

4 January 2013

## **ATL's Response to the STRB's 21<sup>st</sup> Report**

### **Introduction**

1. In the 20 previous reports from the School Teachers' Review Body (and also from its predecessor, the Interim Advisory Committee), the Secretary of State received recommendations that were based on solid evidence and that tried to reflect the sometimes divergent views that had been submitted by statutory consultees. Although some of the areas dealt with in the reports were controversial and others were technical, all were given the same comprehensive and impartial treatment. ATL may not always have liked or agreed with the outcomes but we never doubted the independence of the process by which they were derived.
2. With this 21<sup>st</sup> Report, the situation has changed significantly. ATL has always been a strong supporter of the Review Body system. It is for that reason that we must express our extreme disappointment at a report that is partial, where evidence is drawn, not from the transparency of the consultation process but from political lobbyists and where predetermined recommendations seem to have driven the direction of the Report rather than those recommendations emerging from a rigorous analysis of the information and data presented to the STRB.
3. Indeed, we have read - with surprise and some degree of shock - a report that discards evidence which does not fit with the desired conclusions; that misrepresents evidence and that selectively uses unattributed and unverifiable comment to buttress propositions that would otherwise be weak and specious. We will give examples of these distortions in the following paragraphs.
4. A key failing of the Report is the conflation – whether deliberate or not – of two, separate issues: the decision to pay “good” teachers more and the effect of performance related pay on pupil outcomes.

5. The former is, in many ways, an ideological decision; one can believe that paying teachers according to their performance is, of itself, a desirable aim. It is revealing, however, that, in all the evidence cited by the STRB, there is not a single example of research that is critical of the use of PRP, despite a wealth of such examples utilised by consultees. In fact, at paragraph 4.27, we are told that “ATL, NASUWT and NUT all pointed to a lack of evidence on the benefits of performance related pay and *cited various pieces of research* (our emphasis) suggesting it did not have a strong motivational impact”. To summarise more than half a century of study, ranging from Alfie Kohn to W Edwards Deming to Professor David Marsden, in five words without any citations or references to research commissioned by the unions can hardly be described as an impartial perspective. This is particularly true as the Report finds room to cite many works in favour of PRP, even though these were not necessarily mentioned in evidence.
6. But it is in regard to the effect of PRP on pupil outcomes that the Report truly shows its leading approach. Here, there is much research that demonstrates no relationship between pupil performance and the use of performance based pay systems. The earlier evidence of the DfE struggled to find examples; a fact to which the unions referred in their response. An OECD study of 37 countries shows precisely a lack of any link but the STRB chooses to exercise “caution in interpreting this type of analysis” (para 2.8 refers) despite the fact that the basis of the STRB’s caution – how performance is defined and measured and the scale of the reward – surely applies to any analysis of PRP.
7. Later, in connection with good pupil outcomes (para 2.13 refers), we are told that “South Korea has *experimented* (our emphasis) with performance bonuses”. No such caution applied here by the Report; we are informed neither about the nature of this experimentation, nor whether it has continued, nor even the conclusions of the South Korean authorities. The deployment of the phrase “experimented with performance bonuses” in the same paragraph as references to countries with good pupil outcomes is clearly designed to leave the impression that there is a link between PRP and pupil outcomes.

8. When considering the views of head teachers and governing bodies, the Report (para 2.23 refers) cites “many respondents” who wanted more flexibility in the pay system. Yet the same bullet point reveals that between two thirds and three quarters of head teachers surveyed do not believe that there is any need for further flexibility; except that the bullet expresses this as “between a quarter and a third” who do. Why invert these proportions unless you want to convince readers that there is momentum in schools for change?
9. Amorphous language similar to the “many respondents” quoted above recurs throughout the Report, including repetition of the curiously imprecise phrase “some appetite for..” (for example, at para 2.25). In a national workforce of half a million people, spanning more than 20,000 establishments, we presume that there will be “some appetite for” many variations on the current pay provisions, yet only those that support greater flexibility appear in the Report.
10. Finally – and, perhaps, of most concern – is the selective use of comment to bolster the case for greater flexibility, without any attempt to balance this with views from an opposing standpoint. Sometimes these sources are unnamed: at paragraph 2.26, for example, we note that “many commentators and policy makers [who] believe the pay system should do more to reward those who make the greatest contributions”. We are not told who these people are, nor what they are (what is a policy maker?), nor the context in which they are quoted, yet this is seen as enough to counter the far more verifiable statement in the same paragraph that “many of those who manage the current system of pay for teachers are largely satisfied that it meets their needs”. Again, ATL finds it hard to believe that, of the ‘many commentators’ who have been critical of extending PRP for teachers (we can supply details) none of them has made it into the STRB Report.
11. Moreover, at paragraph 2.16, the Report cites a study by Reform, as if this were on a level with other academic work. Reform is, to quote the Economist, “a think tank that supports public-sector reorganisation” ie a group with a political agenda and its study is written in conjunction with the Schools Network: an organisation that calls for schools to convert to academy status. In effect, the viewpoint of this study is hardly neutral, yet the STRB does not refer to its provenance at all. We believe that

