

The Association of School and College Leaders and the National Association of Head Teachers Joint Response to STRB 20th Report

ASCL and NAHT welcome the opportunity to respond jointly to the STRB 20th report.

Pay uplift for unqualified teachers earning £21000 or less

ASCL and NAHT argued strongly in the evidence submitted by the six teacher unions and in the joint oral evidence session for the £250 to be a consolidated payment and for such payments to be made only made to unqualified teachers on points 1 – 3 on the national scale, 1 and 2 in Outer London and the Fringe and 1 in Inner London. Though we are disappointed, particularly on the first count, that the arguments which we advanced have been rejected by the STRB, we appreciate the Review Body's reasoning and are content to support the recommendation that a non-consolidated payment of £250 should be made to unqualified teachers who earn £21,000 or less (pro-rated for part-time teachers) in 2011 and 2012.

We can understand why the STRB has expressed a preference for such payment to be made as a one-off, lump sum to eligible teachers in September 2011 and in September 2012. However, we believe that it would be better to arrange for such payments to be made monthly as part of an unqualified teacher's normal salary, because if individuals' circumstances change (e.g., they earn more than £21000) after full payment has been made, then schools are faced with the unenviable task of seeking repayment of the appropriate proportion of the £250.

We would contend that such payment should be funded additionally by the Government and not simply imposed as an extra burden on school budgets, which are already under considerable pressure from cutbacks.

Whilst not strictly a matter arising from the report, we are firmly of the opinion that urgent consideration should be given to how such protection for the lowest paid might be implemented in the case of support staff.

Limit on the value of discretions that can be applied to head teachers' pay

We very much welcome the STRB's repeated commitment to a review of leadership group pay which will both incentivise and retain school leaders. Such a review should include consideration of:

- the appropriate rate of pay for a head teacher's core responsibilities

- the remuneration appropriate for the responsibilities entailed in the running of more than one school
- remuneration for the provision of a service function
- a more sophisticated mechanism for gauging job weight than age and numbers of pupils alone
- appropriate market forces/R&R factors/criteria
- the role of executive heads
- remuneration for other members of the leadership group and TLR holders for additional responsibility assumed in the absence of the head

To our minds, any determination on such matters should have been left to be addressed by this review and we believe that the STRB has, in fact, gone beyond the remit it was given.

The DfE's own evidence to the STRB (that in March 2009 there were around 100 leadership group teachers in maintained schools earning above the maximum of the pay spine for Inner London in 2009 (£109,658), of whom 14 were recorded as earning more than £140,000 per annum, with two paid over £180,000) showed quite unequivocally that the problem relating to excessive payments above the maximum of the spine is so small as to be almost insignificant. Although we would have much preferred any determination on a limit to have been introduced in the light of the outcome of a wider review of leadership group pay arrangements, we expressed support in principle for a limit in the joint union evidence and, on balance, agree with the STRB that the case for imposing a limit at this juncture (in the context of the current economic climate and the Government's wider policy on pay restraint) is strong.

We are however concerned that the proposals may reduce take up of the system leadership roles on which the new school to school improvement strategy rests, particularly at primary level.

We agree with the recommendation that there should be a 'base' Individual School Range (ISR) for a head teacher clearly defined in the School Teachers' Pay and Conditions Document (STPCD), that any discretions above 'base' ISR should be used only when clearly justified and that the total of all discretions should not exceed the limit of 25 per cent above the individual's point on their 'base' ISR in any given year. We are particularly pleased that, within these constraints, some scope remains to exceed the limit of 25 per cent - in wholly exceptional circumstances, after a business case has been presented to the full governing body and external independent advice has been sought – but feel that the concept of 'wholly exceptional circumstances' needs to be explored further and more fully. Moreover, the

report does not give any indication as to where the external independent advice is to be obtained and the format it will take.

However, we fundamentally disagree that it should be the normal expectation for the 'base' ISR to cover the head teacher's full role (apart from the discretions relating to residential duties and relocation expenses).

In our joint oral evidence session, we stated categorically that any limit should **only** relate to the core responsibilities of a head teacher and fully endorsed NEOST's view that these responsibilities should be defined as responsibilities for the **educational provision in a single school** and **not include** situations, for example, where:

- the school is responsible for the provision of a range of extended services, including responsibilities associated with running an integrated children's centre;
- the head is providing any consultancy or advisory services to other schools;
- the head has an additional role as an executive or associate head in relation to any other schools; and
- the head is engaged in system leadership, for example as a Local or National Leader of Education.

We believe firmly that what should be included in a head teacher's core responsibilities and in his/her 'base' ISR, if there is to be a departure from the current understanding of what constitutes 'the core', should be considered as part of the wider review of leadership group pay and not pre-determined in advance, particularly as the STRB has reiterated its support for such a review. It should be remembered that the provisions in the STPCD relating to the responsibility for running more than one school were introduced as an interim measure to legitimise developments on the ground pending a wholesale review of leadership group pay and were never intended to be the final solution.

In our view, the arguments used in the report to justify the incorporation of a head teacher's full role in his/her 'base' ISR are far from compelling and the STRB seems in its conclusion merely to have repeated the assertions in the DfE's evidence. Moreover, there would seem to be little financial incentive to take on the running of another school and to assume the additional weighty responsibilities entailed, if head teachers would still be able to earn up to an additional 25 per cent in a school causing concern or on recruitment or retention grounds. Not everyone is capable of taking on the additional responsibilities associated with running another school. It would therefore be fundamentally unfair on those who were asked to undertake such responsibilities to be remunerated at the same level as those who were not.

