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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation Document

Proposed mechanism for determining teachers' pay and conditions

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

Date of issue: 9 March 2018
Action required: Responses by 4 May 2018

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Proposed mechanism for determining teachers' pay and conditions

Overview	The purpose of this consultation is to generate debate and seek your views on the proposed model for determining teachers' pay and conditions of service in Wales.
How to respond	Responses to this consultation should be e-mailed/posted to the address below to arrive by 4 May 2018 at the latest.
Further information and related documents	<p>Large print, Braille and alternative language versions of this document are available on request.</p> <p>The consultation documents can be accessed from the Welsh Government's website at gov.wales/consultations</p>
Contact details	<p>For further information: Teachers' Pay and Conditions Branch School Effectiveness Division The Education Directorate Welsh Government Cathays Park Cardiff CF10 3NQ</p> <p>e-mail: SchoolsandYoungPeopleWorkforceUnit@gov.wales</p>

Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

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Why are we undertaking this consultation?

Currently, the UK Government's Secretary of State for Education has responsibility for setting pay and conditions of service for teachers in both England and Wales.

Following the Wales Act 2017, it has been agreed that the power to set pay and conditions for teachers in Wales be transferred to the Welsh Ministers from 30 September 2018 under the Welsh Ministers (Transfer of Functions) Order 2018. This will mean that the Welsh Ministers will set pay and conditions for teachers in Wales from September 2019. The UK Government's Secretary of State for Education will still set teachers' pay and conditions in England.

From September 2018, when the Welsh Government acquires the responsibility for setting teachers' pay and conditions of service, we will need to put in place a mechanism (model process) to determine how we do this to best support our aims for the teaching profession in Wales.

The Welsh Government has set out a bold agenda for the future of schools in *Education in Wales: Our national mission*. This agenda is wide ranging and includes curriculum and examination reform, better training for teachers, a National Academy for Educational Leadership and revised Professional Standards for Teaching and Leadership.

Alongside the fundamental changes to the wider education system in Wales, having the responsibility to set teachers' pay and conditions also presents us with an opportunity to develop an appropriate pay model for Wales – to consider how this can best support us in achieving our reforms but, importantly, also ensuring we have a highly motivated teaching profession that supports the delivery of a high quality education system.

You may also wish to note that alongside this work, the Welsh Government has also established a Review Panel led by Professor Mick Waters who are undertaking a Review of existing School Teachers' Pay and Conditions.

The Review is looking at whether the current structures are effective and best suited to the profession in Wales and will consider ways in which terms and conditions of service can be adapted to make the teaching profession more attractive, rewarding and fulfilling. Put simply, Professor Waters review is about the actual contents of teachers pay and conditions and this consultation is about the process to decide how they should be determined.

What are our aims?

The Welsh Government published last year our agenda for the future of schools in *Education in Wales: Our national mission*¹. The action plan focuses on raising standards for all, reducing the attainment gap, and delivering an education system that is a source of national pride and public confidence. Developing a high-quality teaching profession and creating inspirational leaders to help raise standards are identified as key aims in both *Our national mission* and *Prosperity for All: the National Strategy*².

¹*Education in Wales: Our national mission*

<http://gov.wales/topics/educationandskills/allsectorpolicies/education-in-wales/?lang=en>

² Prosperity for all: the national strategy <http://gov.wales/about/programme-for-government/?lang=en>

It is critical that any new model adopted enables the pay and conditions structure in Wales to contribute to meeting our aims of developing a highly motivated teaching profession and underpins the delivery of a high quality education system.

Our overarching aims of a future pay and conditions system for teachers would be to retain the existing statutory nature of teachers' pay whilst being able to;

- create a pay and conditions structure that contributes to a highly motivated teaching profession and underpins the delivery of a high quality education system.
- Ensure a fair and open system that secures and maintains appropriate levels of remuneration for the teaching profession and enhances the status of the profession, enabling us to better attract, develop and retain teachers focussed on our specified aims to raise standards in schools in Wales.

Alongside these aims a number of commitments have been made that any new mechanism/model implemented will embody a number of key principles. These include;

- Teachers' pay being set on a statutory basis
- Having a national approach across Wales
- Ensuring – at a minimum – that there is parity of pay with teachers in maintained schools in England
- Enshrining a national approach to professional learning and standards
- Policy development will be informed by robust evidence and expertise
- All key stakeholders are involved and represented – i.e. the principles of social partnership are included.

How are teachers' pay and conditions currently determined?

Under the current system, the scope and financial limits of the pay remit are set by the Secretary of State, who then refers this 'remit' to the independent statutory School Teachers' Review Body (STRB). The STRB is a group of independent experts appointed to the role for a set term through a public appointments process.

The STRB consult all key stakeholders consider all relevant data and evidence, before providing recommendations to the Secretary of State. The Secretary of State for Education then decides whether to accept and implement the recommendations from the STRB for teachers in England and Wales. The Secretary of State sets teachers pay and conditions by way of Order (under section 122 of the Education Act 2002).