the inclusion of the views of, what are, in effect, political lobbyists that were not part of the consultation process is unprecedented in the work of the STRB.

12. In dialogue with the Chair of the STRB, ATL was told that the Reform study was part of the debate on the future of schools and could not be ignored. Yet, other aspects of the debate – including the views of, for example, the Anti-Academies Alliance or Compass – are ignored in precisely the way that the STRB informed us it could not do with Reform.
13. This section of ATL's response contains just a few of the examples we could have given to illustrate what we firmly believe to be a biased approach by the STRB in its attempts to introduce greater flexibility into the teachers' pay system. The thrust of the Report is to justify its recommendations for greater pay flexibility: a justification that we do not believe can be supported by the evidence. We are unhappy and frustrated at this turn of events. The integrity of the STRB process has always been one of its preeminent attractions. The STRB will find it very hard to regain credibility with teachers after this Report.
14. The short time period allowed by the Department for consultation on these fundamental changes to the structure of teachers' pay shows the government's contempt for the consultation process. The government failed to meet their own timetable in submitting evidence to the Review Body. The publication of the Report was delayed to coincide with the Chancellor's autumn statement allowing only a 31 day consultation. Schools were only open for 12 days of the consultation as it fell over the Christmas and New Year period and respondents were denied the opportunity to properly consult members.
15. The rest of this document will address each of the STRB's recommendations in turn.

**Replacement of increments based on length of service by differentiated progression through the main pay scale to reward excellence and performance improvement.**

**Differentiated performance-based progression on the main pay scale to enable teachers to progress at different speeds, with higher rewards and more rapid progression for the most able teachers.**

16. ATL views this 'differentiated progression' as an unnecessary complication to the current arrangements. The current funding restraints on schools will seriously limit the ability of head teachers to use this additional flexibility to any meaningful extent. Schools do not have unlimited resources and so rewards for the most able teachers must be funded by reducing the pay of other teachers. ATL believes that many hard-working reliable teachers will be denied progression to fund the progression of a small number of teachers.
17. In its report, the STRB quotes the Secretary of State as acknowledging the 'need for a minimum starting salary and reassurance of progression' (paragraph 4.20). ATL believes that a minimum salary for teachers is essential to maintain recruitment to the profession. Without a competitive minimum salary the best graduates will not consider teaching as a viable career option. In the same way, newly qualified teachers will expect to be rewarded as they show that they have built on the skills gained in training and developed into fully competent teachers. The existing main pay scale, with the presumption of progression, satisfied this requirement. Teachers will expect to see at the end of every year that their efforts have been recognised and that they are progressing to the top of the main pay scale along with their contemporaries.
18. As ATL stated in evidence to the STRB, we believe that the salary at which competent teachers should be paid is the top of the main pay scale. The points below this are a pathway which recognises the value that the profession gives to experience gained in the classroom. We maintain, however, that the salary for a classroom teacher operating competently is M6 and that all teachers should be able to achieve this within a reasonable timescale. We note that the STRB expects that teachers will reach the top of the main scale in 'about five years' as is

currently the case (paragraph 4.66). This intention must be conveyed to schools through the STPCD to ensure that schools do not withhold or delay progression unreasonably.

19. Schools will need to ensure that they have transparent and robust mechanisms for determining the rate of progression for individual teachers. Such schemes will always be subjective and it will be extremely difficult for head teachers to be able to ensure harmony within the school when operating such a system. Teachers must be fully confident and engaged in the process to ensure that they support and respect decisions made by head teachers. It is therefore imperative that the mechanisms for determining salary progression are transparent and clearly understood by all staff. This will help to prevent misunderstandings between staff and ensure that head teachers are not accused of favouritism. We note that the STRB shares our concerns over this and advised schools to 'ensure that decisions were properly documented, could be explained to individuals and were objectively justified' (paragraph 4.68).
20. ATL is concerned at the equality implications of adopting this recommendation. The average salary for classroom teachers shows that women teachers earn less than 95% of the average salary of male teachers. We fear that 'differential progression' will further depress the earnings of women in the teaching profession.
21. In primary schools the variation between male and female teachers since 2000 has fluctuated between £30 and £300 per annum. However, this is likely to be due to the flatter management structures and the lack of TLR payments available in primary and nursery schools. There are also a much smaller number of male teachers in primary schools (less than 12%). In secondary schools, the difference is greater with the variation between male and female teachers since 2000 ranging between £1,260 and £1,510. The greatest disparity can be seen when comparing the whole maintained school system with female teachers earning between £1,800 and £2,010 less than men per annum.
22. The above figures of course only capture those teachers working full-time. The impact on the mainly female part-time teachers is likely to be greater.

23. ATL is concerned at the transparency of this recommended pay structure. In recent years the salary structure of schools has become very transparent. Schools have been required to publish staffing structures identifying TLR payments, SEN allowances and leadership ranges. This has enabled teachers to satisfy themselves that they are being correctly paid within the school and are not being discriminated against. ATL would like to retain the requirement for schools to continue to make this information available to all staff in the school's pay policy.

**Extension to all teachers of pay progression linked to annual appraisal (which is already established for more senior teachers). Appraisal should be against a single set of teaching standards, and individual objectives, with a strong emphasis on professional development.**

24. ATL is extremely concerned that the appraisal system for teachers is not an appropriate tool for determining pay progression for all teachers. The STRB agree that the appraisal system works best when it is a developmental process with appraiser and teacher being able to frankly discuss their performance through the appraisal cycle (paragraph 4.12). Teachers will be reluctant to identify the areas where they need assistance if this has a direct impact on their pay. It is also possible that teachers would concentrate on the measured elements of their role to the detriment of other important aspects of teaching. Teaching to the test was a common accusation historically aimed at teachers and schools which operated payment by results systems.
25. The PISA report *Does Performance-Related Pay for Teachers Improve Pupil Attainment?* concluded that in countries such as England, where teachers are relatively highly paid in comparison with the rest of the economy, performance related pay has no demonstrable impact on pupil attainment. There is no credible evidence cited by the STRB that the extension of the link between performance and pay will improve pupil outcomes.
26. Access to professional development is patchy in schools with not all teachers having access to professional development. It would be unfortunate for teachers to be denied progression if their school has not been able to provide the agreed professional development. As ATL has

called for in previous evidence to the STRB, teachers must be afforded a clear right to professional development with an obligation on the school to take into account the individual's career aspirations as well as the needs of the school. The House of Commons Education Committee<sup>1</sup> quoted in the Report at paragraph 2.24 supports this view.

**Abolition of mandatory pay points within the pay scales for classroom teachers, to enable individual pay decisions, but with retention at present of points for reference only in the main pay scale, to guide career expectations for entrants to the profession.**

**The existing points on the main pay scale should become purely reference points.**

27. The national pay scale will be used by teachers as an expectation of the salary that they should be paid. They will expect that their career progression matches the national pay scale and this will be an expectation that if not met will lead to disillusionment.
28. ATL is not convinced that the appraisal system will be able to determine the proportion of an incremental point awarded to teachers without introducing a significant element of subjectivity. ATL believes that the use of partial progression or the introduction of half-points into the pay scale would add complexity to the pay scale which would not be welcomed by teachers. There is immense difficulty for head teachers in making decisions which would result in one teacher being awarded  $\frac{3}{4}$  of a point and other  $1\frac{1}{4}$  of a point. This will lead to claims of unfair or unequal treatment within schools.
29. Teachers currently have confidence that they know what the salary applicable to their experience is. This will be removed by this recommendation. ATL is concerned that the removal of a mandatory pay scale, with progression, may leave schools open to challenge if it takes teachers longer to reach the top of the scale. This is of particular concern for female teachers in comparison with their male counterparts. As mentioned in paragraph 18 above, if the STRB expect teachers to reach the top of the main scale in five years then this must be clearly expressed to schools through the STPCD.

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<sup>1</sup> House of Commons Education Committee (2012) *Great teachers: attracting, training and retaining the best. Ninth Report of Session 2010-12*

30. ATL recommends that the Department instruct schools to ensure that teachers are given clear indications of what is expected of them to progress on the main pay scale. The expectation should be that the teacher will progress to the next full point on the pay spine. ATL would not expect schools to withhold progression for budgetary reasons.

**Retention of a broad national framework, including the higher pay bands for London and fringe areas and an upper pay scale as a career path for experienced teachers who make a wider contribution to the school.**

31. ATL welcomes the STRB recommendation to retain the existing four geographical pay bands. ATL does not agree that these scales should be a recommended scale but should instead be retained as a mandatory scale to be used in all schools.
32. The STRB Report is lacking in detail as to how a wider contribution to the school will be measured. It is essential that teachers know what is expected of them to be able to progress and that the same standards are being applied to their colleagues. Many teachers cannot remain on school premises at the end of the school day as they have their own caring responsibilities. This does not mean, however, that they are not fully committed to the school and may spend many hours of the evening or at weekends preparing, planning and marking.

**Replacement of the unnecessarily detailed threshold test for progression from the main to the upper pay scale, with simple criteria based on one set of teacher standards. This will create a consistent progression path from graduate entry to the top of the upper pay scale and allow schools to promote the best teachers more rapidly.**

33. ATL's view is that that existing threshold test is not unnecessarily detailed or complex. Teachers need to successfully complete two consecutive annual appraisal reviews to be progressed on to the upper pay scale. It is head teachers and governing bodies that have invented additional hurdles, such as taking on extra duties or adding additional whole school objectives, to prevent teachers from progressing. The post threshold standards give teachers a clear indication of what is expected for progression. These national standards ensure that the quality of all post-threshold teachers is maintained across the country.

Without a nationally agreed set of standards to measure teachers against schools will have no confidence that teachers assessed at other schools will be at the relevant standard for their school.

34. In their 21<sup>st</sup> Report (Figure 4.1), the STRB state that around 45% of full-time teachers apply to cross the threshold when they become eligible. This figure has remained constant since the introduction of the threshold and we believe that this is a disappointingly low level of take up. The figures also prove that progression to the upper pay scale is not automatic.
35. Of those teachers who do apply for the threshold over 90% are successful. This supports the anecdotal evidence from our members suggests that they are being dissuaded from applying to cross the threshold by school leaders. Many schools state that they cannot afford to pay the additional costs of teachers on the upper pay scale. We believe that teachers are currently being deterred from asking to be assessed as the head teachers are incorrectly asserting that progression must also entail the acceptance of additional duties or responsibilities. This is against the agreed aim of the threshold which was designed to offer the best classroom teachers an alternative career path to the leadership or management route and so enable them to remain within the classroom sharing best practice.
36. ATL is concerned at the loss of professional status for experienced teachers with the removal of the threshold. Without a replacement for the threshold, and especially with the removal of the portability of upper pay scale points, experienced teachers may feel that their contribution to the school is not being recognised.
37. The STPCD already provides for schools to be able to offer early progression on the upper pay scale for those teachers who have performed exceptionally. Our members tell us that this is not happening and that schools are inclined to withhold progression rather than seek to accelerate it. Evidence within the STRB's 21<sup>st</sup> Report (Figure 4.1) shows that around 40% of full-time teachers progress from U1 to U2 and one-third of teachers progress from U2 to U3.
38. The figures for accessing and progressing on the upper pay scale do not include part-time teachers. It is our understanding that it is more

difficult for part-time teachers to access or progress on the upper pay scale.

**Local flexibility for schools to create posts paying salaries above the upper pay scale, enabling some of the very best teachers to remain in the classroom and lead the improvement of teaching skills.**

**Local discretion to pay a higher salary to the most successful teachers (akin to AST) if such a post is required and meets simple yet demanding criteria on leading improvement of teaching skills.**

**School discretion to create a post for a teacher whose primary purpose is the modelling and leading improvement of teaching skills. Such posts should have a salary range fixed within the range between £37,461 and £56,950 (nationally), taking account of the challenge of the post and of internal pay relatives, with progression increases entirely dependent upon performance.**

39. ATL fails to see the need for such a role within schools. School leaders, through the appraisal system, should be developing individually tailored programmes for teachers to improve their teaching skills. This seems to be an extra unnecessary level within the appraisal structure which will add nothing but confusion to the process of enhancing teachers' skills. There are many methods of teaching and teachers develop their own approach which they hone over many years. The appointment of one teacher to determine the teaching approach of a school may hamper individual expression.
40. If these roles are to be introduced, ATL's view is that the school's pay policy should set out clearly the criteria for appointment to these posts and how the salary will be determined.

