

Consultation on the new model to determine teachers' pay and conditions of service in Wales

Consultation response form

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Responses should be returned by **4 May 2018** to

Teachers' Pay and Conditions Branch
School Effectiveness Division
The Education Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

or completed electronically and sent to:

e-mail: SchoolsandYoungPeopleWorkforceUnit@gov.wales

The document sets out a potential 'teacher engagement model' as a future mechanism for determining teachers' pay and conditions of service in Wales, when the powers are transferred to the Welsh Government.

This response form is set out into three main sections.

Section A – The overall proposed process.

Section B – Individual stages within the proposed process.

Section C – Alternative proposals and additional comments.

Section A – The overall proposed process

Question 1 – Do you agree that teachers’ pay and conditions should continue to be statutory and annual in nature?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

It is essential that teacher’s pay and conditions remain statutory in order to ensure a sufficient quantity and quality of teachers. A national set of terms allows for adjustments to be made that ensure the teaching profession is attractive to graduates and remains competitive in the employment market place throughout a teacher’s/school leader’s career.

A national structure with agreed scales also avoids inflationary competition between schools.

Pay and conditions should continue to be reviewed annually, though that would not preclude a multi-year pay award with appropriate safeguards in the form of re-opener clauses.

Question 2 – Is the proposed model appropriate for determining pay and conditions of service for teachers in Wales?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

The model, for the most part is sound.

We have some significant reservations about the use of a public consultation of any final recommendations. We do not believe it is appropriate for there to be a public consultation on public sector workers’ pay and conditions. There will be limited context available and therefore non-statutory consultees will be responding from a low knowledge base which will add little but has the potential to distract and add unnecessarily to the process.

We also have some significant concerns around the timeframe allowed for the proposed model, which is wholly insufficient (see comments below).

Question 3 – Do you agree that the proposed teacher engagement model could support and complement the development of the education system in Wales?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

It has the potential to ensure that all stakeholders have the opportunity to be fully involved in the consultation process, which, in turn, may ensure a more settled workforce and a raising in morale.

We are strongly supportive of a meaningful consultative approach to the setting of the remit, though please see comments below about reservations on current model.

Question 4 – Is the overall timetable proposed achievable?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

The timetable is wholly insufficient.

The aim has to be to improve on the system currently in place for England and Wales. Currently there are major issues with delays to the production of the STPCD causing significant difficulties for employers, This is because the timeframe allowed is insufficient. Our concern with the timetable proposed for Wales is that it is of a similar timeframe and yet it includes an additional process.

The end point needs to be in time for schools to set budgets for the next academic year, which means in practice that the equivalent of the STPCD will need to be published (having been consulted upon) by the time the last governing body meeting of the year happens – usually late June.

Everything else needs to be worked backwards from this point (including the pay order).

We have identified timetabling issues with specific parts of the process below, but another general concern about the proposed model is that the current timeframe assumes consultation will start at the beginning of May. Given that the majority of years we will find ourselves in a period of purdah at that point, and therefore unable to commence any consultations, we would urge that any revised timetable takes account of purdah and does not inadvertently build in any blockages to the process,

In our view, once you have worked your processes backwards from the desired end point, the issuing of the draft remit will need to be in the summer term rather than the autumn term.

Section B – Individual stages within the proposed process

The proposed model has elements of both a social partnership forum (the partnership forum) and an independent Welsh review body which will both feed into the determination process for teachers' pay and conditions at different stages.

Stage 1

Question 5 – Do you agree that it should be for the Cabinet Secretary for Education to decide the initial draft remit outlining the terms and matters for consideration?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

This appears to be an unnecessary step and to undermine the nature of the proposed social partnership construct.

As the Government are represented on the partnership forum, their views for the remit should be brought in through that group.

We are also concerned with the proposal that a ‘draft remit’ is sent to the review body prior to any discussions by the partnership forum. This either means that the views of the partnership forum will not be taken seriously and that the ‘draft remit’ will to all intents and purposes be the ‘final remit’; or that the review body will potentially waste time considering a remit that is subject to change. Either way, this is most unsatisfactory.

Our considered view is that there should be meaningful discussion through the partnership forum as to the content of the remit with the final decision resting with the Cabinet Secretary for Education, and that a first and final remit is sent to the review body for consideration.

