

# Education and Lifelong Learning

## ELL2-03-05(p.1) Annex C

### Parliamentary Statement by the Secretary of State for Education and Skills: response to recommendations from the School Teachers' Review Body

#### Introduction

The fourteenth report of the School Teachers' Review Body is being published today. It covers a range of matters referred to the Review Body in July 2004. Copies are available in the Vote Office and in the Library of the House of Lords and at <http://www.teachernet.gov.uk>.

In making their recommendations, the Review Body were required to have regard to the matters set out in the remit letter of 22 July 2004. The fourteenth STRB report deals with some very important and technical issues affecting teachers' pay and I am most grateful to them for the careful and detailed attention they have given to these complex matters. The STRB recommendations are set out below (in bold) followed in each case by my response.

I am seeking consultation comments on the report and my response by 18 March 2005.

#### **Payments for additional responsibilities for teaching and learning**

##### **The STRB have recommended the following:**

We recommend that the following criterion and factors for awarding Teaching and Learning Responsibility (TLR) payments be adopted:

##### **The criterion is as follows:**

A Teaching and Learning Responsibility Payment may only be made to a teacher who is accountable for a significant, specified responsibility focused on teaching and learning, that is not required of all classroom teachers, clearly defined in the job description of the Teaching and Learning Responsibility payment holder, and requiring teachers' professional skills and judgement. The TLR payment should be for a sustained responsibility in the context of the school's staffing structure needed to ensure continued delivery of high-quality teaching and learning.

##### **The factors are as follows:**

- impact on educational progress beyond the teacher's assigned pupils;
- leading, developing and enhancing the teaching practice of others; and
- having accountability for leading, managing and developing a subject or curriculum area or pupil development across the curriculum; and (for the upper value TLR)
- having line management responsibility for a significant number of people.

We recommend that there should be guidance on the review of staffing structures and implementation and that it should include advice to assist schools/LEAs in deciding: how to address their head of year and "pastoral" responsibilities in the new system; what type of TLR should be payable for specific line management posts; and the application of TLRs to unattached teachers.

### **We recommend that:**

- from 1 September 2005, the value of TLR2 be a minimum of £2,250 with a maximum of £5,500, and the value of TLR1 be a minimum of £6,500 with a maximum of £11,000;
- teachers be paid a spot rate on the appropriate TLR range for specific posts as decided and published by the school in its pay policy;
- differentials between payments within each range within specific schools should be significant – a minimum of £1,500; and
- the guidance on the review of staffing structures and implementation contains advice to support schools in deciding what level of spot rate payment to award TLR posts.

We recommend that the circumstances in which the payment of TLRs should cease, should be as follows:

- payments should not be portable from one school to another;
- payments should be withdrawn where a teacher declined to perform the responsibilities attached to the payment; or lost the responsibilities as a result of poor performance (as a result of capability procedures);
- payments could also be withdrawn when responsibilities were restructured, subject to transitional/safeguarding arrangements applied nationally.

We recommend that all the main parties be included, without pre-conditions, in formulating guidance for schools on the review of staffing structures and implementation.

Subject to the timely provision of guidance and budget information to schools, we recommend specifically that:

- schools be required to review their staffing structure in consultation with staff and their representatives, and to publish their revised structure, with a timetable for implementation (as an annex to the pay policy of the school), by 31 December 2005;
- TLR payments be available to be awarded from 1 September 2005 and new awards of

- management allowances cease from 31 December 2005;
- the transition period for each school starts from the date of publication of its staffing structure, lasts for three years and ends by 31 December 2008; and
  - teachers who would otherwise incur a reduction in salary as a result of the implementation of changes in responsibilities in the revised staffing structure of the school, have their salary cash safeguarded for the duration of the three year period of transition, the safeguarding to cease in the following circumstances.
  - the teacher accepts a new level of payment;
  - the teacher moves post;
  - the teacher's salary (through annual increment, movement to a higher salary scale or receipt of a higher level of TLR payment) excluding the management allowance, is higher than the total of his/her current salary including the management allowance;
  - the teacher unreasonably refuses to undertake responsibilities required of a new post offered to him/her.