**More discretion for schools in the use of allowances for recruitment and retention and freedom to pay fixed-term responsibility allowances of up to £2,500 a year for time-limited projects.**

**Fixed-term TLRs for time-limited projects, with non-safeguarded payments in a range between £500 and £2,500 per annum.**

**Removal of the 3 year time limit for recruitment and retention, subject to a formal review by the school of all awards on a regular basis.**

41. The STRB's Thirteenth Report included evidence from the STRB commissioned PricewaterhouseCooper survey and case-study research into the attitude of schools towards discretionary allowances. PwC concluded that: -

'in general, head teachers feel these allowances are divisive amongst teachers and they do not like them. Other devices, such as creating an attractive working environment and creating development opportunities, are more widely seen as a means of addressing recruitment and retention issues;

these allowances are either used widely in a school or not at all. In some cases they appear to be operating in order to address regional staffing issues, rather than shortages in particular subjects; and

head teachers believe that these allowances enable schools to compete with each other for staff but they are not seen as a recruitment and retention tool for the profession as a whole.

The research demonstrated that one third of schools that used recruitment and retention allowances did not make details available to all staff because of concerns this could be divisive.'

42. ATL has not seen any evidence that this position has changed. It does not seem logical to remove the three year limit on the award of recruitment and retention allowances and replace them with an unspecified review period. The three year period was always a maximum period and schools could offer the allowance for a shorter period depending on their individual circumstances. There was also the flexibility to extend the period if necessary.
43. ATL recommends that the Department include in the STPCD and the model school pay policy a requirement for schools to establish clear rules for the payment of recruitment and retention allowances. In

addition, it is essential that schools also have a clear mechanism for determining the value of any allowance. Without these safeguards, ATL believes that the recruitment and retention allowance system will again fall into disrepute and lose the confidence of teachers. These payments must be clearly linked to the additional value that these teachers can bring to the school and to the development of pupils.

44. The current restrictions on the payment of recruitment and retention allowances to head teachers must be retained. (STPCD paragraphs 12.4.1 -12.4.2)
45. Short- or fixed-term TLR payments for individual projects were ruled out with the initial introduction of the TLRs (15<sup>th</sup> Report paragraph 5.32). The STRB stated that they could see 'no obvious scope in the system for schools to pay teachers for short-term or one-off projects'. The STRB did however agree that 'if evidence emerges that the range of pay tools available to schools is too limited' they would reconsider this approach.
46. ATL is convinced that there is no need for such an allowance or the quantity of time-limited projects which need to be conducted and cannot be incorporated within the existing provisions of the STPCD. ATL has not seen any evidence which would justify the introduction of this flexibility into the STPCD. It is our view that the example cited by the STRB of 'the implications of the Olympics for an East London school' would not be suitable to attract a TLR payment (paragraph 5.18). The STRB has made no recommendation that TLR payments should not be restricted only to classroom teachers as at present. ATL strongly believes that TLR payments must not be extended to become payable to those on the leadership group where sufficient flexibilities already exist. The example cited by the STRB would be more appropriately a leadership task rather than one undertaken by a classroom teacher.

**Reinforcement of the responsibility of head teachers to manage staff and resources and of governing bodies to hold school leaders to account for managing and rewarding the performance of teachers in the interests of pupils.**

47. The management of staff and resources will be an increasingly important and time consuming task for head teachers and governing bodies. Without the support and structures of the STPCD, a great deal of time will be wasted replicating systems in over 20,000 schools. ATL believes that this is a further unnecessary distraction from the school's main task of improving outcomes for pupils.
48. ATL have previously asked the STRB to consider recommending mandatory training for governing bodies and this is now imperative. It is essential that those determining how public funds are spent are doing so in the most effective way possible and in line with equality legislation.

**On the basis of the above, a much simplified School Teachers' Pay and Conditions Document, including a brief guide to the national framework and flexibilities open to schools.**

**The Department prepare a much simpler Document for publication in autumn 2013.**

49. ATL has long argued that the STPCD needs to be made more accessible to schools and individual teachers. We have supported the Department in recent restructurings of the STPCD and commented during consultation on where the STPCD could benefit from clarification.
50. The STPCD which will result from the adoption of these recommendations will shorten the STPCD by removing many of the provisions. However, this will not lead to a STPCD which is of more use to schools. The lack of detail within the proposed STPCD will require schools individually to invent processes and procedures which have previously been done at a national level. This will add greatly to the bureaucratic burden of schools and further distract the school leadership from the core challenge of raising standards.
51. Much of the complexity of the wording of the STPCD is derived from the need to be ensure legal compliance. Again, without the benefit of a

central assurance that schools are operating within the legal framework schools will be more open to challenge on individual decisions made. ATL envisages schools being tied up in lengthy disputes with teachers over decisions made which go against the letter or spirit of the law, especially equal pay legislation.