Stage 2

Considering the partnership forum in the first instance, it is proposed that in this model the partnership forum is comprised of representatives of Welsh Government (four), employers (six from local authorities, one from diocesan authorities, one from governing bodies) and all relevant recognised trade unions representing employees (two from each of the six teacher/headteacher unions);

Question 6 – Is the proposed membership, size and distribution of the partnership forum as highlighted above appropriate?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

On the whole we are supportive of the proposed make-up of the partnership forum but would like some clarity over the employer representation.

With regards to local authority representation, we would expect the Welsh Local Government Association to be the body representing local authorities and not for individual local authorities to be represented. Can you confirm that this is the intention? If so, we are unclear as to why they have been allocated six representatives, we would expect just two.

Also, with regards to the diocesan authorities, how do you intend to appoint one representative? There should be representation from each of the religious/diocesan bodies that are responsible for schools in Wales.

In addition we would be grateful for confirmation as to who will be representing governing bodies. Do you intend to ask a representative of the NGA to attend?

Question 7 – Do you agree that such a social partnership forum should have a role within the determination process for teachers’ pay and conditions of service?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

Yes. For the remit to be a robust reflection of the needs of the profession it needs to have had the input of those with the greatest working knowledge.

Question 8 – Do you agree with the scope of the role of the partnership forum as highlighted in the consultation document, within the determination process?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

As we have stated previously, our concerns with the current proposal centre around the genuine nature of this process given the current proposals for stage1.

If a draft remit has already been sent to the Welsh Review Body prior to the discussions with the partnership forum then this calls into serious question the role and purpose of this body and the meaningfulness of any consultation.

True social partnership is about discussing, debating and involving partners in the strategic development and implementation of a policy. To have already sent a draft remit is to have missed the point of social partnership – you will have excluded the partnership forum from the development stage and will just be asking them to comment on a remit already in the public domain.

We are strongly opposed to the role of the forum as currently envisaged, but would support a true social partnership approach to the development of the remit.

Question 9 – Is the timetable proposed for this stage in the process achievable?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

In our view this stage should consist of the partnership forum meeting to discuss and debate the content of the remit and for sufficient time to be allowed for this to be meaningful.

Government officials should then put a submission up to the Cabinet Secretary for Education, representing the views of the Forum, with recommendations for the Remit. It is for the Cabinet Secretary to then decide on the Remit, having fully considered the views of the partnership forum, and issue it to the Welsh Review Body (meeting with the forum to inform them of their decision and explain the rationale).

The six weeks currently allowed in the timetable for stages 1 and 2 are insufficient for the process outlined above and more time is required.

Stage 3

The teacher engagement model proposes the establishment of a new independent national pay review body for Wales – the Welsh review body – as part of the consideration process. It is envisaged that the independent review body could provide an independent and expert view of all the issues, reaching considered conclusions and recommendations based on evidence from the full range of parties.

Question 10 – Do you agree that the establishment of an independent Welsh review body is required to provide sufficiently independent and expert advice, rather than the direct commissioning of such expertise?

Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

We are supportive of an independent review body.

Our emphasis is that the body does remain independent and is not fettered by the Government in its recommendations.

Question 11 – How should the body/panel be selected and appointed? For example, it is proposed that the members of the Welsh review body be selected and appointed through an open public appointments exercise, based on key areas of expertise.

Supporting comments

We are supportive of an open public appointment exercise along the lines of the current STRB.

We would expect to see a strong representation on the review body from the education sector, as it is essential that those making the recommendations understand the context in which they will be implemented.

Question 12 – It is proposed that the Welsh review body would be supported in their work by a clerical secretariat. Do you agree that this support should be provided by the Civil Service (Welsh Government)?

Agree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>	Neither agree nor disagree	<input checked="" type="checkbox"/>
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Supporting comments

It is essential that the secretariat support is independent.

If it is to come from within the Civil service then it must be from a Government Department without a vested interest in the outcome of the review body’s deliberations (education or finance). Ideally it would be an arm’s length body as is the case with the STRB.

Question 13 – Is the timetable proposed for this stage in the process achievable?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

The timetable for this stage of the process is wholly insufficient and does not take into account all of the stages required in a meaningful consultation.

