



Proposals to amend Staffing of Maintained Schools Regulations

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Consultation

Consultation document No: 069/2009

Date of issue: 18 May 2009

Action required: Responses by 17 July 2009

Proposals to amend Staffing of Maintained Schools Regulations

Audience	Local Education Authorities, 10% sample of all schools, professional organisations and the professions representative bodies, General Teaching Council for Wales, Diocesan Organisations and other interested parties.
Overview	In order to ensure that legislation reflects what is required by new policy the Department for Children, Schools and Families (DCSF) is currently consulting on The School Staffing (England) (Consolidation) Regulations 2009. To ensure consistency across both England and Wales the Welsh Assembly Government is proposing to make the same changes to The Staffing of Maintained Schools (Wales) Regulations 2006 with regard to the current duty on governing bodies to have regard to the work/life balance of head teachers and new provisions relating to teachers' conditions of employment.
Action required	The deadline for submission of comments to this consultation is 17 July 2009 . Any comments which you might have on this document should be sent to the Welsh Assembly Government. Comments may be made in writing to: Kelly Murphy-Addis at the address below, or by e-mail to WorkforceRemodelling@wales.gsi.gov.uk . Please enter 'Staffing Regulations' in the subject matter box.
Further information	Further information about this consultation can be obtained from: Kelly Murphy-Addis Learning Improvement and Professional Development Division 4 Department for Children, Education, Lifelong Learning and Skills Welsh Assembly Government Cathays Park Cardiff CF10 3NQ Tel: 029 2082 1678 E-mail: WorkforceRemodelling@wales.gsi.gov.uk
Additional copies	Hard copies of the electronic document can be obtained from. Tel: 029 2082 5879 E-mail: WorkforceRemodelling@wales.gsi.gov.uk
Related documents	School Teachers' Pay and Conditions Document The Education (Review of Staffing Structure) (Wales) Regulations 2005 The Staffing of Maintained Schools (Wales) Regulations 2006 The School Staffing (England) (Consolidation) Regulations 2009 http://www.dcsf.gov.uk/consultations/index.cfm?action=consultationDetails&consultationId=1631&external=no&menu=1

Welsh Language Scheme

We are having to prioritise our use of the finite translation resources available to the Assembly Government. Unfortunately, on that basis, we are unable to provide a Welsh version of the Proposals to extend School Teachers' Performance Management arrangements. This is because other items have been given a higher priority rating and have thus taken precedence in the allocation of resources. The approach for setting priorities is set out in the Welsh Language Scheme for the Welsh Assembly Government prepared under the Welsh Language Act 1993.

Mae'n rhaid i ni flaenoriaethu'r ffordd yr ydym yn defnyddio'r adnoddau cyfieithu sydd ar gael i ni oherwydd y pwysau mawr sydd ar yr adnoddau hynny. Felly, yn anffodus ni allwn ddarparu fersiwn Cymraeg o'r Cynigion i ehangu trefniadau Rheoli Perfformiad Athrawon Ysgol, gan fod eitemau eraill yn cael mwy o flaenoriaeth o ran dyrannu'r adnoddau. Mae'r dull a ddefnyddir i bennu blaenoriaeth wedi'i amlinellu yng Nghynllun Iaith Gymraeg Llywodraeth Cynulliad Cymru a baratowyd o dan Ddeddf yr Iaith Gymraeg 1993.

Summary

The Staffing of Maintained Schools (Wales) Regulations 2006 came into force on 1 April 2006. In order to bring the Regulations up to date and reflect what is required by new policy we are proposing to amend the regulations.

The Department of Children, Schools and Families is also consulting on proposed amendments to The School Staffing (England) Regulations 2003 in order to bring these regulations up to date. Wales proposes to mirror the approach being taken in England with regard to the current duty on governing bodies to have regard to the work/life balance of head teachers and new provisions relating to teachers' conditions of employment to maintain consistency across both countries.

In accordance with Welsh Assembly Government policy, we now wish to formally consult interested parties on the amendments we are proposing.

The consultation period ends on 17 July 2009.

It should be noted that the responses to the consultation will be made public. Normally the name and address (or part of the address) of the author are published along with the response. If you do not wish to be identified as the author of your response please state this expressly in your response.