**The retention, for now, of the four geographical pay bands as the starting point for recognising broad labour market differences which bear widely on recruitment and retention.**

52. ATL welcomes the retention of the four geographical pay bands and urges the Government not to remove these without compelling evidence. ATL is concerned that the STRB's recommendation to retain these pay bands 'for now' leaves the door open for future remits to reopen the argument for regional or local pay when the other public sector review bodies have agreed that this is inappropriate. This uncertainty will not help the stability of the profession.

**More flexible performance-based progression to and within the upper pay scale, assessed against substantially simplified criteria, enabling the abolition of the bureaucratic post threshold standards.**

53. Removing the standards will make the process more not less bureaucratic. Schools will have to be more prescriptive about how teachers will be able to progress and they will need to ensure that all teachers within the school are being treated against the same measures. Without such safeguards there is a danger that inequalities will develop.

**No change to the core TLR provisions already in the STPCD.**

54. The retention of the TLR provisions will be a relief to the many teachers in receipt of these payments. The use of TLR payments is inconsistent across schools and many teachers, especially those in primary schools, do not have access to TLR payments despite undertaking the duties which in other schools would attract a payment.

**The Department communicate clearly to schools the scope for them to make greater use of existing discretionary recruitment and retention payments available under paragraph 50 of the STPCD to respond to local market needs, including case-study examples of good practice.**

55. ATL is concerned at the STRB's over-concentration on using the budget for schools to reward a small number of teachers through recruitment or retention allowances. ATL believes that the use of recruitment and retention allowances can be divisive in schools and can demotivate those teachers who are excluded from the scheme. As a collegiate profession where working together in teams is vital in ensuring that standards improve the use of recruitment and retention allowances can undermine this team working.
56. As mentioned in paragraph 39 above, previous evidence to the STRB has shown a lack of support for recruitment and retention allowances.
57. Anecdotal evidence from ATL members illustrates the problems which can be created locally in areas where there is a shortage of teachers. An example was given of a school which could not recruit a maths teacher and so recruited a high achieving maths teacher from a neighbouring school. This left the neighbouring school with no maths teacher and the impossible task of recruiting one. This type of action will become more widespread and does nothing to improve the outcome for pupils.

**No obligation for schools when recruiting to match a teacher's existing salary on either the main or the upper pay scales.**

58. As ATL stated in our evidence to the STRB, we believe that the correct salary for a teacher competently undertaking their role is M6. Progression on the main pay scale indicates the experience that the teacher has accrued and can bring with them into the classroom. We would therefore expect that teachers who move to a new school retain their seniority on the main pay scale.
59. The permanence and portability of pay points has been a long held principle within the teachers' pay structure. The confidence of teachers that they can apply for roles knowing that their basic pay will transfer with them has allowed and encouraged teachers to move schools to

share best practice and to develop their own teaching. Without this reassurance teachers will be reluctant to move schools for fear of being financially disadvantaged.

60. ATL fears that the removal of this important principle will deter some teachers from making such moves. On a professional level, they may jeopardise their standing within their current school by being seen to apply for another post which they have to decline when offered due to the salary level. On a personal level, teachers are individuals with mortgages and other financial responsibilities and it will not be possible for them to risk moving if it results in a lower salary.
61. ATL believes that this will have a disproportionate impact on those schools where there is an oversupply of teachers for the available posts and will serve to drive down the overall salary of teachers in that area. This will not meet the government's intention of attracting the best graduates into teaching in these areas as they will be drawn away by other graduate professions either within or outside the area.
62. ATL are particularly concerned at the impact that this will have on teachers who have taken a career break from teaching. Many teachers take a few years out from teaching to raise their family or to care for elderly relatives. When returning to the profession these teachers have previously known that they were able to return to the same point of the pay spine as when they left. Under this recommendation this will no longer be guaranteed. ATL is concerned that the average salary of female teachers, those most likely to take career breaks, will be substantially reduced by this recommendation.
63. ATL is also concerned that this recommendation will seriously affect those teachers who are employed as short-notice or supply teachers. Supply teachers are a vital element of the teaching profession ensuring that high level teaching can be maintained for pupils whose usual teacher is absent through maternity, illness or training. ATL supply teacher members have long told us that their earnings have been suppressed by the competitive effects of teaching agencies which have replaced many local authority supply pools. This recommendation will further undermine the earning potential of supply teachers who will no longer have the statutory backing to be paid in accordance with their level of experience.



