EXPLANATORY MEMORANDUM TO

THE SCHOOL TEACHERS' PAY AND CONDITIONS ORDER 2014

2014 No. 2045

1. This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

Article 2 of the School Teachers' Pay and Conditions Order 2014 ("the Order"), which comes into force on 1 September 2014, makes provision for the remuneration and conditions of employment of school teachers to be determined by reference to the provisions set out in section 2 of the "School Teachers' Pay and Conditions Document 2014 and Guidance on School Teachers' Pay and Conditions" ("the Document").

Section 2 of the Document replaces the provisions set out in section 2 of the School Teachers' Pay and Conditions Document 2013 and Guidance on School Teachers' Pay and Conditions ("the previous Document"). It applies to teachers employed in local authority maintained schools in England and Wales. Teachers' pay and conditions are reviewed at least annually. Section 2 of the Document reproduces the text in section 2 of the previous Document but with a number of changes. These changes cover primarily the application of the September 2014 pay award to teachers, changes to simplify the arrangements for leadership pay, the removal of mandatory pay differentials between roles and removal of mandatory differentials between allowances.

Section 1 of the Document summarises the changes to pay and conditions and associated guidance since 2013 and other relevant information about the Document. Section 2 of the Document is laid out in seven parts and three annexes. Parts 2 to 6 set out how pay and allowances for the various categories of teacher are to be determined. Part 7 sets out conditions of employment for the various categories of teacher that will have effect as terms of their contracts of employment. The Annexes to Section 2 of the Document set out the performance standards related to particular categories of teacher, and commencement and interpretation matters.

Section 3 of the Document is guidance to accompany the provisions in Section 2 and replaces the previous Section 3. In accordance with the recommendation of the School Teachers' Review Body ("the STRB") in its 23rd Report the expectation that teachers should not be expected to carry out clerical and administrative tasks has been retained but the illustrative list of such tasks has been removed (it was

previously an annex to Section 2 of the Document) as has Section 4 of the Document.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Context

The Order is made under section 122(1) of the Education Act 2002 ("the Act"), which provides the Secretary of State with the power to make provision for the remuneration of teachers and other conditions of employment related to their professional duties and working time. The Order makes provision by reference to the provisions of the Document under section 124(3) of the Act. In accordance with section 125(1) of the Act, the Order makes provision about matters that have been referred to the STRB under section 120(1), on which the STRB has reported under section 120(3).

The Order applies to all school teachers within the meaning of section 122(3) to (5) of the Act in England and Wales. By virtue of section 122(2)(a), their remuneration is to be determined and paid in accordance with the pay ranges and other provisions of the Document. By virtue of section 122(2)(b), the provisions of the Document which relate to conditions of employment other than remuneration have effect as terms of their contracts of employment.

5. Territorial Extent and Application

This instrument applies to England and Wales.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

The provisions in section 2 of the Document that differ substantively from those in section 2 of the previous Document are the result of a statutory process. The first stage of this process requires a formal reference of matters concerning the remuneration and/or other conditions of employment of school teachers to be made to the STRB, which then reports on those matters. The Secretary of State and the national representatives of teachers and teacher employers each have the opportunity to submit evidence and make representations on those matters before the report is finalised. The Secretary of State considers the report and publishes it. The Secretary of State determines how and to what extent the recommendations in the report should be implemented, and then conducts a statutory consultation on the draft Order before it is made.

Reforms to pay arrangements

On 17 April 2013 the Secretary of State asked the STRB to consider:

- how arrangements for leadership pay might be reformed to provide a simplified and flexible framework to ensure school leaders' pay is appropriate to the challenge of the post and their contribution to their school(s);

- how the current detailed provisions for allowances, other pay flexibilities and safeguarding could be reformed to allow a simpler and more flexible Document;

- how the framework for teachers' non-pay conditions of service could be reformed to raise the status of the profession and support recruitment and retention for high-quality teachers, and raise standards of education for all children.

The government submitted evidence to the STRB on 18 June 2013. Section 121 of the Act requires the STRB to consult various representative bodies in addition to the Secretary of State before reporting on a matter referred to them. All such bodies (including all of the national representatives of teachers and teacher employers) also had the opportunity to submit evidence to the STRB.

The STRB's 23rd report, setting out a number of recommendations, was published on 13 February 2014. Following a formal consultation period, the government accepted all of the STRB's recommendations and the Document has been revised accordingly. The main changes are the revised arrangements for leadership pay, the removal of mandatory pay differentials between roles, the removal of mandatory differentials between allowances, consolidation of existing salary safeguarding provisions, removal of the illustrative list of 21 administrative and clerical tasks and removal of non-statutory guidance.

The revised Document will come into effect on 1 September 2014. A draft, interim version of the Document was made available to schools on 29 May 2014 to give schools and employers advance notice of the changes to the Document arising from the Secretary of State's acceptance of the recommendations in the STRB's 23rd report, and so that they could review and revise their pay policies during the summer term.

2014 Pay Award

On 24 October 2013 the Secretary of State asked the STRB to consider the 2014 pay award for teachers, within the context of the government's policy that public sector pay awards should average 1%.

On 10 June, following submission of evidence from the Secretary of State and representative bodies, the government laid before Parliament the STRB's 24th

report, and its response to that report. The STRB recommended that a 1% uplift be applied to the minima and maxima of all pay ranges and allowances in the national pay framework from September 2014, and that schools determine locally how to take account of this uplift in making individual pay decisions, other than for those on the minimum or maximum of their range for whom pay should be uplifted to the new minimum or maximum (as applicable).

Following a period of statutory consultation the Secretary of State has accepted this recommendation in full. The Document has therefore been revised to include the new pay and allowance ranges.

8. Consultation outcome

STRB's 23rd Report

On 13 February 2014, the Secretary of State invited consultees who contributed to the STRB process to comment on the STRB's 23rd report and the proposed government response. Following the consultation the Secretary of State considered consultees' comments prior to confirming the government's response in a letter to the Chair of the STRB on 26 March 2014.

In the light of comments from the Secondary Legislation Scrutiny Committee on the consultation on the School Teachers' Pay and Condition Document 2013, we allowed consultees six weeks to respond at each stage revisions were proposed by the Secretary of State to the 2014 Document. Individual responses were received, from the following groups: ASCL - Association of School and College Leaders, ATL - Association of Teachers and Lecturers, LGA/NEOST - Local Government Association/National Employers' Organisation for School Teachers, NAHT – National Association of Head Teachers, NASUWT - National Association of Schoolmasters Union of Women Teachers, NUT - National Union of Teachers, Voice – the union for education professionals, UCAC - National Association of Teachers of Wales, and the Welsh Government.

For summaries of the consultation responses, please see **Annex A**

Taking account of the STRB's recommendations and the subsequent views of the statutory consultees, the Document was revised in draft. On the 26 March consultees (listed above) were invited to comment on the revised draft Document.

For summaries of the consultation responses, please see **Annex B**

STRB's 24th Report

On 10 June, statutory consultees were invited to comment upon the Secretary of State's response to the STRB's 24th report and a further revised draft of the Document and associated Pay Order by 18 July 2014.

For summaries of the consultation responses, please see **Annex C**

The Document was revised to take account of comments received in the above three consultations.

9. Guidance

Section 3 of the Document contains statutory guidance (in accordance with section 127(1) of the Act) about the procedure to be followed in applying the provisions of the Order.

In addition, the Department has published non-statutory advice on implementing the changes to the Document which are given effect by this Order. This sits alongside existing advice, published in August 2013, on implementing reform for teachers pay and additional advice, produced in partnership with the teaching unions and published in June 2014, on the use of evidence in pay appraisals, equalities considerations for pay and pay appeals. For ease of use, the Department has collated all of this advice into one document, which was published on the same day as the School Teachers' Pay and Conditions Document 2014.

10. Impact

This instrument has no impact on business, charities or voluntary bodies.

The impact on the public sector relates to the budgets of maintained schools in England and Wales to the extent that it makes changes to the pay and conditions of teachers employed by local authorities and governing bodies.

An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

The legislation does not apply to small business.

12. Monitoring & review

A new Document is prepared each year and any changes identified as necessary during the course of a year will be included in the next iteration of the Document if and when it is brought into force. Feedback is received from schools and local authorities as well as the national representatives of teachers and teacher employers and this is taken into consideration when the statutory process for the next year commences.

13. Contact

Dominic Mahon (0207 3408227; e-mail dominic.mahon@education.gsi.gov.uk), or William Thursfield (020 7783 8758) email: william.thursfield@education.gsi.gov.uk) at the Department for Education.