Pro-forma for responses

A pro-forma is attached at Annex A.

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Introduction

The Staffing of Maintained Schools (Wales) Regulations 2006 (“the Staffing Regulations”) require amending to bring them up to date with new policies to which we need to give legal effect.

Scope of the proposals

The proposal is to give legal effect through the Staffing Regulations to new policies relating to teachers’ conditions of employment that have been introduced since the regulations were first made.

It also provides us with an opportunity to move the current duty on governing bodies to have regard to the work/life balance of head teachers (which is currently regulation 5 of the Review of Staffing Structure (Wales) Regulations 2005) into the Staffing Regulations.

The details are as follows:

The Education (Review of Staffing Structure) (Wales) Regulations 2005

Regulation 5 of the Education (Review of Staffing Structure) (Wales) Regulations 2005 (2005 Regulations) is to be transferred into the Staffing Regulations. The remainder of the 2005 Regulations related to the restructuring of posts following the introduction of Teaching and Learning Responsibility payments which replaced management allowances from 1 January 2006.

The 2005 Regulations were seen as transitional measures. The transition ended on 31 December 2008 and, with the exception of regulation 5, these Regulations are now spent.

Regulation 5 provides that, in managing the headteacher, the governing body must have regard to the desirability of the headteacher being able to achieve a satisfactory work/life balance and is based on a similar duty on head teachers to have regard to the work life balance of teachers in the School Teachers’ Pay and Conditions Document.

Teachers' Conditions of Employment

There is evidence that some schools have not fully implemented the statutory provisions set out in the School Teachers’ Pay and Conditions Document (STPCD) – for example those that were initially outlined in the National Agreement on Raising Standards and Tackling Workload.

The Welsh Minister has agreed that a new statutory provision should be included within the Staffing Regulations which would impose a new duty on governing bodies. The draft duty is based on the provision in the Apprenticeships Skills and Children’s Bill (ASCL Bill) and is a duty to ensure that headteachers comply with the duties

imposed on them by orders made under section 122 of the Education Act 2002 and that headteachers benefit from their entitlements under those orders.

The duties imposed on headteachers by order made under section 122 of the Education Act 2002 (which are spelled out in the STPCD to which the order refers), include: -

- a duty to have regard to the desirability of teachers at the school being able to achieve a satisfactory balance between the time required to discharge their professional duties and the time required to pursue their personal interest outside work; and
- a duty to deploy and manage all teaching and support staff in a manner consistent with their conditions of employment, having regard to the nature and extent of their management responsibilities, and maintaining a reasonable balance for each teacher between work carried out in school and work carried out elsewhere.

The Next Steps

Should we proceed as proposed, we would be looking to introduce the statutory requirements before the end of 2009.

Annex A – Response Proforma

CONSULTATION ON THE PROPOSALS TO AMEND STAFFING REGULATIONS OF MAINTAINED SCHOOLS

CONSULTATION RESPONSE PROFORMA

Name:

Organisation:

Address:

Please tick one of the following boxes that best describes you as a respondent:

School Governing Body	<input type="checkbox"/>
Headteacher	<input type="checkbox"/>
School Staff	<input type="checkbox"/>
Teacher Union	<input type="checkbox"/>
LEA	<input type="checkbox"/>
Diocesan Body	<input type="checkbox"/>
Parent	<input type="checkbox"/>
Pupil	<input type="checkbox"/>
Other	<input type="checkbox"/>
Please specify:	

Responses to the consultation may be made public. Normally, the name and address (or part of the address) of the author are published along with the response unless you indicate otherwise. Would you prefer that your response is kept confidential?

Yes ☐ No ☐

Please comment as fully as possible. Responses should be returned by
17 July 2009 to:

Kelly Murphy-Addis
Learning Improvement and Professional Development Division 4
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3NQ
Tel: 029 2082 1678

OR

Email: WorkforceRemodelling@Wales.GSI.Gov.UK

Q1. Do you have any comments about the policy proposal in relation to the work life balance of head teachers?

Yes

☐

No

☐

Comments

Q2. Do you have any comments on the proposal to impose a new duty on Governing Bodies to ensure that head teachers comply with their duties – and benefit from their entitlements – in the STPCD?

Yes

☐

No

☐

Comments