**The existing post-threshold, AST and ET standards be abolished.**

**The AST pay spine and ET pay range to be discontinued.**

64. ATL's view of the removal of the post-threshold standards is covered in paragraphs 33 to 37 above.
65. ATL recognises that there are some teachers who do not wish to move on to the upper pay scale due to the additional burdens placed on them by schools and it must remain their decision not to do so.
66. There is little detail within the STRB's report as to what they expect to happen to the existing AST and ET post-holders. While the STRB has recommended the removal of the standards and pay scales there is no specific recommendation for the future of these posts. This will be very concerning for those teachers currently working in these posts and contributing to raising standards within their own and local schools.
67. Many ASTs have contacted ATL in recent months stating that schools had ceased receiving funding from local authorities for the AST outreach role and are considering making the roles redundant. If this pattern is exacerbated by the STRB's recommendations then a great many experienced and motivated teachers may be lost to the profession.
68. ATL recommends that the provisions for safeguarding AST and ET post holders who lose their posts and are returned to classroom teaching duties are retained within the STPCD. This is essential to ensure that these teachers are not financially penalised by changes in government policy. It is hoped that many of these teachers will be able to continue to work in similar roles as similar levels of salary.

**The Department consider how to give effect to the detailed recommendations on implementation, including:-**

**A clear expectation of progression to the maximum of the main pay scale, subject to good performance;**

69. ATL's view of these recommendations is covered in paragraphs 16 to 23 above.

**An option for no progression without the automatic implication of capability proceedings;**

70. It is essential, to retain faith in the appraisal system, that progression is not denied to those teachers who have performed well. All teachers who are denied progression must be given the full reasons behind the decision and a clear strategy for ensuring progression in future years agreed between the teacher and their appraiser. ATL notes the intentions of the STRB in making this recommendation and the example cited in the Report must be the only scenario in which progression should be withheld. (para 4.69)
71. Teachers need the confidence that meeting their agreed objectives will result in a fair reward for their efforts. It would not take long for a teacher to become demotivated if, despite consistently meeting agreed targets, they were denied progression or did not receive the reward that they felt was commensurate with their effort.

**Progression to reference point M2 for NQTs on successful completion of the induction period;**

72. ATL agrees that at the end of the induction period the successful teacher should be moved on the next point on the pay spine. Some newly qualified teachers will not start at the minimum salary and therefore the STPCD must be clear that successful completion of induction must entail an increment on the pay scale of one whole point. This provision must also be detailed in the school's pay policy.
73. ATL would also expect that where a teacher has been unable to complete induction but is otherwise eligible to progress on the main pay scale then they should not be prevented from doing so.

**All pay progression to be dependent on a written recommendation based on timely completion of an annual performance appraisal in line with the pay policy of a school.**

74. This recommendation underlines the teacher appraisal regulations. ATL would expect that the Department's model pay policy will give clear guidance to schools on this element. Teachers must retain the confidence that if there is to be a link between the outcome of their annual appraisal and their pay then the outcome is timely. It is

essential that the written recommendations on pay progression are detailed enough to fully explain to teachers the reasons behind the decisions taken and any action that is recommended for teachers to undertake to ensure future progression and career development. The written recommendations on pay will form a vital part of the appraisal process. It is essential that those teachers with responsibility for making the recommendations are suitably trained and are fully aware of the school's policies for recommending pay. Recommendations made by appraisers should not be over-ruled at a later date by head teachers or governing bodies without teachers and appraisers being fully consulted and the reasons for the change being fully explained. Budgetary constraints on progression should not be used for overturning recommendations made based on performance.

75. We note the STRB's recommendation that 'all pay progression should be dependent upon a written recommendation' and would add that this must also be the case where there is no pay progression. (paragraph 4.69)

**The Department develop guidance or a tool-kit to help schools develop systematic and transparent local approaches to pay progression.**

76. ATL welcomes that schools will be given access to best practice approved by the Department but believes that this would best be contained in the STPCD. Any guidance must be robust enough to ensure that schools are fully compliant with employment and equality legislation. ATL expects that the recognised trade unions will be fully consulted on these documents prior to their distribution to schools.