Our recommendations should be applied to Wales in accordance with constitutional responsibilities.

I welcome these recommendations. I believe that they represent a genuinely constructive opportunity for schools to organise their teaching and learning responsibilities in a new way, focussing on the professionalism of teachers and enabling reward to be given for significant tasks which have an impact on the educational progress of pupils and the professional practice of other teachers. I am particularly glad to recognise the flexibilities, within an overall framework, recommended within the new Teaching and Learning Responsibility payments system, and the emphasis on openness through the Pay Policy, which would give schools the freedom to establish the arrangements which suit their own needs, while openly justifying their decisions.

However, I am anxious that all schools should have sufficient time to prepare and consider what staffing structure is most appropriate for them before implementation of these pay changes. To promote clarity and consistency I propose that all schools' transition periods should begin on 1 January 2006, at which point TLR payments should be available and management allowances would cease to be awarded.

I also welcome the focus on restructuring, which will be key to enable the transition from the existing management allowance system to be managed. Action on school restructuring in Wales will, of course, be for the Welsh Assembly Government to determine.

I agree that guidance to schools on restructuring, transition and the new TLR payments system will be very important. However, I believe that the guidance should not be restrictive or suggest different levels of TLR payment for different tasks or responsibilities. I believe that the detailed criterion and factors for the payment of TLRs should be the focus for schools' and (in the case of unattached teachers, LEAs') decisions, and that this should be sufficient to enable them to take appropriate decisions within the context of their own individual published structures. All parties will, as usual, be consulted on the development of statutory guidance.

I agree that the arrangements for the award of TLRs also require provisions for their future cessation and the recommendations of the STRB are sensible and helpful.

I welcome the proposed arrangements for transition from management allowances to TLRs, and the proposed provisions giving protections for teachers who would otherwise incur a reduction in salary, which are fair and reasonable.

## **Safeguarding arrangements for pay**

### **We recommend that:**

the framework for the operation of safeguarding that we describe in the box below be adopted to apply to both current and future safeguarding arrangements:

#### **Framework for the operation of safeguarding**

##### **A Overarching principles**

- a. Teachers at all levels are protected from sudden drops in total salary which would otherwise occur through no fault of their own.
- b. Safeguarding principles will be applied on a mandatory basis.
- c. Safeguarding will operate on a fixed-period basis and the period will be three years (subject to the provisions in C below).
- d. Safeguarding will be on a cash basis.
- e. The teacher must know at the start of the safeguarding period what safeguarding arrangements are applicable to any particular salary element and this must be set out in the teacher's salary statement at the start of the period.

##### **B Cases where safeguarding will operate**

Subject to the basic principles in A above and the provisions in C below, safeguarding will apply in circumstances where:

- a. the item concerned has been removed from the pay system;
- b. the item concerned has been replaced, directly or indirectly, by another form or forms of payment which the teacher concerned is not receiving;
- c. an Individual School Range has been reduced;
- d. an LEA reorganisation, school closure, or redefinition of boundaries, means that a teacher continuing to work in the school or LEA as applicable would otherwise receive a reduced rate of pay;
- e. internal school reorganisations take place.

## **C Cases where safeguarding will not apply, or will cease to apply**

Safeguarding will not apply, or will cease to apply, where any of the following circumstances occur:

- a. the teacher moves school voluntarily;
- b. the teacher chooses to apply, and applies successfully for another post within the school and accepts the terms and conditions of that post;
- c. the teacher unreasonably refuses to carry out duties commensurate with the salary being received;
- d. the teacher's total salary overtakes his safeguarded salary during the safeguarded period (excluding the effect of annual pay uplifts);
- e. the set period of time has elapsed (three years).

### **We also recommend:**

that the framework be the vehicle within which the Secretary of State should deal with the safeguarding consequential of future changes to the pay system; and

that the three-year time-limiting for safeguarding of current arrangements be applied to operate concurrently with the three-year period for the transitional arrangements to introduce revised school structures.