We would expect the process to run along a similar lines to that currently undertaken by the STRB.

That is following the issuing of the Remit statutory consultees are given a six week consultation period in which to submit evidence.

Following the receipt and publishing of all consultees’ evidence (usually about another week) there follows a two week period where consultees are able to submit supplementary evidence in light of the submissions they have seen submitted by others.

So a **minimum** of seven weeks to gather evidence (as time has to be allowed for any holiday periods that may fall).

The pay review body usually needs a period of significant period of time to assess and analysis the evidence received from consultees prior to calling them to oral evidence sessions. During this period the STRB will identify the questions they wish to ask each consultee and these will be shared with consultees at least two weeks in advance of their evidence session. This is to ensure that the oral evidence sessions are meaningful and add to the written evidence. The time lag is currently four weeks and the oral evidence sessions take place over a two week period.

This means you need to add at least another six weeks to this stage.

The review body are then able to start assessing all of the evidence that they have received and to pull together their recommendations and report.

So your stage 3 will require at least three months without any holiday breaks, and whilst you have nominally allocated about that, you have timetabled it for over December when you will lose up to three weeks.

More time is going to need to be allocated, and you should be aware that the review body is going to want to longer to assess evidence between the written and oral stage if the remit is covering a large number of issues.

Stages 4–7

It is proposed that following the Welsh review body report and consideration of the recommendations by Welsh Ministers, given their statutory nature, Welsh Ministers will undertake a public consultation on any proposed changes to teachers’ pay, terms and conditions.

Question 14 – Should there be a public consultation on the Cabinet Secretary for Education’s decision, before the revisions to the Pay Order and implementation of the Order?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Supporting comments

As stated above we are strongly opposed to there being a public consultation on the pay and conditions of teachers.

The consultation would not allow for the full context to be shared, including the wider graduate recruitment market, recruitment and retention issues etc., and we do not think that it is appropriate for there to be a public debate about one part of the public sector’s pay.

We also question the meaningfulness of any such consultation. Would the intention be that if the consultation responses were strongly opposed to the independent review body’s recommendations that these would not be implemented? If so, why are you engaging with an expert panel? If not, then why are you consulting?

Question 15 – Is the timetable proposed for this stage in the process achievable?

Agree	<input type="checkbox"/>	Disagree	<input checked="" type="checkbox"/>	Neither agree nor disagree	<input type="checkbox"/>
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Section C – Alternative proposals and additional comments

Question 16 – Please include any suggestions for alternative models or amendments to the proposed teacher engagement model set out in the annex.

Supporting comments

We have addressed this throughout our response.

Question 17 – We would like to know your views on the effects that the proposed model to determine teachers' pay and conditions would have on the Welsh language, specifically on:

- i) opportunities for people to use Welsh
- ii) treating the Welsh language no less favourably than the English language.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Supporting comments

Question 18 – Please also explain how you believe the proposed model for the determination of teachers' pay and conditions of service could be formulated or changed so as to have:

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language
- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Supporting comments

Question 19 – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Question 15: We have disagreed with this question but there was no option to explain why. You have only allowed the review body four weeks in which to review all of the evidence following the end of the oral evidence session and to make their recommendations and submit their report. This may be sufficient time if the remit is fairly light – just looking at the annual uplift for instance. But if the remit had been more detailed then this may prove a very challenging timeframe and you should not assume it is sufficient for every remit.

Stage 6 and 7: there is a lack of clarity around the process here, which has an impact on the time required. Once the Cabinet Secretary and has decided whether to accept, reject or amend the

recommendations of the review body, then they need to go out to consult on that and an appropriate amount of time is needed – six weeks is usual. Following that consultation, and in light of the responses received, the STPCD needs to be revised and a consultation on the draft document launched – again with a suitable amount of time allowed. The final draft of the STPCD can only be produced following the end of the consultation period and the review of the responses. It is only following the issue of the final draft of the STPCD that schools are able to budget accurately for the next financial year so this process needs to be done in time for the last GB meeting of the academic year preceding the one in which the STPCD comes into force. As previously stated, the timetable needs to work back from this point. You do not appear to have factored in all of the processes required here or allowed sufficient time.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: