

Independent Welsh Pay Review Body (IWPRB): Remit for the 5th Report

Supplementary comments from the Association of School and College Leaders on the evidence provided by statutory consultees (part two)

1. Following the submission of evidence provided by the statutory consultees with regard to the 5th remit of the Independent Welsh Pay Review Body (IWPRB), we again wish to thank the organisations involved for the considerable thought and wisdom demonstrated in their responses.
2. This submission is part two of ASCL's supplementary evidence and concludes our submission for this stage.
3. We wish to place on record our frustration that, mid-way through the supplementary evidence stage, the strategic review report was finally shared with consultees by the Welsh Government. This was over three months after the report was submitted to the Minister.
4. We do not see any reason for such a delay in sharing the report, especially as it has been shared without any Ministerial response to the report or the recommendations within it.
5. Many of the items contained within the report directly overlap with remit items, meaning that a considerable amount of time and effort has been wasted by consultees, in a remit where timescales were already unworkable.
6. This could have been avoided if the report had been shared with consultees well in advance of the remit.

Matters for recommendation

Section 3 of the STPC(W)D

Consideration of the requirement for additional guidance to that currently provided in Section 3 of the STPC(W)D.

7. NAHT (page 17) states that many governing bodies do not have the confidence to use the flexibilities permitted within the Document to properly remunerate headteachers (or other school leaders) where their role fits the criteria for applying the pay discretion of up to 50%. ASCL concurs that more guidance to ensure that employers are fully able to utilise the flexibilities should be contained within the Document.
8. We agree with NAHT that a nationally negotiated pay policy should also be considered, to bring consistency across Wales (paragraph 13). We are pleased to see an initial consultation has taken place, but further development work now needs to be undertaken

and this should be integrated within the strategic review process to ensure that any necessary changes are reflected.

9. NEU (paragraph 89) is right to point out that the current School Teachers' Pay and Conditions Wales Document (STPC(W)D Sept 2023) states that teachers cannot be expected to undertake such responsibilities without "appropriate additional payment". However, the current arrangements are not clear. This level of discretion is open to abuse, with the potential to make teachers feel pressurised to take on such responsibilities without appropriate payment.
10. We support NEU's concerns (paragraph 76) that women could be unfairly discriminated against in a school setting as they may require more flexible working opportunities. As 75% of teachers in Wales are female, we would also ask that IWPRB suggests stronger, unambiguous wording on this.
11. Further to the point above, NAHT (page 18) also requests that Teaching and Learning Responsibility allowances (TLRs) should be set nationally to ensure that there is consistency in the amount of money awarded for TLRs in different schools for the same role. NEU (paragraph 90) also proposes appropriate payments for additional responsibilities based on transparent and fair criteria within a mandatory national pay structure. ASCL does not agree with either of these positions and we have supplied evidence to support this within our submission to IWPRB.
12. The language in the STPC(W)D does need to be changed to reflect the new ALN regulations so it is in line with the new statutory regulations for pupils with additional learning needs (WLGA Section 2a). This point should also be noted in the context of the ALNCo recommendations below.

Additional Learning Needs Coordinator (ALNCo)

Appropriate remuneration and terms and conditions for the newly defined statutory role of Additional Learning Needs Coordinator (ALNCo) to fairly reflect roles, responsibilities, working time and workload, with particular regard to the consistency and appropriateness of awards.

13. ASCL is supportive of measures to substantiate the role of the ALNCo because current practice is inconsistent and often devalues the role. Supporting pupils with ALN in maintained schools is demanding. This is due to a number of factors cited by ASCL and other trade unions including:
 - the impact of Covid on pupils needing 1:1 support
 - more students with significant learning needs being educated in mainstream schools in Wales
 - the ALNET Act places more responsibility on schools to deliver effective ALN (NEU paragraph 124)
 - the role of the ALNCo and those teachers with specific responsibilities for additional learning needs has been ambiguous and undervalued in the past
14. In line with other trade unions (NAHT, NASUWT, NEU and UCAC), ASCL fully supports the recommendations of the Report of the ALNCo Task and Finish Group (February 2024) – particularly the recommendation that the Additional Learning Needs Coordinator should be remunerated in line with appointment to the Senior Leadership Team. The leadership pay scale, however, should contextually reflect the nature of the setting in order to reflect the managerial responsibilities of the role.
15. With this in mind, ASCL supports the UCAC recommendation (2) for consideration to be given to the situation in small schools, where the role of ALNCo is also often undertaken by headteachers, and so the practice of appointing an ALNCo for a cluster of schools should be considered.

16. ASCL agrees with WLGA, NAHT and NASUWT that, whilst salary and progression are important, sufficient time and professional training should also be provided for each ALNCo within their school setting. ASCL agrees with NASUWT's calls (5.4) for funding to properly support ALN pupils in Wales.
17. As some other trade unions have identified, guidance regarding giving TLRs to teachers of ALN pupils is open to misinterpretation within the STPC(W)D (21.1-21.3).
18. ASCL does not agree with WLGA's suggestions (page 4) for a separate TLR range for ALNcos as we believe this role should be paid on the Leadership Pay Scale appropriate for the school and its context.

Administrative and clerical tasks

Whether any other tasks should be added to the list of administrative and clerical tasks at Annex 3 of section 2 of the STPC(W)D including any requirement for the potential inclusion of specific reference to school leaders.

19. ASCL, like many trade unions, welcomes a review of administrative and clerical tasks as these have a detrimental on workload and wellbeing of teachers and school leaders.
20. We note that NAHT (paragraph 4) asks for a separate list of tasks that school leaders should not be expected to carry out. Whilst we support the principle behind this suggestion, in our evidence (paragraph 244) we have suggested what we believe is a more appropriate and effective approach to this, and therefore do not support the need for a separate list for school leaders.
21. NASUWT (paragraph 5.41) is right to raise the issue of inconsistencies across local authorities placing variable and unnecessary bureaucracy upon schools. Within our body of evidence, ASCL raised several concerns regarding the effectiveness and efficiency of the 22 local authorities. The administrative requirements placed on schools are far too variable.
22. We are supportive of NASUWT (paragraph 64) who advocate that teachers should not routinely carry out administrative and clerical tasks related to Initial Teacher Training (ITT). This needs to be reinforced in Annex 3.
23. ASCL is not supportive of an additional administrative list as suggested by UCAC (paragraph 5.2), and instead proposes updated illustrative examples (ASCL – paragraph 235). Furthermore, it is essential that any illustrative list needs to keep pace with changing technologies.
24. ASCL does not support the WLGA Section 4 recommendation to remove the need to provide the written notification where an individual is moving to the next point on their current pay range (for example, M3 to M4 via automatic progression). We believe it is important that all members of staff are given annual salary statements in the autumn term.

Leaders' conditions of service

Leaders' conditions of service and in particular the consideration of introducing guaranteed working hours (or limits on) as well as protected holiday entitlement and weekends for leaders to be included in the STPC(W)D.

22. There is strong consensus amongst consultees on the need for additional protections for school leaders, and recognition of the excessive workload and working hours that leaders carry out. This consensus also includes the need to provide guaranteed/protected leave for leaders.

23. Indeed, UCAC highlights (paragraph 6.3) that leaders may not receive protection from the only provision within the Document that is intended for this purpose: *'It is a concern that school leaders are likely to be exempt from the requirement to have working hours of fewer than 48 hours per week on average (Working Time Regulations 1988), due to the exemption clause.'*
24. We support the Welsh Government's suggestion of amending *'paragraph 46.1 of the STPC(W)D to include reference to provisions of paragraph 51 i.e. unless expressly provided for in their contract of employment or elsewhere in the STPC(W)D, assistant, deputy and head teachers will be entitled to the rights conferred in Paragraph 51'*, but it must be made clear that the reference to what is provided for in their contract of employment or elsewhere in the STPC(W)D must only apply in exceptional circumstances.
25. Additionally, this amendment would also require changes being made to paragraph 50.4, which currently states:

The provisions of paragraphs 50.2 to 50.12 do not apply to:

- a) *headteachers, deputy headteachers, assistant headteachers, teachers on the pay range for leading practitioners or teachers in receipt of an acting allowance for carrying out the duties of a headteacher, deputy headteacher or assistant headteacher pursuant to paragraph 23.*

Teachers' conditions of service

Teachers' conditions of service and in particular reviewing guaranteed working hours (or limits on) as well as protected holiday entitlement and weekends to be revised in the STPC(W)D.

26. Again, there is consensus amongst consultees that the current provisions within the Document do not serve teachers well in relation to working hours and workload.
27. Several consultees propose models which are used in other jurisdictions, such as Scotland. We believe that there is merit in further investigation of how such models might work in practice in Wales.
28. In the first instance, we believe that paragraph 50.7 in the Document needs to be amended, to remove this section; *'a teacher must work such reasonable additional hours as may be necessary to enable the effective discharge of the teacher's professional duties'*. This is ambiguous and open to misuse, and mirrors our concerns outlined in paragraph 4.
29. We agree with WLGA (page 3 section 2a) and NEU (paragraph 115) that teachers need guaranteed planning, preparation and assessment time to help address workload concerns as well as improve teacher retention.

Considerations for changing the annual pay review cycle

30. We note that the Welsh Government shares ASCL's position on this, and we look to the Review Body to recommend that the process is brought forward to be better aligned with the school budget process.
31. However, WLGA is also suggesting a change in the pay award implementation date from 1 September to 1 April. ASCL strongly opposes this suggestion.
32. Support staff pay awards are implemented on 1 April because they are applicable to staff across multiple sectors and not just education.

33. As we have stated in our evidence submission, the majority of teacher and leader contracts will start on 1 September, which is also when there will be the biggest turnover of staff for the start of a new academic year.
34. It is non-sensical to consider moving away from the September pay award implementation date for teachers and leaders, particularly when they are the only group of staff that this pay award applies to.
35. Pay progression for teachers and leaders also takes place on 1 September each year, meaning that pay scales are applicable from that date, so to move the date to 1 April, would mean that teachers and leaders have two annual salary values in each academic year.
36. We would also highlight that when the academy program in England was introduced, the pay award date of 1 September was retained, and the financial year was changed to mirror the academic year.
37. The important issue here is that school leaders need to be able to accurately set their budgets, and to do this they need to know what the teachers' pay award will be in good time for budget planning.
38. There is no evidence to suggest that any change to the teachers' pay award implementation date is needed, but what is clear is that the pay review process needs to be brought forward.

Conclusion

39. We look forward to discussing all these issues with the IWPRB during the oral evidence session in April.

Louise Hatswell & Chris Ingate
Conditions of Employment Specialists: Pay
Association of School and College Leaders
April 2024