The issue of safeguarding has been flagged up by the STRB on successive occasions in the past, and they have previously requested evidence on it. I very much welcome the careful and detailed consideration which the STRB have now been able to give to this matter, in the light of evidence received. The proposed safeguarding provisions set out are reasonable and balanced and I support them.

I recognise the difficulties and sensitivities which exist in the context of bringing change to this area of the teachers' pay system, and the framework proposed will enable existing and future safeguarding to be handled on a fair, uniform and predictable basis. Moreover, the framework as proposed will ensure that teachers are protected from sudden drops in total salary which would otherwise occur through no fault of their own, for a suitable period. I also welcome the recommendation of the STRB that these detailed matters are handled in future using my subsidiary powers, within the context of the framework established, which seems to be entirely appropriate.

### **Pay arrangements for secondary mathematics and science advanced skills teachers**

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

- in line with its policy of expanding the AST grade, the Department looks at ways of getting more mathematics and science teachers with AST accreditation, but not in an AST post, into such

posts, including, where appropriate, the creation of additional AST posts in these subjects;

- this message be reinforced in the guidance to schools, primary and secondary, on the review of their structures which will take place as part of the transition to the new TLR system; and
- schools be encouraged to make greater use of the flexibilities they already have to set AST pay for these two subjects;
- paragraph 27.3 of the STPCD be amended so that the factors to which the relevant body has to have regard in setting the range for an AST's pay expressly include his or her being a teacher of a shortage subject or a subject where there is a particular need to raise the quality of teaching and learning.

The remit to the STRB invited them to consider the salary levels of secondary mathematics and science Advanced Skills teachers. The evidence backed this up by proposing that the cap on the pay of these teachers be removed, and to set a minimum level of salary of £40,000. This was proposed as part of the Government's approach to overcoming the national underachievement in these two subjects and their impact on the economy, as identified in the reports of Professor Adrian Smith and Sir Gareth Roberts.

The STRB have reflected carefully on this but have concluded that at present they will not make recommendations along the lines proposed. They have indicated that this could be considered further in a future remit, in the wider context of teachers' remuneration as a whole. I continue to see benefits in making changes to the pay arrangements for these teachers in these important subject areas. I therefore am content to return to this matter in my next remit.

They have also made some specific pay-related proposals which I propose to accept. I will reflect further on the STRB's proposals relating to getting more mathematics and science teachers with an AST accreditation, but not currently in an AST post, into such posts.

## **Excellent Teacher Scheme**

We recommend that the Scheme should be introduced from September 2006, distinct from the main and upper pay scales. The scheme should be post-based and should be for exemplary classroom teachers with an established record of sustained high-quality teaching and of supporting colleagues within the school. Like ASTs they should be unable to hold TLRs, but unlike ASTs they should have no outreach function. They should

- continue to maintain high standards;
- demonstrate a commitment to develop themselves professionally;
- provide an exemplary role model for staff through their professional expertise; and
- have a distinctive role in achieving improvements in teaching across the school.

In addition to their normal classroom duties the specific expectations of an Excellent Teacher should be:

- induction of newly qualified teachers;
- professional mentoring of other teachers;
- sharing good practice through demonstration lessons;
- helping teachers to develop their expertise in planning, preparation and assessment;
- helping other teachers to evaluate the impact of their teaching on pupils;
- undertaking classroom observations to assist and support the performance management process; and
- helping teachers improve their teaching practice including those on capability procedures.