What are we proposing?

We have considered a number of different models adopted internationally for setting teachers' pay and conditions as well as discussing the preferred options of all key stakeholders in Wales, including the Welsh Local Government Association, representatives of governing bodies and diocesan authorities representing employers; and all teacher and head teacher unions. These discussions were very helpful and informative though no one approach was agreed by all stakeholders.

The Welsh Government has considered how these different approaches for implementation might meet our own aims and principles for a future pay system for teachers in Wales and have developed a '*Teacher Engagement Model*' on which we are seeking your views

The *Teacher Engagement Model* draws on a number of constituent elements from models implemented elsewhere and adheres to the commitments to partnership, collaboration and evidence based policy development made by Welsh Ministers.

Operating on an annual cyclical basis, it combines elements of both a structured independent review body - similar to the current process in place in England with the School Teachers' Review Body (STRB) with independently appointed experts - and a social partnership based forum - which would allow for discussion, shared decision making and commitment to seeking solutions and finding ways forward.

How we envisage the *Teacher Engagement Model* would be set up and what the different stages of the determination process may look like is set out in the Annex.

This model would allow Welsh Ministers to outline terms and matters (i.e. a draft remit) for consideration by the Partnership Forum (consisting of government, employers and recognised trade unions representing employees). This Forum would consider the draft remit and potentially feed into the process, setting the agenda and parameters for consideration moving forward.

With all key stakeholders involved, the Partnership Forum would not only bring together a wealth of experience and expertise but also allow the opportunity for all to present their views directly to other parties involved.

Following consideration of the Forum's views, Welsh Ministers would then submit a 'final' remit for independent review and scrutiny. The review body would then make their recommendations for amending teachers' pay and conditions.

The review body for Wales would be an independent authority, providing a detached and unbiased view of all the issues, reaching considered conclusions and recommendations based on evidence from the full range of interested parties. A review body would need to be selected and appointed for their areas of expertise and to support and complement the development of the education system in Wales.

Finally, it will be for Welsh Ministers to amend the statutory teachers' pay and conditions of service on an annual basis by way of Order (under section 122 of the Education Act 2002).

What do we need you to do?

The purpose of this consultation is to generate debate and seek your views on the various aspects of the proposed model. We want to find out if you think the proposed '*Teacher Engagement Model*' is appropriate for determining teachers' pay and conditions of service in Wales and will support and complement the development of the education system in Wales.

You are invited to complete the following questionnaire. The questions have been divided into three sections;

- Section A - The overall proposed process
- Section B - Individual Stages within the proposed process
- Section C - Alternative Proposals and additional comments

You may wish to answer some, or all, of the questions posed in each section. You are welcome to complete the questionnaire as an individual or in a group.

Please record your views against each question you wish to answer in the box provided. Where possible please give reasons for your answers to help us to understand your views in full. Space for you to provide additional information is available at the end of the document.

Please take time to complete the personal details section at the end of the form. This will assist us with the analysis of the responses to the consultation. The questionnaire can be completed either electronically or as a hard copy.

Completed questionnaires should be returned to:

Teachers Pay and Conditions Branch
Department for Education
Welsh Government
Cathays Park
Cardiff, CF10 3NQ

E-mail: Schooolsandyoungpeopleworkforceunit@gov.wales

Annex: Teachers’ pay and conditions engagement model (proposed new system for wales)

	ACTION	INDICATIVE TIMING
Stage 1		
Cabinet Secretary for Education drafts remit for consideration	Draft remit for pay cycle to be issued to Welsh Pay Review Body	Beginning of September
Stage 2		
Partnership Forum considers draft remit	<p>Forum offer comment on content of remit</p> <p>Opportunity to suggest other items for inclusion</p> <p>Input to potential aspects of research required</p> <p>Following consideration of the Forum’s views the Cabinet Secretary for Education submits ‘final’ remit to the Welsh Review body for independent review and scrutiny</p>	September to Mid October
Stage 3		
Welsh Review Body or Panel	<p>Evidence commissioned by Welsh Pay Review Body or Panel</p> <p>Oral and written evidence undertaken</p> <p>Data and statistical collections to be undertaken and submitted to Pay Review Body</p>	November to End of January
Stage 4		
Review Body submits report and recommendations	Pay Review Body considers evidence and presents report and recommendations to Cabinet Secretary	By the end of February

Stage 5		
Cabinet secretary considers report	Cabinet Secretary to decide on the Welsh Government's proposals after considering the Review Body's report and recommendations.	March and April
Stage 6		
Consultation	Formal public consultation is undertaken.	Beginning of May
	Responses considered by Cabinet Secretary to inform final decision	End of May
Stage 7		
Decision	Implementation via pay order by 1 September	Beginning of August