

# **Education, Lifelong Learning and Skills Committee**

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### **School Teachers' Review Body Written Evidence From the Welsh Assembly Government Pay and Conditions of Employment of School Teachers July 2006**

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#### **Introduction**

1. This document sets out the Welsh Assembly Government's evidence to the School Teachers' Review Body (STRB) on teachers' pay and conditions. It relates to a number of issues on which the STRB in their letter of 18 May 2006 invited us to comment by 21 July. These follow the remit letter of 17 May from the Secretary of State for Education and Skills to the STRB detailing matters for examination and report.
2. We have noted the STRB's comment that parties may wish to add to their initial evidence in

the light of submissions made by others, and its request that any additional evidence be forwarded by 1 September at the latest. We will be considering the evidence of other parties and, if needed, will provide observations by that date.

3. The STRB has been asked to make recommendations on:

- a. whether there are steps that should be taken to improve the use of current pay incentives and flexibilities to improve the recruitment, retention and quality of science and mathematics teachers;
- b. whether science teachers who are not physics and chemistry specialists should receive an incentive to encourage them to complete physics and chemistry continuing professional development enhancement, leading to an accredited qualification, to enable them to teach those subjects effectively;
- c. the extent to which SEN allowances fulfil an appropriate function in the teachers' pay and conditions system, whether they are used appropriately and whether there is overlap in theory or practice with other permitted payments, in preparation for further evidence in 2007 and possible change in 2008;
- d. what framework may be appropriate to enable relevant bodies to set a spot salary for Excellent Teachers within the ranges recommended by the STRB in its 15<sup>th</sup> Report; and whether, and if so, on what basis, the spot salary may be reviewed;
- e. whether, following the STRB's endorsement in its Fifteenth Report of the principle that part-time teachers should be treated equally with full-time teachers, it is now possible to move towards a standardisation of approach to part-time teachers' pay and conditions within the School Teachers' Pay and Conditions Document, in the light of possible solutions to be identified and presented to the STRB in evidence;
- f. with specific reference to the discussions and recommendation in your previous report, the extent to which there should be changes to the provisions of the School Teachers' Pay and Conditions Document to ensure the outcomes of performance management reviews provide the basis for decisions about pay progression, including evidence about the outcomes of CPD; and the extent to which provisions in England and Wales should be identical;
- g.
- h. given the independent educational developments and directions in England and Wales in the light of devolution, whether the STRB considers that it is appropriate for an identical approach to pay matters across both England and Wales to be maintained or whether a more flexible approach might be adopted. [The Secretary of State has indicated that this is a longer-term issue on which the STRB's initial views are sought.]

1. As well as asking for evidence on these remit matters, the STRB has issued a questionnaire to consultees to help facilitate its consideration of an matter arising from the previous remit, on the professional duties of teachers, head teachers and the leadership group. The STRB has asked for any responses to the questionnaire by 1 September, and we will be considering that separately to the present remit.

## Background

2. Teachers' pay and conditions of service have not been devolved to the National Assembly for Wales, and remain the responsibility of the DfES for Wales as well as for England. But the Assembly is responsible for funding local authorities in Wales through the revenue settlement and decisions on pay affect its finances.
3. The Welsh Assembly Government is a signatory to the National Agreement on Raising Standards and Tackling Workload as action on reducing teachers' workload requires work in devolved areas, and we are a member of the Workload Agreement Monitoring Group (WAMG). We are fully committed to implementing the Agreement in Wales.
4. As teachers' pay and conditions of service have not been devolved to the National Assembly for Wales, there are difficulties in the Welsh Assembly Government providing a formal policy agreement to pay proposals. The Welsh Assembly Government is therefore not a signatory to the Agreement on Rewards and Incentives for Post-Threshold Teachers and Members of the School Leadership Group and is thus not a member of the Rewards and Incentives Group (RIG), although this does not imply that we agree or disagree with any particular pay issue.
5. Because of the non-devolved aspect of teachers' pay and conditions we are not providing evidence on direct pay matters. We do, however, feel it necessary to comment on such pay issues if we feel that they might have a disproportionately adverse effect on Wales.
6. Our evidence also offers comments on the areas remitted to the STRB on teachers' pay and conditions of service to the extent that may affect devolved areas in Wales. Two specific areas involving Wales are included in the present remit. The STRB is asked whether there should be changes to the provisions of the School Teachers' Pay and Conditions Document to ensure the outcomes of performance management reviews provide the basis for decisions about pay progression, including evidence about the outcomes of CPD; and the extent to which provisions in England and Wales should be identical. This links to DfES's proposals for revised performance management arrangements in England. As responsibility for performance management is devolved we will be offering views on this.
7. The other remit area with a specific reference to Wales is whether, given the independent educational developments and directions in England and Wales in the light of devolution, the STRB considers that it is appropriate for an identical approach to pay matters across both England and Wales to be maintained or whether a more flexible approach might be adopted. We have commented on aspects of this topic before now and are putting forward our current views.
8. In some areas our evidence also sets out the position in Wales on devolved matters so that the STRB is in a position to make an informed judgement about recommendations on teachers' pay and conditions in a way which can be applied equally and fairly to both Wales and England.
9. Changes to teachers' pay and conditions can also indirectly affect other devolved areas in ways which might have consequences for Assembly education policies. They may also affect teacher recruitment and retention, and thus can be a key issue which can have an impact on the ability of the Assembly to deliver its education programme. We consider it appropriate, therefore, to comment on the areas remitted to the STRB to the extent that we feel that they may affect education in Wales.

## Science and Mathematics Teachers

10. The Secretary of State invited the STRB to recommend (i) whether there are steps that should be taken to improve the use of current pay incentives and flexibilities to improve the recruitment, retention and quality of science and mathematics teachers; and (ii) whether science teachers who are not physics and chemistry specialists should receive an incentive to encourage them to complete physics and chemistry continuing professional development enhancement, leading to an accredited qualification, to enable them to teach those subjects effectively. As these are related issues we cover them in a common section.

## Recruitment

11. Statistics of first year students on initial teacher training (ITT) courses in Wales, by phase and subject of study shows that between 2000-01 and 2004-05 the numbers on mathematics and science courses has increased. In mathematics the numbers rose from 100 to 125 over the period; in chemistry, from 25 to 35; and in physics, 20 to 30. Only biology numbers fell (75 to 65) whilst general science remained constant at 45. Overall, science numbers rose from 165 to 170.
12. Data on the number of teachers in service and vacancies for full-time permanent teachers in maintained schools in Wales as at January 2006 is taken from the STATS3 survey of LEAs. For teacher vacancies the figures show that there were 71 vacancies in secondary schools in January 2006, slightly less than in 2005. Mathematics showed the second highest subject vacancies with a total of 8 (the individual subject with the most vacancies was English with 10). Physics showed 3 vacancies, biology 1, chemistry none and 'other sciences' 6, giving a total number of vacancies in all science subjects of 10. The overall vacancy rate in the secondary sector is 0.5 per cent.
13. The Schools Census includes more detailed data on vacancies. The current published figures cover vacancies between 1 January and 31 December 2004 by the number of posts advertised; the number of applications received; the average number of applications received; the number of posts where an appointment was made; and the percentage of posts where an appointment was made. These figures show that overall 899 vacancies were advertised in secondary schools between 1 January 2004 and 31 December 2004, with an average of just under 9 applications received per vacancy. 95 per cent of vacancies were filled from among the candidates.
14. For individual subjects, the figures were as follows:-
  - mathematics: 89 vacancies advertised; 8.1 applications received per vacancy; 96.6% of vacancies filled from among the candidates
  - chemistry: 13 vacancies advertised; 7.7 applications received per vacancy; 100% of vacancies filled from among the candidates
  - physics: 32 vacancies advertised; 6.4 applications received per vacancy; 93.8% of vacancies filled from among the candidates

- biology: 18 vacancies advertised; 9.9 applications received per vacancy; 94.4% of vacancies filled from among the candidates
- other science: 84 vacancies advertised; 9.8 applications received per vacancy; 97.6% of vacancies filled from among the candidates.

1. Taken together, the figures suggest that mathematics, chemistry and physics are areas where, compared with secondary subjects overall, there are difficulties in recruiting. All attract fewer applications than average. Mathematics showed the second highest subject vacancy figure whilst collectively the science subjects equalled the highest subject vacancy figure.
2. On retention, the National Assembly for Wales publishes statistics showing the number of years experience of teachers who left the profession to take employment outside teaching or early retirement, grouped by number of years experience. Between 1 January 2004 and 31 December 2004, the percentages in each group for mathematics, science (all subjects) and the total for secondary schools overall were as follows:-

<b>Subject</b>	<b>0-5</b>	<b>6-10</b>	<b>11-15</b>	<b>16-20</b>	<b>21-25</b>	<b>26-30</b>	<b>31+</b>	<b>Unknown</b>
<b>Mathematics</b>	14	11	4	25	7	21	18	0
<b>Science</b>	10	2	2	21	15	21	29	0
<b>All subjects</b>	11	6	6	13	8	20	34	1

### **Schools in Wales: General Statistics 2005**

These figures are based on very small numbers and so should be treated with caution (for example, on 28 mathematics teachers left in these categories in 2004). Within these constraints, however, the basic leaving patterns for mathematics and science are similar to the average for all subjects (peaks in the first 5 years, another peak after 16-20 years and then another peak after 25 years). However, the percentage of teachers leaving in the first 10 years is noticeably higher than the average for all subjects, while science is lower. Both mathematics and science show significantly more teachers leaving after 16-20 years than the average, and significantly less for 31 years experience and above.

3. Action has been taken to improve the attractiveness of mathematics and science subjects. Recruitment and retention in these areas is not critical but is clearly more difficult than many secondary subjects. The Welsh Assembly Government offers incentives for eligible persons to undergo a postgraduate (PGCE) initial teacher training course (training grants) and for eligible persons to take up particular teaching posts (teaching grants). The aim is not simply to respond to difficulties which exist already but to anticipate potential problem areas. The incentives are also designed to attract the best quality, highly committed students to train and teach in Wales. Incentives in Wales match those in England so that Welsh students deciding where to train as teachers can make that choice knowing that if they study in Wales they will have the same

level of incentives as those in England, and so that teacher training providers in Wales can compete effectively for the most talented applicants. Full details are at annexe A.

### Specialism in mathematics and science

4. Our most recent evidence is from 2002, when the General Teaching Council for Wales carried out a survey of schools in the secondary sector, asking respondents about the number of teachers teaching subjects at Key Stage 4 who had degrees in the listed subject or a closely related subject. Teachers without degrees in the relevant subjects but with possible significant teaching experience in the subjects will have therefore been excluded from this data.
5. The results for this question (with a 79.7% response rate) showed that overall 91.8% of teachers teaching subjects at Key Stage 4 and above had a degree or equivalent qualification in the particular subject or a closely related subject. Mathematics and physics showed lower figures (88.8% and 90.8% respectively), while other science subjects were higher, with chemistry at 96.4%, general science at 97.4% and biology at 98.9%.

### **Pay incentives for science and mathematics teachers**

6. In addition to these incentives, designed to attract more people into teaching particular subjects, schools are able to offer recruitment and retention incentives and benefits. Old-style recruitment and retention allowances were replaced with new flexibilities introduced in 2004. Relevant bodies may award whatever payments, financial assistance, support or benefits they think appropriate to recruit and retain teachers. These awards may only be made for a fixed period of up to three years, for recruitment purposes. The three year maximum also applies to awards made for retention purposes, but may be extended if the relevant body considers there are exceptional circumstances. Such awards may include the provision of housing, relocation expenses, travel expenses and child care.
7. We understand that there is no evidence yet available on the use of the flexibilities introduced in 2004 which could enable a firm view to be taken about exactly they were (or were not) being used. We also are yet to see results which might flow from increased recruitment as a result of the changes to the training and teaching grants (trainees able to benefit from the first uprating will have only just completed their courses and will not have applied for jobs yet; trainees eligible for the second uprating will not start their training until September 2006).

### **Improving the use of current pay incentives and flexibilities**

8. This is a detailed pay and conditions issue and we have no comments on the specifics of using or improving the current pay incentives and flexibilities, except for the following points which relate to or impact on Wales:-
  - given the relatively recently changed Wales and England pay context and the alterations to the

incentives package available to recruits to teacher training, in our view it would be helpful for schools here – which have been faced with numerous, albeit essential, changes over the last few years – to avoid any further alterations to the present arrangements for the time being

- the essence of the recruitment and retention payment flexibilities that exist in the Wales and England pay arrangements should be that decisions on their use are ones for individual schools and local authorities to take, with a considered use of their own budgets against clear recruitment needs
- if the STRB agrees that the present recruitment and retention payment flexibilities should be retained but is minded to suggest measures aimed at promoting and facilitating their use, these should be structured in a way which was capable of equal implementation in both Wales and England. Guidance on pay is the responsibility of DfES in both countries and we would want to be assured that messages about the availability and potential uses of the pay flexibilities were distributed equally.

## **Incentives for science teachers to complete physics and chemistry CPD enhancement**

1. We understand that DfES is developing a CPD programme which would lead to an accredited diploma to give existing science teachers without a physics and chemistry specialism the deep subject knowledge and pedagogy they need to teach these subjects effectively. We also understand that the diploma is in the early stages of development and that it is envisaged that it will be developed and piloted in 2006-07 and 2007-08.
2. The Welsh Assembly Government would wish to see the outcomes of this pilot work before considering whether any similar was desirable in Wales. At this stage, we would only say that if the STRB is minded to recommend that science teachers who are not physics and chemistry specialists should receive an incentive to encourage them to complete physics and chemistry enhancement CPD, leading to an accredited qualification, it should indicate that this should be worded generically. We would not want to see an incentive which was only capable of being applied to a particular scheme, but one which could be applied to any approved programme of this sort – in other words, one which could also work in Wales, should such a scheme or a similar one operate here.

## **SEN allowances**

3. The statutory framework for SEN in Wales is very similar to that in England and as such the issues raised are of a comparable nature. Our evidence is confined to differences in background or policy so that the STRB is aware of these issues.
4. We have published our own bilingual SEN Code of Practice for Wales, in 2002. This is similar in content and format to that in England. Our equivalent to Every Child Matters as an overarching strategy is Children and Young People: Rights to Action, again based on the principles of the United Nations Convention on the Rights of the Child. We have established our own SEN Tribunal for Wales which can hear appeals on SEN through the medium of English or Welsh.
5. The latest published data on pupils with statements of SEN relates to January 2006, taken

from the STATS2 survey of Local Education Authorities. This showed:-

- the number of pupils with a statement of SEN decreased by 2.7% during 2005, bringing the total number with a statement to 16,076 at January 2006
  - at January 2006 3.2 per cent of pupils on roll had statements of SEN. The percentage of pupils with statements on school rolls over the last seven years has remained constant, varying at most by 0.2 percentage points
  - the number of pupils newly assessed as requiring a statement decreased during 2005. 1,556 pupils were newly assessed as requiring a statement compared to 1,712 in the previous year.
  - nearly 92 per cent (14,776 pupils) of the total with statements were educated within their "home" local authority rather than in other authorities
  - 33 per cent of those educated outside their "home" authority attended maintained special schools (429 pupils)
  - almost 22 per cent of those educated within their "home" authority are educated in special schools (3,250 pupils). As in 2005, just over half the number of pupils with statements were educated in ordinary classes, and just over a fifth were taught in special classes, of mainstream schools
  - the percentage of pupils educated in mainstream schools - whether in the "home" LEA or outside - varied considerably across LEAs, from 90 per cent (in an LEA which does not have a special school) to 16 per cent.
1. The role of the SENCO is similar Wales to that in England. We published guidance on the role of the SENCO as a section of the SEN Handbook for Schools at the end of 2005.
  2. On mandatory qualifications (MQs), the legislative framework is essentially the same in Wales. In order to teach a class of pupils with hearing impairment, visual impairment or who are both hearing impaired and visually impaired, a teacher is required, under the terms of the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999, to hold the relevant approved MQ, as well as Qualified Teacher Status. Provisions in the regulations allow someone without an MQ to teach where their employers are satisfied that no teacher with an MQ is available to teach the class in question. Someone without an MQ can also teach if their employers are satisfied that it is their intention to acquire an MQ, provided that the aggregate period for which they have been employed, in one or more schools, does not exceed three years.
  3. During 2003-04 we undertook an audit of teachers with the MQs able to teach pupils with a visual, hearing and multi sensory impairment. Evidence gathered from the workforce showed that 61% of teachers of pupils with hearing impairment and 57% of teachers of pupils with visual impairment would be of retirement age within the next ten years. Courses covering the MQs will be available from September 2006 at the University of Wales, Newport (the only Welsh HE institution to offer the courses).
  4. In 2004 the Assembly's Education and Lifelong Learning Committee agreed to undertake a review of SEN in Wales. The review is in three parts and they have already reported on Part 1 (Early Identification and Intervention) and Part 2 (Statutory Assessment and Statementing Framework). Written Welsh Assembly Government Cabinet Statements in response to these two reports are attached at annexes B and C. The Committee – now the Education, Lifelong Learning and Skills Committee – is currently undertaking their third stage of the review in considering transition arrangements for pupils with SEN Post 16.



5. The Audit Commission published three key papers on SEN in 2002. The first, Statutory assessment and statements of SEN: in need of review, identified the shortcomings and strengths of the current statutory framework and asks whether it should be subject to a fundamental review. The second, Special educational needs: a mainstream issue emphasised the need to develop better and more inclusive provision for pupils with SEN in schools whilst the third, Managing special educational needs: a self review handbook provided guidance for LEAs to help them improve the management of SEN.
6. A review of Best Practice in the Development of Statement of SEN and Delivery by Schools of the Agreed Action was conducted by Estyn in 2004. It identifies best practice in the ways in which local education authorities in Wales are working with schools to improve provision for pupils with SEN; considers the implications of the distinction in the current statutory framework between pupils with and without statements of SEN; and makes recommendations for improving SEN provision in Wales.
7. In response to the Audit Commission and Estyn reports we are currently developing an Inclusion Policy and Performance Framework for SEN. In 2005 we consulted on our framework guidance "Inclusion and Pupil Support". This sets out a framework for inclusion that builds on a whole school and community approach to meeting additional learning needs.
8. In "The Learning Country 2: Delivering the Promise" we set out the Assembly Government's proposals for developing the SEN agenda. These include:
  - We will continue the development of regional provision for children and young people with complex needs, encouraging local authorities and Local Health Boards to work more collaboratively over the delivery of services.
  - We will complete the work already under way to review the statutory assessment framework for SEN to ensure that individual learners' needs are being met effectively.
  - We will continue to provide support to local authorities to ensure pupils can access the curriculum.
  - We will work with local authorities to ensure that there is an adequate supply of specialist teachers, educational psychologists, speech and language therapists and other specialists, working across Wales.
  - We shall give careful consideration to the recommendations of the Education and Lifelong Learning Committee Policy Review of SEN, introducing an appropriate action plan in response.
  - We will deliver an Inclusion Policy and Performance Framework that ensures all learners' needs are met effectively, that teachers and school based support staff have the necessary skills to support a diverse range of needs, that there is equality of access to a range of support services, and that there are robust outcome measures for learners with additional learning needs.
1. Although there are some policy differences the basic legislative framework and provision for SEN in Wales is similar to that in England. In terms of pay, we have no separate information on the use of SEN allowances in Wales but it is unlikely to be noticeably different to the overall Wales and England picture. Issues which might affect consideration of SEN allowances, such as the overlap or potential for overlap with the new Teaching and Learning Responsibility (TLR) payments, workforce remodelling and the changing focus of pay progression based on performance, affect Wales in the same way as in England. The approach

to the STRB's review of SEN allowances should cover Wales and England on an equal basis, whilst taking account of the Wales specific features highlighted in this section.

### **Excellent Teachers' spot salary**

2. This is essentially a detailed pay and conditions issue. Provided the recommendations by the STRB on a framework to enable relevant bodies to set a spot salary for Excellent Teachers within the ranges recommended in its 15<sup>th</sup> Report apply equally in both Wales and England, there would appear to be no separate consequences for education in Wales. We have no comments on this issue, therefore.

### **Part-time teachers' pay**

3. The question of standardising pay for part-time teachers is essentially a detailed pay and conditions issue in respect of the method to be used as well as for issues such as assimilation to any new standards. Provided the recommendations by the STRB apply equally in both Wales and England, we have no comments on these or related aspects.
4. Given the known inconsistencies in calculating working time for part-time teachers, it is likely that a move to a standardised method will result in a change in the overall part-time teachers' paybill. Based on work undertaken by RIG, the probability is that such changes would result in increased costs. We understand that the DfES does not expect that the increased costs would exceed 0.23% of the total pay bill, and we would expect to see a similar figure here.
5. The Welsh Assembly Government would wish to consider with stakeholders the costs which might be involved and would want to consider this pay pressure alongside other local authority priorities as part of our normal budget planning process. In view of this and to fit in with the wider pay context, it would be sensible if changes to pay for part-timers were brought in alongside other pay changes after the period of present pay award, from September 2008.

