals on short notice (supply) teachers' pay[12].
- In December 2007, following discussion in NUT's oral representation session with STRB, NUT wrote to STRB about pay for leaders of federations and short notice (supply) teachers' pay.
- In January 2008, DCSF provided written responses to a request for further information and clarification[13].

Visits and Meetings

B12 In total, STRB had 9 working meetings between November 2007 and 17 March 2008, when the report was submitted. This includes oral representation meetings with consultees.

B13 In addition:

- In December 2007, STRB met NCSL.
- In January 2008, the Chair and several members spent a day in Cardiff and met: Jane Hutt, Minister for Children, Education, Lifelong Learning and Skills; GTC Wales; and Governors Wales.
- In January 2008, the Chair met the Secretary of State, Ed Balls.

B14 Members of STRB also met two groups of head teachers in January and February 2008 to discuss leadership matters. This was organised by NCSL.

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[12] NUT (2007) Second submission to STRB <http://www.teachers.org.uk/story.php?id=4201>

[13] DCSF (2008) Further Information and Evidence for STRB <http://www.teachernet.gov.uk/docbank/index.cfm?id=12366> (Part A) and <http://www.teachernet.gov.uk/docbank/index.cfm?id=12367> (Part B)

APPENDIX C

Update on the Department's Response to Previous STRB Recommendations[1]

Summary of STRB Recommendations in the Fifteenth[2] and Sixteenth[3] Reports	Secretary of State's Initial Response[4] and Relevant Actions by the Department
Pay design	
The Department provide additional evidence on **SEN allowances**, focusing in particular on the evidence requirements in relation to the labour market, teachers and current practice in schools and services. This would help STRB to consider *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.*	Accepted. The Secretary of State planned to work on the basis that STRB would return to these matters in its 2008 remit. The Department reported in January 2008 that research on certain aspects of this issue had begun in summer 2007.
Teachers receive a **financial incentive for completion of accredited qualifications in priority subjects** designated by the Department. The Department consider using the golden hello payment as the mechanism. The effectiveness of these measures be evaluated as part of the pilot for mathematics, physics and chemistry diplomas.	The Secretary of State welcomed STRB's agreement that incentives should be payable and would consider the most appropriate mechanism and how to pilot their implementation. In July 2007, the Department and TDA advised that TDA was piloting a scheme for teachers to complete accredited physics, chemistry and maths courses from 2007. In January 2008, the Department reported that the value of the incentive would be £5,000. The Department was seeking views from social partners on the mechanism and timing of this payment.
Fifteenth Report The **outcome of teachers' CPD** and, if appropriate, their contribution to others' development, be taken into account as part of a range of evidence when schools assess performance for pay progression purposes. 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, including the outcomes of CPD and contribution to others' development, are taken into account.	In response to the Fifteenth Report, the Secretary of State welcomed STRB's recommendations and agreed it was important that teachers should be engaged in effective, sustained and relevant professional development throughout their careers. The Secretary of State also wished for all teachers to be able to benefit from and contribute to coaching and mentoring. The Secretary of State agreed in principle that pay policies should include details about how schools and services assess performance for pay purposes, but had reservations about making it a legal requirement.

Summary of STRB Recommendations in the Fifteenth[2] and Sixteenth[3] Reports	Secretary of State's Initial Response[4] and Relevant Actions by the Department
Sixteenth Report All **progression on incremental pay scales** follow a performance management review and determination by the local employer that the individual teacher's performance has satisfied an explicit performance-related criterion for pay progression. 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. The Department require schools and services to include details in their pay policy about how performance is assessed for pay purposes.	In response to the Sixteenth Report, the Secretary of State welcomed STRB's reaffirmation of the principle that there should be a formal link between performance management reviews and progression. He would give careful consideration to the specific nature of amendments to the STPCD. He accepted that the STPCD should be amended to clarify that teachers on the main pay scale and unqualified teachers should complete performance management reviews. He was not proposing any change in the current pay progression arrangements. The 2007 STPCD implemented STRB's recommended amendments for teachers on the upper pay scale, Advanced Skills Teachers and the leadership group. It did not, however, implement STRB's recommended amendments for teachers on the main pay scale and the pay scale for unqualified teachers. This means that progression on these pay scales does not follow a performance management review and satisfaction of a criterion as STRB recommended. The Secretary of State also rejected the recommendation about schools' pay policies and said that the content of these should be for them to determine. In January 2008, the Department reported that RIG had revised its model pay policy for schools in October 2007.

1 DCSF (2008) Further information and Evidence for STRB, see Appendix B for details. STRB (2008) *Seventeenth Report Part One*, TSO (Cm 7252), Appendix D contains a further update on the Department's response to previous STRB recommendations

2 STRB (2005) *Fifteenth Report,* TSO (Cm 6663)

3 STRB (2007) *Sixteenth Report,* TSO (Cm 7007)

4 The Secretary of State's initial response to op.cit. STRB, *Fifteenth Report* was published in House of Commons Debates (2004-05) 440, written answers column 951W. The Department later published a press notice (16 February 2006) *Final Proposals for Teachers' Pay*. The Secretary of State's initial response to op.cit. STRB, *Sixteenth Report* was published in House of Commons Debates (2006-07) 456, written answers column 30WS.

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