**A basic eligibility requirement for all teachers applying for the upper pay scale, who must be highly competent classroom teachers who have already progressed substantially towards the maximum of the main scale.**

77. This recommendation removes the requirement for a teacher to be placed at the top of the main pay scale prior to progressing on to the upper pay scale. The school's pay policy must clearly state at what stage in their career teachers are eligible to be considered for progression on to the upper pay scale.

78. With no requirement for schools to pay teachers on the agreed points of the scale, some teachers may be unreasonably delayed in reaching the top of the main scale. ATL would prefer that the STPCD stated that teachers with six years experience, who have had no adverse performance reviews, should be eligible to apply for access to the upper pay scale wherever they are on the main pay scale. This will allow those teachers to apply who feel that they have reached the required post-threshold standard but have been held back on the scale for reasons unrelated to their performance. Head teachers will retain the right to decline such applications if they feel that that teacher has not met the required standards but this will then have to be explained to the teacher and steps can be made to address their performance and ensure progression at the earliest opportunity.
79. The above paragraph would not prevent schools from encouraging those teachers identified as being exceptional from being considered for early progression on to the upper pay scale as the STRB recommends. This can happen at the moment with the award of double increments.
80. Consideration will need to be given by schools to teachers who have been absent from the school on maternity, adoption or long-term sick leave are not adversely affected by this recommendation as there is a danger that schools could be challenged if this were the case.

**Criteria for access to the upper pay scale requiring candidates to have demonstrated:-**

**substantial and sustained achievement of objectives, appropriate skills and competence in all elements of the Teachers' Standards, and**

**potential and commitment to undertake professional duties which make a wider contribution (which involves working with adults) beyond their own classroom.**

81. The Teachers' Standards must not become a tick list for schools. Through the appraisal system, teachers should be made aware of the objectives that they are expected to achieve and what success will look like. The Teachers' Standards should be a backdrop to these objectives and a teacher's performance against these Standards should be

automatically assumed to be satisfactory unless instances have been identified and procedures put in place to address them. It is not possible, nor necessary, for every teacher to keep details of how they have met each of the Teachers' Standards throughout each academic year.

82. The rationale behind the threshold payment was to keep good classroom teachers in the classroom and offer them an alternative career path to the leadership or management route. It is not possible for all teachers to be able to demonstrate a wider contribution beyond their own classroom. Much of this will depend on the management of the school making such opportunities available to teachers who are able and willing to take part. It should not be the extra commitment that is rewarded by the upper pay scale but the impact that the teacher has on the outcomes for their own pupils.
83. In addition, the abolition of the threshold application procedure and the UPS standards will send into reverse the benefits that have accrued from allowing teachers to concentrate on teaching. Under the workforce agreement of 2003, it was recognised by government, unions and the STRB that a number of tasks that teachers were then carrying out were not appropriate and added little to the education experience of pupils. The TLR system was designed specifically to reward only those tasks that were directly related to teaching and learning.
84. If the new criterion proposed by the STRB of 'a wider contribution to the work of the school' is implemented, it runs the clear risk of progression being awarded for tasks that teachers simply should not be doing. Teacher professionalism has been greatly enhanced by the required focus on teaching and learning which was brought about by the remodelling agenda. If this is lost, through criteria which are woolly, unfocused and open to abuse, then teacher professionalism, and education standards will be damaged.
85. The application of the 'wider contribution to the school' criterion must not penalise the many teachers who will not be able to remain on school premises at the end of the school day due to caring commitments. Although these teachers may not be able to remain on site they will often work late into the evenings and at weekends preparing, assessing and marking their work. Presence on the school premises is not

necessarily the only way that teachers can make an important contribution to the school.

**On the upper pay scale, the amount and timing of any progression recommendations should be at the school's discretion, reflecting individuals' differential contributions to the school.**

**The requirement for two consecutive successful appraisals for progression purposes on the upper pay scale be discontinued.**

86. ATL believes that the STRB's intention with this recommendation could be misinterpreted by schools and seeks clarification of our understanding. Our view is that this recommendation does not remove the annual review of salary and the requirement for schools to make any adjustment to salary effective from 1 September. The intention behind this recommendation is to remove the requirement for teachers to wait for two years before being allowed to progress on the upper pay scale. This intention should be clearly expressed in the STPCD.

**Discretion for schools to set salaries within the unqualified teachers' scale without reference points and with performance based progression.**

87. ATL opposes the extension of any link between performance and progression for both qualified and unqualified teachers. ATL welcomes the continued distinction between qualified and unqualified teachers by the use of distinct pay scales.