### **Performance management and pay progression**

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

## **Approach – previous evidence**

7. In considering this issue, we have firstly considered whether the Pay Document should be structured to require performance management reviews provide the basis for decisions about pay progression. The STRB will know from previous evidence that we have had concerns about linking the Pay Document to devolved legislation such as the performance management regulations. Our view was that since it is the pay system which requires that assessment of performance, the processes for assessing are best laid down in pay legislation. Requirements for consideration of performance in pay decisions are currently set out within the context of the Document, and we would have prefer that they remained there. We think the concerns that the Document currently makes links between performance and decisions about pay in a number of different ways could have been resolved by a single approach which remained within the Pay Document.
8. Regrettably, we have probably travelled too far down the round of moving from appraisal regulations, which looked at how individual teachers might take forward improvement through continuing professional development, into performance management regulations with strong and growing links to pay which is performance related. There would clearly be practical difficulties for schools in trying to run different assessment processes running alongside each other for different purposes. This being the case, if performance management reviews are to provide the basis for decisions about pay progression to be done, how is this best arranged so that it can be applied equally and fairly to both Wales and England?

## **Use of devolved legislation – risks and underlying issues**

9. A requirement set out in the Document making performance-based pay awards dependent on devolved legislation runs the risk that the Assembly's devolved appraisal regulations might be set differently to England's, or might not exist altogether. The Secretary of State would be making pay dependent upon performance being measured by appraisal regulations, when has no certainty or control that such regulations would exist or continue to exist in Wales. Whatever the current regulatory position in Wales or the views of the current Welsh Assembly Government might be, there could be no guarantees for the future.
10. Even if there was an assumption that appraisal regulations in Wales would exist, as the pay legislation would be dependent on its operation on devolved powers in Wales there would always be a possibility that the regulations might be changed in ways which were significantly different in Wales to those in England. Setting things down in the Pay Document in this way would mean that there was no certainty that they would operate as intended.

## **Approaches to provision in Wales and England**

11. Nevertheless, our assumption is that in the light of previous reports and the approach taken by DfES and the Rewards and Incentives Group (RIG), a recommendation might be made to opt

for changes to the provisions of the School Teachers' Pay and Conditions Document to ensure the outcomes of performance management reviews provide the basis for decisions about pay progression, including evidence about the outcomes of CPD, and our evidence looks at this. As a starting point, our approach is that any changes to teachers' pay and conditions should be done in a way which can be applied equally and fairly to both Wales and England. So the issue is not whether provisions in the Pay Document should be identical, but rather how provisions in the Pay Document should be structured – not necessarily in exactly the same way for both countries – so that they ensure as far as possible an identical outcome.

12. In this particular case, the text of any amendments to the Document would need to reflect the performance management arrangements that apply both in Wales and in England. As things stand at present, performance management regulations in Wales and England are very similar in construction and in the requirements which they place on schools and teachers, and we think that there would be no difficulty to a form of words being agreed for the Pay Document that could allow for the outcomes of performance management reviews to provide the basis for decisions about pay progression, whether undertaken on the basis of English or Welsh provisions.
13. There is, however, a difference in coverage between the Welsh and English performance management regulations. The regulations in Wales do not cover teachers employed at more than two schools, or teachers employed under a fixed term contract of employment of less than one year. We have said that will be looking to extend the current performance management regulations in Wales to include teachers in situations outside those already covered. However, in terms of timing this is not likely to be possible before any new requirements in the Pay Document would take effect.
14. This means that we would need some wording in the Document which, as well providing for the outcomes of performance management reviews (whether undertaken on the basis of Welsh or English provisions) to be the basis for decisions about pay progression, should also cover any teachers to whom performance management regulations do not apply. It should do this by allowing for an assessment of performance by other means where performance management reviews / legislation are not compulsory. Otherwise a number of teachers in Wales might be excluded from pay progression as they could only obtain pay progression via a performance management review, but would have no provision set down for obtaining such a review.

### **Revised performance management regulations in England**

15. We are aware that DfES is currently consulting (closing date 30 August) on revised performance management arrangements for teachers and headteachers in England. However, we do not think that anything in the replacement regulations poses any additional difficulties in agreeing a form of words capable of application in both countries. The consultation makes it clear that although it is proposed to replace the existing regulations, much of the provision in the replacement ones would be the same as now or would clarify the current system. Key changes are to re-focus planning for performance management and, linked to this, the assessment at the end of the cycle of the teacher's or headteacher's performance.
16. The DfES draft regulations would introduce several specific pay actions into the performance management process. At the outset of the cycle the draft regulations require the reviewer and

the reviewee to meet to discuss and agree the criteria against which the reviewee's performance will be judged for the purposes of determining pay progression in post. And at the review meeting the draft regulations require the reviewer to meet with the reviewee to discuss the level of pay progression that would be appropriate, taking account of the extent to which the criteria recorded in the statement have been met. The draft regulations require the reviewer to record whether the reviewee has met the criteria for determining pay progression and says that the contents of the statement shall be used in determining the teacher's remuneration.

17. The current Welsh regulations do not have specific requirements for action on pay. They do allow relevant information from appraisal statements to be taken into account in the use of any discretion in relation to pay. Suitable wording in the Pay Document (requiring that the outcomes of performance management reviews provide the basis for decisions about pay progression, and that those reviews should for the purposes of determining pay progression in post consider an examination of criteria agreed at the start of the review period against which the reviewee's performance was to be judged) should enable the desired process to work with our current regulations as well as DfES's proposed legislation.

### **Taking account of CPD**

18. One other question is whether our existing performance management regulations provide a basis for the outcomes of CPD to be taken into account in performance reviews – and, therefore, pay decisions if these are linked are proposed. Our regulations require that the objectives which must be agreed at the start of the cycle must include an objective(s) relating to developing and improving the school teacher's professional practice. At the end of the appraisal cycle the appraiser and the school teacher must hold an appraisal review, with the object of (amongst other things) reviewing the school teacher's performance and identifying his or her achievements and any aspects in which further progress would be desirable; and assessing the extent to which the school teacher has met the objectives recorded in the statement of objectives.
19. Our current performance management regulations allow relevant information from appraisal statements to be taken into account in the use of any discretion in relation to pay. This, coupled with our existing provisions to assess objectives relating to developing and improving the teacher's professional practice, means that in our view it would be perfectly possible (providing the Pay Document was appropriately worded, particularly in relation to teachers not covered by our performance management regulations - see comments in paragraphs 51 and 52) for the present performance management regulations in Wales to allow the outcomes of CPD to be taken into account in decisions on pay.

### **Changes to performance management regulations in Wales**

20. The detail in paragraphs 49-57 above deals with the potential applicability of the current

performance management regulations in Wales to the proposed inclusion in the Pay Document of provision for the outcomes of performance management reviews provide the basis for decisions about pay progression. The STRB will wish to know what plans we have to develop the regulations any further. As noted above, we have said that will be looking to extend the current performance management regulations in Wales to include teachers in situations outside those already covered. In considering any plans for revised arrangements in Wales the Welsh Assembly Government will take full account of the changes to the legislation in England.

21. Enhancement of the process at the start of a performance management cycle, including more detail the issues to be considered, widened arrangements for amending plans during the year and greater coverage of issues at the review stage are all aspects we are likely to take on board. In keeping with the approach in our present regulations, we are not likely to require specific pay actions as part of the performance management process; but would instead at appropriate indicate that pay actions or decisions ‘may’ be undertaken using the performance management material. Coupled with suitable wording in the Pay Document this would enable the desired process to work with regulations revised as indicated.

## **Conclusion**

22. In our view:-

- It would be possible with suitable wording for the Pay Document to require that the outcomes of performance management reviews provide the basis for decisions about pay progression in both Wales and England in a way which ensures as far as possible an identical outcome.
- With appropriate wording, this could be achieved with our current performance management regulations.
- These would also allow the outcomes of CPD to be taken into account in decisions on pay.
- Provision is needed in the Pay Document for teachers not covered by our performance management regulations.
- Future performance management regulations enhancing the resent system will be considered. They are not likely to require pay actions themselves, but appropriate wording in the Pay Document could ensure that actions and decisions required for pay purposes could be made.
- RIG and the Welsh Assembly Government should agree suitable wording in collaboration.

## **Approach to pay matters across both Wales and England**

1. The other remit area with a specific reference to Wales is whether, given the independent educational developments and directions in England and Wales in the light of devolution, the STRB considers that it is appropriate for an identical approach to pay matters across both England and Wales to be maintained or whether a more flexible approach might be adopted. We have noted that the Secretary of State has said that this is a look ahead to the future rather than to immediate change, and that further thought and discussion will be needed before any firm recommendations for change can be made.

2. We understand that this remit is not intended to cover any question of devolution of pay matters to the Welsh Assembly Government. We have said that if there is any consideration of whether teachers' pay and conditions should be devolved to Wales, it ought to be done in the context of the proposals set out in the Government of Wales Bill to confer wider legislative competence on the Assembly to make new laws by way of Assembly Measure. Our position remains that we have no intention of seeking to bring pay and conditions to the Assembly whilst there is no appetite for its devolution in advance of the general primary powers being transferred to Wales.

## **Policy direction in Wales**

3. Since devolution, we have established an agenda for education which is distinct to Wales. "The Learning Country" published in 2001 set an ambitious and far reaching agenda for education and training in Wales. In it, we committed ourselves to delivering better outcomes in schools, colleges, universities and work based training by:
  - building stronger foundations for learning by radically improving early years provision and support for special needs;
  - improving transition between primary and secondary school;
  - developing schools' working practices to be more flexible, innovative and responsive;
  - transforming provision for 14-19 year olds;
  - ensuring that better services are developed for young people;
  - giving stronger support to practitioners;
  - strengthening careers information, advice and guidance;
  - promoting greater access to post-16 learning;
  - tackling skills deficits in Wales; and
  - modernising the collaborative efforts of higher education in Wales.
1. "The Learning Country" represents a decade-long programme of investment and improvement and we are only now reaching the mid point. We have achieved an enormous amount but more needs to be done. The agenda set by "The Learning Country" therefore remains relevant and current. "The Learning Country 2: Delivering the Promise" sets out the Assembly Government's proposals for developing the agenda set in 2001 in the light of the experience and successes of the past five years. We are determined to take it forward on the basis of our distinctive approach to education and training for all age groups in Wales, focusing upon collaboration, communities and citizens. "The Learning Country 2" can be found on the Assembly Government's website at

[http://new.wales.gov.uk/docrepos/40382/4038232/403821/the\\_learning\\_country\\_2/Learning\\_Country2\\_English.pdf?lang=en](http://new.wales.gov.uk/docrepos/40382/4038232/403821/the_learning_country_2/Learning_Country2_English.pdf?lang=en)

2. Although the education structure in Wales as a whole has clear and developing differences compared with that in England, we do not think that these result in significant differences in

the roles, duties and demands on teachers in Wales and England. The Pay Document thus has equal relevance in both countries and delivers in the vast majority of instances equal outcomes.

### **Pay-related differences between Wales and England**

3. We should underscore the point that pay is not devolved. The agenda for New Professionalism which has been developed in RIG evidence for the STRB is, as far as pay is concerned, a matter for DfES to implement in both Wales and England. It is not open to the Assembly to interpret or put into effect pay policy; we are not responsible for the application of the pay system here. It is nevertheless the case that there are some pay-related areas where there are differences between Wales and England or where issues have arisen about how differences in the two countries might affect their operation. Some recent examples are included at Annex D. However, these differences in outcomes are not the result of a varying application of the same pay system; they are not about direct pay matters, but about indirectly related issues.
4. It is clear that there is scope for differences to arise where implementation of pay elements, or the amounts they should be implemented at, is optional; or where developments are not compulsory and rely on specific funding or initiatives to take effect. Such an approach places supporting elements to the pay issue into devolved areas, and on occasion the devolved policy imperatives might not follow the same path as England. The example of the review of schools' staffing structures is a different issue relating to implementation, where some preparatory work involved devolved legislation. Although this led to some short term differences, caused by different regulatory and policy requirements in the two countries, this is essentially an area where better communication and planning can resolve issues and allow for workable solutions.

### **Linkage between pay progression and performance management regulations in Wales**

5. The increasing linkages between pay progression and devolved areas, in particular performance management and CPD are a different issue. Our views are set out in more detail in paragraphs 44-60, but in essence while we would prefer for this to be done entirely through the pay document, we see no problem with some slightly different provisions in the Pay Document if that ensures that in both countries teachers as far as possible enjoy an identical outcome. We think that it would be possible to develop suitable wording which allows for what would be different performance management legislation in Wales. We also think that it can be structured in such a way that, whilst it imposes mandatory requirements for pay purposes, does not attempt to impose any requirement on the Welsh Assembly Government to introduce performance management legislation in a particular way.
6. We should add that in our view, outside of (necessarily) taking account of teachers not subject to performance management regulations, we see no reason why the STRB's recommendations



could not be implemented with the same essential outcomes in both countries. The replacement of the School Teacher Appraisal Regulations with new performance management regulations in England introduces some enhancements to the process but is still the same in its essentials as the current Welsh legislation. And our present performance management regulations would allow the outcomes of continuing professional development to be taken into account in decisions on pay.

## **Standards**

7. One other issue which the STRB may want to consider in this context is the work on the development of a new Standards Framework in England. There covers five sets of 'standards', on initial teacher training (Qualified Teacher Status), induction, post-threshold, AST and ET. The latter three are pay standards which apply equally in Wales and England. QTS and Induction are devolved areas and in these cases the proposed standards would only apply in England. (Although the proposed Standards Framework refers to "induction/main pay scale standards", the Induction standards are not pay standards. They are set out in Induction legislation, not pay legislation.) The DfES has carried out a non-statutory consultation on this Framework but has not yet undertaken the required statutory consultation on the three pay standards.
8. RIG wishes to use these standards in England in the performance management arrangements as a supporting element for the review process. As with the use of performance management reviews in decisions on pay progression, we think that it would be possible with suitable wording to require such decisions to be based on performance management reviews which took into account these standards. The three pay standards are common to both countries and are already an integral element in pay decisions via the pay legislation. We do not feel that there is any significant difference in essentials between QTS and Induction standards in Wales and England; certainly none that would not vanish alongside the variety of different considerations in all the individual pay decisions taken across both countries.

## **Conclusion**

9. This is an area where it will be important to demonstrate that policy decisions are based on the best available evidence. We think that it should be possible to come up with workable and pragmatic solutions to issues as they arise. Suitable forms of wording in the Pay Document and Guidance, agreed by the Welsh Assembly Government and RIG, should enable the use of performance management reviews in decisions on pay progression based on agreed standards. Appropriate planning, allowing for different regulatory and policy requirements in the two countries, should allow for the timing of pay changes to be co-ordinated. The end result should be that any changes to teachers' pay and conditions can be done in a way which, whilst possibly having some different provisions from time to time in terms of content, can nevertheless be applied equally and fairly to both Wales and England so that the outcomes are

the same in the two countries.

## Annex E1a

### Mathematics and science incentives on offer in Wales and comparison with England

1. For mathematics and science the grant levels of our initial teacher training (ITT) incentives have been raised twice in the last two years. Eligible students who entered mathematics and science PGCE courses from September 2005 have been able to receive a £7,000 training grant (compared with the £6,000 grant previously available); and those who qualify and who go on to teach in their subjects may be entitled to a £5,000 teaching grant following the successful completion of their Induction period (raised from the previous £4,000).
2. A further uprating has been made with new ITT incentives available in Wales for courses starting in September 2006. For eligible trainees starting secondary maths and science PGCE courses in September 2006, a £7,200 training grant is now available (and the £5,000 teaching grant is retained). These new incentives on offer in Wales take account of the fact that tuition fee finances in Wales are different from those in England. The new package of incentives will ensure that Welsh students will benefit from the same level of support (incentives combined with funding towards tuition fees) as those in England. Essentially, £7,200 training grant in Wales is the equivalent of the similar £9,000 bursary in England as tuition fees in England could add up to £1,800 per person to the cost of training to become a teacher on a PGCE course.
3. The ITT incentives on offer in Wales take account of the fact that tuition fee finances in Wales are different from those in England. Tuition fees in England could add up to £1,800 per person to the cost of training to become a teacher on a PGCE course. So the £7,200 training grant in Wales is the equivalent of the similar £9,000 bursary in England; and the £4,200 training grant in Wales is the equivalent of the similar £6,000 bursary in England. As in England, there will in addition be a £1,200 non-repayable non-means tested element of the maintenance grant available for Welsh domiciled PGCE students.
4. The fact that the tuition fees elements in Wales and England are different explains the apparent differences between Wales and England in terms of the ITT incentives offered. Students on PGCE courses in their country of domicile get the same level of support overall in both countries.
5. Variable tuition fees in England in 2006-07 will be up to £3,000. There are a range of means-tested grants and bursaries available to English domiciled students, including a non-repayable means tested £2,700 maintenance grant. For PGCE students the first £1,200 will not be means tested. For English domiciled students not eligible for means-tested benefits, tuition fees in England will add up to £1,800 per person to the cost of training to become a teacher on a PGCE course (£3,000 PGCE tuition fees less £1,200 non-repayable non-means tested grant, assuming that students decide to use the grant to pay the £1,200 fees outstanding, rather than taking out a loan for that purpose).
6. For tuition fees in Wales in 2006-07 there is a fixed tuition fee of £1,200. For 2007-08, there is a flexible fee of up to £3,000. However, students domiciled in Wales who study at a higher education institution in Wales will also be entitled to a non-means tested fee grant of £1,800

which does not have to be repaid. This will leave the effective tuition fee at £1,200. As with England, there will be a means-tested non-repayable maintenance grant, incorporating the Assembly Learning Grant (ALG), of up to £2,700.

7. The first £1,200 of the new maintenance grant will be available to Welsh domiciled PGCE students on a non-means tested basis. Students may choose to use some or all of this to help pay tuition fees, rather than taking out a student fee loan for that purpose. For Welsh domiciled students, even those not eligible for means-tested benefits, exercising this option would mean that tuition fees would add nothing to the cost of training to become a teacher on a PGCE course.
8. The funding situation in Wales and England may be different for those eligible for means-tested benefits or other additional support, or where the tuition fee is less than £3,000.

## **Annex E1B**

### **Pay related matters – differences between Wales and England**

1. Fast Track: the Fast Track programme is a teacher development programme (requiring a considerable amount of support and specific funding) for which it was agreed that participants could gain additional pay. In Wales, we decided we did not intend to pursue this programme, and consequently we have no Fast Track teachers.
2. This is not an area where either an identical approach to pay matters or a more flexible approach would make any difference. There are no Fast Track teachers in Wales because the Assembly was not prepared to commit extra funding and support to run such a scheme, rather than because of any construction in the Pay Document. The pay element here would be whether teachers undertaking such a scheme received a benefit, and in this case the provision in the Pay Document is the same for both countries; but whether the scheme itself existed in Wales or not is not a pay matter.
3. Advanced Skills Teachers (ASTs): an AST post is, both in terms of its pay scale and its required duties, entirely contained within the Pay Document. It lies outside of the main scale/UPS scales and is not a necessary requirement for ET or leadership posts. In England, the AST system has been developed with the assistance of specific funding and dedicated support.
4. We have not regarded an AST development as a priority for the school system in Wales; our view is that a disproportionate amount of time and resources would need to be devoted to it to achieve anything more than isolated benefits. We have not, therefore, pursued the scheme or provided specific additional funding; the general view is that as a result schools have not wished to put in place posts with potentially significant extra costs in terms of time and resources.
5. Notwithstanding this, it is open to schools in Wales to consider creating AST posts providing the relevant conditions are met using school resources. The question of whether such posts would be helpful in individual situations is a matter for schools and local education authorities. The provision in the Pay Document is the same for both countries and AST posts in Wales, if put into effect, would work in exactly the same way as in England. As with the Fast Track, there are differences on the ground but they exist because of factors outside the scope of the Pay Document.
6. Funding: we mention this only because it is often remarked upon. The STRB will be aware

that funding for teachers' pay is different in Wales and England. In England, the DfES provides elements of funding for teachers' pay via special grants direct to schools. In Wales the Assembly does not fund any elements of teachers' pay costs in Wales through specific grants; funding is provided as part of the local authorities' revenue settlement.

7. There are views that insufficient funding is made available, but we would disagree: we work closely with the Welsh Local Government Association to identify extra costs and pressures each financial year and the settlement aims to be a fair and reasonable response to any extra costs and demands being made of local authorities. But it is for local authorities to determine the distribution of the settlement in the light of competing demands and other requirements. The Welsh Assembly Government is committed to decisions on funding local services being the responsibility of individual local authorities.
8. This is not a pay issue. If a mandatory pay point or requirement is placed in the Pay Document then it will operate in that way in both countries. If the Pay Document allows discretion, however, then decisions are passed to those who have discretion and it is reasonable that differences can emerge (and not just between Wales and England).
9. Review of schools' staffing structures: the regulations governing these is a recent example of differences between Wales and England. We took the decision to require schools to complete their reviews of their staffing structures three months later than schools in England as (following consultation) guidance material was made available later in Wales than in England. The Welsh end date (31 March 2006) was later than the date set in the Pay Document (1 January 2006) for the end of new management allowances to be awarded and the start of safeguarding arrangements.
10. The later date in Wales arose because the regulations DfES decided to use to require schools to undertake the review are devolved to Wales; our arrangements for consultation and legislation require a longer timescale than in England; and the change date in the Pay Document allowed insufficient time for this process to take place in Wales. This example does not signify to us that an identical approach to pay matters across both Wales and England should not be maintained; rather, it showed the need for the timing of pay changes to be better co-ordinated to ensure the same process can take place in both countries at the same time.