We would, therefore, urge the Secretary of State to **reject** following recommendations:

- *‘there should be a “base” Individual School Range (ISR) for a head teacher clearly defined in the School Teachers’ Pay and Conditions Document (STPCD) and it should be the normal expectation that this remuneration covers the head teacher’s full role.’; and*
- *‘the Department re-draft the provisions in the STPCD to give effect to our recommendations, including in particular:*
 - *Making clear it should be the normal expectation that the remuneration provided by the “base” ISR, as set out in paragraphs 4.55 – 4.57 of the report, should encompass all the responsibilities of a head teacher, for example the need to address improvement challenges in the “home” school and a wider contribution across the education system such as the sharing of good practice and liaison with other service providers.’*

We agree that a head teacher’s ‘base’ ISR for core responsibilities should be determined within the appropriate school group, but are concerned that the existing flexibility to re-assess the ISR within that school group for an increase in responsibilities is not mentioned in the report; there seems to be an assumption that such a determination is a once-and-for all assessment.

It is essential that any provisions included in the STPCD 2011 only take effect from 1 September 2011 and do not apply to decisions taken prior to that date, even if these decisions become effective as from 1 September 2011. This will be of great assistance to those head teachers, governing bodies, schools and local authorities that are already making decisions and establishing arrangements under the current STPCD for the management and leadership of schools to take effect from the beginning of the academic year 2011/12.

We welcome the confirmation that those few head teachers who are currently paid significantly in excess of the 25 per cent limit should not have their pay reduced. We would seek reassurance that this provision will, in fact, apply to **all** those who are paid in excess of the limit on 1 September 2011.

Though we acknowledge that the Secretary of State’s narrow remit in this instance did not cover the role of executive heads, we believe strongly that it is essential for the position of executive heads to be regularised in law and that their remuneration should be covered by the provisions of the STPCD, not least because of pension considerations. This is not just a question of greater clarity in the Document as suggested in paragraph 4.14 of the report.

The STRB’s view that head teachers should not normally be rewarded under both of the discretions available to governing bodies for recruitment and retention in paragraphs 12.2.5 and 50 will require clarification as this does not form one of its recommendations. We accept however that the monetary value of any benefits under paragraph 50 should be included in the scope of the proposed limit.

We would also be fully supportive of the point made in paragraph 4.66 that governing bodies should ensure that there is a transparent process for determining head teacher pay, that there should be a full and proper record of the justification for any increase or payment and that where a decision has been taken by a remuneration committee, the total remuneration and component parts should be disclosed with reasoning to the full governing body. We believe firmly, however, that without appropriate monitoring mechanisms such arrangements will not necessarily be sufficient to ensure compliance with statutory provisions. Any disclosure to the full governing body should only be made as a **confidential item and recorded in 'part 2 – confidential' minutes.**

The role that the governing body will be expected to play, if the recommendations are accepted by the Secretary of State, will require a substantial investment in a national training programme for governors (not forgetting that governor training in Wales falls under the auspices of the Welsh Assembly Government). We do not consider it appropriate just to rely on the Chair of Governors receiving training at some stage as a result of the implementation of the Education Bill. The training will be required immediately in the autumn term if the recommendations are incorporated into the STPCD 2011.

The demise in the services provided by some LAs will also mean that they cannot be relied upon to implement a national standardised system of support and advice on governing body roles; neither can they all be relied upon to provide the external independent advice required for those wholly exceptional circumstances that apply if the limit is to be exceeded.

We consider the statement that “*full public disclosure is desirable in the long run but is not in itself sufficient response to the need to establish limits.....*” to be a sensible recognition of the current situation. Whilst it can be argued that governing bodies should have a full view of the total remuneration and component parts of head teacher pay, the wider disclosure of this information requires much further thought in relation to the impact of such disclosure on individuals and their relationship with parents and the wider community. The expectation of the vast majority of employees is that their actual salary is confidential to them, their employer and HMRC. The way in which the governing body manages sensitive information on pay is important.

We entirely agree with the proposition that the governing body should ensure it has oversight of all the contractual arrangements and income streams applying to the head teacher. However, the recommendation relating to the oversight of all the income streams and contractual arrangements, possibly through the use of a single contract, does not recognise the problems created in employment terms if the changes are implemented.

The expectation that contracts should include a requirement that heads must seek the explicit agreement of their governing body before accepting any additional work will require further consideration.

We are extremely disappointed that the principles set out in the report and in the DfE's evidence to the STRB relating to limits on head teacher pay, the need for proper recording and justification of decisions and the appropriate use of public funds will not be applied to academies or free schools. This seriously undermines the value and the impact of a set of recommendations which have the potential to improve significantly the transparency of pay arrangements for head teachers and the consistency of related governor practice.

We hope that the Department will take the opportunity to consult with the teaching unions on the implementation of the STRB recommendations which seek to better align the structure of the STPCD; put arrangements in place to monitor the use of exceptions to the limit and how the implementation of the oversight of contractual arrangements will operate.

Finally, we are pleased to note the Secretary of State's intention to have regard to consultees' views before accepting the STRB's recommendations.



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3rd June 2011