**However, we also recommend the following;**

- the expectations of the role set out above should reflect more strongly an emphasis on general pedagogic experience and on coaching and mentoring, and reduce the apparent overlap with the AST grade and with TLR payments;
- that teachers should be able to seek accreditation regardless of whether or not an ETS post is envisaged for their school and that the title of Excellent Teacher (though not the associated salary) should be granted once accreditation has been achieved; and
- serious consideration should be given to a separate name for the post associated with the Scheme, and to our suggestion of 'Principal Teacher'.
- We recommend that the criteria for accessing the Scheme should be as follows:
  - the scheme should be based on written application. To qualify, the teacher should have to have been paid on U3 for at least two years, be willing to meet the expectations of an Excellent Teacher, and have their application endorsed by their headteacher. They would also need to provide evidence of work during their period on the upper pay scale that had addressed the identified needs of a particular group or groups of pupils; and successfully pass a procedure of external assessment against national standards.
  - a separate national (England and Wales) standard should be developed for the Scheme, building on a common core of excellence with the AST standard, to take account of the distinctive profile and features of the Scheme; subject to discussion with the Welsh Assembly Government, this standard might be based on the three themes of new professionalism in teaching and the requirements of an Excellent Teacher should reflect more closely the three themes of new professionalism in teaching, again subject to discussion with the Welsh Assembly Government;
  - the admission criteria for the Scheme should include demonstration of a sustained record of continuing professional development throughout the teacher's career;

- the arrangements should be clarified for movement between the Scheme, ASTs and the leadership group; and
- the Scheme be open to any teacher who meets the criteria and has their headteacher's support, not just those in schools which have or envisage a post under the Scheme.

The salary for the scheme should be a spot salary. We recommend the following baseline rates for the Scheme, as at 1 September 2005: £35,000 in England and Wales, £35,988 in the Fringe, £37,832 in Outer London, and £41,745 in Inner London. We do not think it appropriate at this stage to set a salary for September 2006.

We recommend that the basic structure of this reformed career system remain in its present form for the medium term.

We recommend a targeted communications exercise to ensure teachers are aware of the reformed career structure and the implications for them.

We recommend that the Department monitors actively the bedding down of the ETS and how the ETS and AST schemes are used so the Review Body can revisit it in three years after the Scheme's introduction.

I welcome the proposed creation of the post-based Excellent Teacher Scheme, and believe that the arrangements set out give a firm basis for progress in its introduction. There are, however, some specific matters which require further consideration and on which I would invite particular comment.

I note the recommendation that the expectations of the role should be revised and I am happy to consider this further in the light of consultation responses and further discussions. The same applies to the proposal to develop a separate ETS standard taking account of new professionalism. It is certainly our intention to see the ETS - as well as standards for other teachers - in this light.

I believe that the proposal to enable widespread assessment for ETS, regardless of whether a post is available, should be a matter for further consideration and discussion, taking account of the necessity for effective implementation of the Scheme. I do, however, have greater concerns about the STRB's concept of naming a teacher as an Excellent Teacher if they have passed assessment, if they are not in a post, while giving a new and separate name to those in post, and suspect that this may cause undue confusion. I would welcome views on this.

I note the initial salary outlines recommended, which provide a very helpful steer for the future. I shall refer this matter to the STRB in my next remit, in the context of a request for general consideration of salaries from September 2006.

## **Local approaches to pay and other matters**

On localised approaches to pay we see no difficulty in postponing further consideration of this issue.

I accept this and, as indicated in evidence, will return to the matter in the context of my next remit.

We recommend that the National Employers' Organisation publishes the result of the LEA survey on unattached teachers and any additional steps to be taken to deal with the concerns about unattached teachers by the end of March 2005 so that we can consider progress and make any further recommendations we consider appropriate.

This is a helpful steer, which I shall ask NEOST to consider. I shall also seek to ensure that the framework and guidance on the implementation of the pay changes recommended here take as full account as possible of the position of unattached teachers.

We recommend that all the main parties be included in the process on [linking teaching and learning reviews to continuing professional development and career progression] as outlined in the remit letter of 22 July 2004.

I remain committed to the process with partners referred to in the 22 July remit. All parties will have the opportunity to respond to statutory consultation.

## **Next steps**

I am now initiating consultation on these recommendations and my proposed response with the employers' organisation, the teacher unions and other interested parties.

Concurrently with this, I am consulting, as required under section 126 of the Education Act 2002, on a pay order for introduction on 1 April 2005, the main purpose of which is to reform the safeguarded position of the small number of teachers on former points 4 and 5 of the upper pay scale, in line with the safeguarding principles set out above.