Annex A

Consultation on the School Teachers' Review Body's (STRB) 23rd Report: (13th Feb – 13th Mar 2014)
Summary of consultation responses

ASCL
ASCL broadly welcomed the recommendations on the leadership pay framework and leadership allowances and supported the recommendation to remove leadership spine points. ASCL was surprised that the reference points for teachers' pay were not being retained within the STPCD following the September 2014 pay round. ASCL was content with the recommendation on fixed-term contracts.

ASCL expressed concerns with the recommendation on pay differentials, believing that the STPCD should maintain differentials between the headteacher and deputy headteacher or assistant headteacher to avoid undermining headteacher recruitment. ASCL was pleased to see that the discretion to pay up to 25% above the relevant pay range was retained and that formal headroom above headteacher group 8 was permitted; however, ASCL thought that the headroom above group 8 should be in addition to the 25% to reflect the most challenging roles. ASCL believed that governing bodies should be provided with appropriate guidance and benchmarking data to support them when setting leadership pay.

ASCL was disappointed that mandatory SEN payments had not been removed; they believed schools should have freedom to pay SEN allowances only where it judged them to be appropriate and necessary. ASCL did not support the removal of the list of 21 administrative and clerical tasks and were concerned about the removal of guidance about 'gained time'. ASCL supported the removal of Section 4, albeit with concerns about the impact on teachers' wellbeing. Regarding transitional arrangements for the closure of the Chartered London Teacher (CLT) scheme, ASCL believed that only those teachers who were able to complete their application within six months should be eligible for CLT status.

ATL
ATL welcomed the three-stage process for setting leadership pay as set out in guidance for governing bodies making pay decisions. It believed that the government should monitor the impact of the new provisions relating to leadership salaries. Leadership pay ranges and any additional payments should be published along with school staffing structures, with pay ranges applied to each post. ATL believed that schools will need external advice to help set leadership pay. ATL believed that reference points are an essential element of a fair and transparent pay structure, not an unnecessary rigidity.

ATL felt that sufficient flexibilities already exist within pay and therefore provisions for pay discretion above the headteacher groups are unnecessary. ATL felt that only significantly increased accountability should warrant additional payment above the maximum for the group.

ATL was concerned about the wider impact of fixed-term contracts on the school workforce and pupils; ATL believed that rewards should remain within the existing limits of the STPCD.

ATL believed Teaching and Learning Responsibility (TLR) differentials should remain and

be reduced to £500. ATL felt that there should be clear guidance on the proper use of TLRs with limits placed on the value of such awards.

ATL believed that the transition period for the CLT scheme should be three years to accommodate those teachers who may be on maternity leave during the minimum two year period. ATL believed that the GTC(W) Fee Allowance should be reviewed and raised to £45.

ATL expressed concern that the removal of the Section 4 guidance could contribute to an increase in workload and stated that, if removed, it should be reissued as separate guidance to schools. ATL was also concerned over the number of hours that teachers work and sought a commitment from the Department to address this.

Governors Wales
Governors Wales felt that leadership reference points should be retained and that clear guidelines and examples on roles and responsibilities and pay levels are needed for schools and governors. It was supportive of the incorporation of system leadership roles and expressed a need for governor training, HR support and clear advice and guidance. It supported the TLR and safeguarding recommendations, but saw the removal of the list of 21 tasks as a retrograde step in limiting workload.

NAHT
NAHT welcomed the broad retention of the national framework for leadership pay. It agreed that the new system should apply to new appointments and where responsibilities have significantly changed. NAHT felt however that some headteachers would push for an early salary review. NAHT also wanted to see all other leadership posts in a school reviewed where a new appointee is on higher salary. NAHT supported the proposal on differentiated progression, but had concerns about timescales for governing bodies to develop revised pay and appraisal policies. NAHT was concerned about the formal fixed-term contracts recommendation.

NAHT strongly encouraged the Department to consider developing national benchmarking for leadership pay in England and Wales, though stated that they suspect that it could cause salary inflation. NAHT expressed the view that governing bodies should have access to training, accredited advice and professional clerking.

NAHT expressed concerns about the removal of statutory differentials between TLRs; it thought that a £500 differential would assist schools in making decisions. It broadly supported the removal of Section 4, but had concerns about the loss of the “dedicated headship time” provisions.

NASUWT
NASUWT welcomed the retention of a broad national leadership pay framework but stated that the changes in leadership pay should not create a de-regulated or complex new system. It agreed that new pay arrangements should only apply to new or significantly changed posts, but expressed concern with proposal for a 3-stage appointment process. NASUWT supported the recommendation that recruitment and retention incentives for headteachers should be built into base pay.

NASUWT stated that it did not envisage who would provide benchmarking data and how this data would be developed. It supported the retention of pay reference points. On fixed-term contracts, NASUWT stated its view that the recommendation lacked sufficient detail and needed further thought. NASUWT stated that the distinction between TLR1 and 2 needed to be maintained, and that the removal of differentials could have a detrimental impact upon the structure of TLR provisions and lead to pay equality claims.

NASUWT expressed concerns that governing bodies require further training to discharge their responsibilities properly. NASUWT thought that the cessation of the CLT scheme was removing professional development opportunities for teachers. It stated that the safeguarding provisions should not be altered, but simply collated into one dedicated section of the STPCD.

NASUWT did not believe that the list of 21 tasks should be removed, but welcomed the retention of the core non-pay provisions in Section 2 and endorsement of the underlying principle that teachers should not be required to undertake administrative or clerical tasks. It did not support the removal of Section 4 guidance.

NEOST
NEOST supported the continuation of a broad national framework and welcomed the proposal that there would be no automatic obligation to reassess the pay of existing leadership posts in 2014, but noted this could lead to differential pay arrangements for similar leadership posts. Therefore, it sought a deadline for the review of all leadership posts. NEOST was concerned that governors will require additional guidance and training to make accurate judgments about context, challenge and complexity when setting pay ranges. NEOST believed that the audit of pay is not an issue for the STPCD but were supportive of consideration of changes to the Schools Financial Value Standard.

NEOST stated its belief that the business cases for paying more than 25% above the maximum of the headteacher group will be an important safeguard. NEOST supported differentiated progression within pay bands, but wished to see retention of discretionary reference points, at least in 2014. It was broadly supportive of the proposal to remove leadership differentials; however, it did not consider it realistic to pay a person more than the person they report to and that this should be made explicit within the STPCD.

NEOST reported local authorities' concerns regarding equal pay claims. NEOST supported the recommendation of a transition period for those already registered on the CLT scheme and were also supportive of the simplification of allowances and safeguarding. It expressed regret that the STRB had not recommended a reduction in the minimum period of safeguarding.

NEOST also supported the removal of the list of 21 tasks, and the removal of the Section 4 guidance. They also urged the Department to be explicit in Section 3 guidance that 'rarely cover' should not mean 'never cover', as emphasised by the STRB.

NUT
NUT stated its belief that the current pay structure should be retained unchanged and that national pay provisions should apply to academies. As a minimum, it expected existing pay reference points to be retained as reference points in future editions of the STPCD.

NUT stated its view that the 3-stage pay-setting process for leadership pay would be helpful in procedural terms and should be included within the STPCD. It stated that data on leadership pay levels should be made available to governors. It agreed that governing bodies would require help in setting school leaders' pay and stated that it would therefore like to see statutory guidance to this effect. NUT expressed the view that this guidance should be explicit that any changes to leadership pay should only apply when new appointments are made, and should caution against restructuring exercises.

NUT agreed that some current allowances would no longer be necessary for posts paid under the new system. It expressed substantial reservations about "headroom" and felt that current provisions relating to top of the leadership pay structure should be retained. NUT stated its opposition to special pay arrangements for those employed on fixed-term contracts and the proposal to expand their use.

NUT welcomed the retention of TLR and SEN allowances, but stated its opposition to the removal of statutory differentials. NUT stated its view that data should be collected to monitor any change in the value of TLRs being paid. NUT expressed the view that appropriate CLT scheme transitional arrangements should protect all those already registered their intention to apply. NUT supported the proposed changes to the safeguarding section in the Document.

NUT wanted the list of 21 tasks to be retained in the Document as they provide clarity in relation to those activities which should and should not be undertaken by teachers; they disagreed that Section 4 is bureaucratic and unnecessary.

Voice
Voice welcomed the changes to leadership pay. Voice stated that it wanted to see similar transitional arrangements for leadership pay as with pay for classroom teachers in 2013. It supported the 3-stage process, but stated the view that governors will require training and professional advice on undertaking this process; it stated that it was unsure whether benchmarking will assist governing bodies. It stated the view that specialist advice, including HR advice, would be important in determining pay levels. Voice stated that pay determinations in autumn 2014 should be carried out under the 2013 STPCD.

Voice stated their opposition to the removal of salary reference points but expressed support for the removal of mandatory pay differentials. It supported the recommendations on TLRs and safeguarding and stated that transitional arrangements for the CLT scheme need to be established. Voice expressed concerns with the removal of the list of 21 tasks. Voice did not support the removal of Section 4.

Government Response
Taking into account the recommendations from the STRB, along with the views of statutory consultees expressed in their consultation meetings and written responses, revisions were made to the draft STPCD.

In particular; Part 2, relating to leadership salaries and allowances, was reviewed and revised to better reflect the new pay arrangements; the wording relating to differentials between allowances was removed; specific wording was inserted to reflect the proposed

cessation of the CLT scheme; Part 5, on salary safeguarding, was simplified; the list of 21 administrative tasks was removed; and the Section 4 guidance was removed.

A number of revisions, to reflect necessary updates which had arisen since the last Document was published, were also made.

On 26 March consultees were invited to comment on the revised draft STPCD.

Annex B

Consultation on the Draft version of the School Teachers' Pay and Conditions Document (STPCD) - 26th March to 2nd May 2014
Summary of consultation responses

ASCL
ASCL stated its belief that there should be greater flexibility in the STPCD for appointments to leadership posts; ASCL suggested that there should be greater clarity in the description of the 3-stage process for appointments and that the provisions relating to fixed-term contracts should be more prevalent in the Document.

ACSL did not support the revised safeguarding section and stated that it would have preferred the existing sub-sections to be retained without being consolidated to ensure clarity. It also stated the view that more of the Section 3 guidance should be retained. ASCL supported the removal of the Section 4 guidance but expressed concern about the impact on staff work/life balance.

NAHT
NAHT welcomed the flexibilities in the draft STPCD in relation to appointments to leadership posts and setting leadership pay, including the proposals for 25% headroom above the maximum. It stated that it disliked the additional wording for fixed-term contracts. NAHT stated that all schools should be obliged to review leadership pay to avoid having to run multiple salary systems. NAHT welcomed the rationalised safeguarding section and agreed with proposed closure of the Chartered London Teacher (CLT) scheme.

NAHT stated its view that the speed of transition is too great and that there is insufficient guidance and support for schools; it stated that leadership salary reference points should be retained to inform pay decisions and that governors should have more details on factors for consideration when setting pay, particularly in the early stage of the new system. NAHT also expressed concern with the proposed changes to arrangements for deputising in the absence of the headteacher or deputy headteacher.

ATL
ATL stated that it was content with the way that the STRB's recommendations were reflected in the revised STPCD, and how the 25% headroom was represented. ATL stated the view, however, that the DfE needed be clear with schools that there is no requirement for them to undertake a review of leadership posts from September 2014. ATL was content with the revised safeguarding section.

ATL expressed concern with the cut-off date for applications for CLT status and stated that it should be extended. Additionally, ATL stated that Teaching and Learning Responsibility 3s should be safeguarded in instances in which they end before the fixed period for which they are awarded. ATL did not support the expanded use of fixed term contracts, but stated the view that there should be more guidance if their use is to be more extensive under the revised STPCD.

NASUWT

NASUWT stated that the publication of an interim STPCD was unnecessary and may confuse schools. NASUWT stated the view that the wording relating to determining total unit scores for leadership pay is ambiguous; it also stated that the provisions for a salary up to 25% above the maximum could be misused. NASUWT stated that the Department should be more explicit that schools do not need to review leadership all pay arrangements from September 2014. NASUWT stated that the closure of the CLT scheme should be extended to August 2015.

NASUWT stated that it does not believe that the new safeguarding section provides greater simplification or clarity. Additionally, where the Department has altered wording in the Section 3 guidance, albeit for the sake of clarity or simplification, NASUWT stated that it would prefer that the original text be reinstated. NASUWT stated that, if Section 4 is to be removed, the Secretary of State should write to schools confirming that the provisions contained in that section still apply.

NASUWT stated that salary reference points should be retained in the STPCD.

NEOST

NEOST stated the view that the Department should provide more guidance to governing bodies on interpreting the 3-stage appointment process, particularly in relation to the setting of pay and adjustments based on candidate profiles. Additionally, NEOST stated that there should be greater clarity provided on when the new appointment process would come into effect.

NEOST stated that it wanted greater clarity and consistency over the provisions for temporary payments to headteachers, and also that schools need continued flexibility to consider paying / determining retention payments to leaders' salaries at times other than initial appointment. NEOST stated that it wanted discretionary salary reference points to be retained. NEOST welcomed the revisions to the safeguarding section.

NUT

NUT welcomed attempts to simplify and abbreviate the STPCD, but stated the view that there should be further guidance on the new leadership appointment process and greater clarity on when it would come into effect. NUT also said that the sections on additional payments and recruitment and retention payments require further drafting. NUT was broadly content with the new safeguarding section.

NUT stated that salary reference points should be retained in the STPCD, and that it also wanted the Section 4 guidance to be retained.

Voice

Voice welcomed the new 3-stage appointments process and the Department's efforts to reflect this in the draft document; it also welcomed the removal of pay differentials. Voice stated that it was content with the closure of the CLT scheme. However, Voice stated that it wanted salary reference points and the Section 4 guidance to be retained in the document.

NGA

The NGA stated that it wanted further guidance to governors and headteachers on the types of challenges that should be taken into account when setting pay ranges. NGA welcomed

the additional departmental advice but expressed concern that it was not equal in status to statutory guidance within the STPCD.

UCAC
UCAC stated that it did not believe that the revised leadership pay arrangements would enable suitable remuneration for headteachers taking on multiple small schools. UCAC said that they broadly accepted the new safeguarding text; they expressed the view, however, that SEN allowances should be safeguarded in the same way as TLRs.

UCAC expressed concern about the provisions for the "relevant delegated person" to deputise in the absence of the headteacher or deputy headteacher. It also stated the view that that certain key provisions had been lost through the removal of the Section 4 guidance, and should be incorporated into guidance elsewhere in the Document.

Welsh Government
The Welsh Government suggested some minor drafting changes to the Document, but had no substantive policy issues.

Government response
Following consultation meetings and receipt of written responses from statutory consultees, full consideration was given to the issues raised. As a result a number of changes were made to the draft Document. In particular, the wording relating to the setting of leadership salaries was reviewed and revised to be more explicit; the cessation date of the Chartered London Teacher scheme was changed to the 1 September 2016 (from the 31 August 2016); the language in the allowances sections was made consistent; where changes had been made to the non-pay provisions some of the original wording was reinstated; and further clarity was provided to the section concerning arrangements for deputising for the headteacher.

In response to representations seeking the continued publication of salary reference points, the government agrees with the STRB that continuing to publish nationally-set reference points is inconsistent with the principles of school autonomy, and stifles local innovation.

A small number of consultees made the case for the reinstating the Section 4 guidance. Like the STRB the government agrees that the presence of the Section 4 guidance in the Document is unnecessary and may serve to restrict sensible professional judgements. The principles themselves, retained in statutory guidance, are both sufficient and appropriate to support a highly qualified profession.

Additionally, in recognition of representations from consultees on the need for additional advice on implementing the changes resulting from the STRB's 23rd Report – such as revising leadership pay arrangements, use of fixed-term contracts and removal of pay differentials – the DfE produced and published non-statutory guidance in May. This guidance was fully revised to reflect the 2014 pay award and published alongside the final Document in August.

Annex C

Consultation on the School Teachers' Review Body's (STRB) 24th Report (10th June to 18th July 2014)
Summary of consultation responses

ASCL
ASCL questioned whether schools that had chosen to adopt the discretionary reference points were obliged to apply the 1% pay increase across the board. ASCL stated that it was not wedded to reference points, but predicted that their removal would prove difficult. ASCL stated that it was unsure where schools should turn to for external HR advice, and that it was not sure whether governors were aware of the full responsibilities of leaders when considering their salaries.

ASCL was supportive of the concept of benchmarking and recommended that statistically similar schools should be compared.

ATL
ATL stated that it was disappointed but not surprised by the pay award. It expressed concern over recruitment and retention issues, and predicted problems if the 1% is applied only to the minima and maxima of the pay ranges. ATL stated that in real terms since 2010, teachers are now 10-12% worse-off, with no certainty over their futures. ATL stated that the non-guarantee of TLR increases for teachers being paid TLRs between the minimum and maximum of the applicable range exacerbates this, although ATL stated that it was pleased that allowances will remain separate. ATL reported that academies, who are free from pay restraint, are 'headhunting' teachers.

ATL stated that it did not want reference points to be removed in future versions of the Document/advice. It stated that it did not believe that there is sufficient evidence to support their removal and that it cannot see how this will help support Ministers' aim to pay good teachers more.

NAHT
NAHT felt that the STRB was being contradictory by recommending a pay review, whilst simultaneously recommending the end of an automatic cost of living increase. It stated the belief that this will create widespread instability and put teaching even further behind other professions.

NAHT stated that it was unhappy about the change to the STPCD wording to require assistant headteachers and perhaps others to deputise for headteachers.

NAHT expressed concern about the need for support for governors and further training/ advice. NAHT stated that it felt that accredited external advice should be used to support new pay decisions, and that the STPCD should provide more guidance on setting pay. NAHT also expressed concern that schools might recruit new leadership staff on the new pay range, without reviewing the pay of existing leadership staff.

NASUWT
Whilst NASUWT did not welcome the publication of the interim document, it stated that it

would appreciate earlier publication of discretionary salary reference points.

NASUWT stated that it does not support the proposed removal of salary reference points from the Document and advice in future years. NASUWT stated that it disagreed with the Department's merging of existing advice on pay.

NASUWT expressed the view that the provisions on leadership pay are confusing, and might lead to abuse of the policy. NASUWT reiterated their view that there is a need for clear and robust guidance in this area. NASUWT stated that Section 4 should remain. NASUWT also expressed concerns about the reworked safeguarding section.

Welsh Government
The Welsh Government stated that it wanted the 1% pay increase to apply to all teaching staff, and that the salary reference points should be retained as indicative points for schools to use in creating their own pay policies. The Welsh Government stated that it remains opposed to performance-related-pay.

NUT
NUT argued that there was a disconnect between the STRB's evidence gathering and its conclusions. It stated the view that a 1% increase was inadequate, and predicted a recruitment and retention problem. NUT stated that it believed that the STRB should and could have exceeded the 1%; they predicted that the teaching profession would not welcome the recommendation.

NUT wanted clarity on the future of those on the maxima of their pay ranges. NUT suggested that reference points could encourage creativity without inhibiting reform and so did not support their removal from the Document and guidance in future years. It stated the view that teachers will see the reforms as an austerity measure. It said that it wanted the STRB to specify that schools must budget for every teacher to progress every year. NUT requested benchmarking, whilst emphasising its complexities. NUT put forward a case for retention of pay portability for teachers moving between schools.

NEOST
NEOST questioned the logic behind applying the 1% to the maxima of the pay ranges, and stated its belief that it went against the principles of performance-related-pay. NEOST expressed concern about finance management, and stated that it felt that the status of reference points and the advice on reviewing pay policy is confusing.

NEOST stated that it wanted the Department to set a cut-off point for reviewing all leadership pay. It expressed the view that operating two systems would be unnecessarily bureaucratic for schools. NEOST also made a number of specific references to improvements which it felt could be made to the STPCD.

Voice
Voice stated that it was disappointed but not surprised by the pay award. It predicted recruitment problems, and expressed concerns that teaching is falling behind other professions. It stated the belief that the 1% uplift should be separate from performance related pay and did not support removal of the salary reference points. They stated that early indications point to schools continuing to use reference points.

UCAC

UCAC stated that it felt that the decision not to award a mandatory 1% increase is against the public sector entitlement. It stated that cost of living increases and performance-related-pay need to remain separate. UCAC expressed concern about workload, staff morale and methods of appraisal. It stated that external HR advice is insufficient and that governors require further support and training to discharge their role.

UCAC did not support the removal of reference points. It stated that it is concerned for teachers on salaries between the minimum and maximum of their respective pay ranges whose friends in other professions will overtake them.

Government Response

Consideration was given to all responses; representations were made to seeking a greater than 1% pay award, applied to all paid salaries. The government noted these, but rejected a higher award on the basis that this would go against the STRB's recommendations which were made in the context of a period of public sector pay restraint.

Several consultees also requested that reference points continue to be published in the Document or guidance in future years. Again, the Department agrees with the STRB that that continuing to publish nationally-set reference points is inconsistent with the principles of school autonomy and stifles local innovation.

Where consultees suggested wording changes to the STPCD which served to provide greater clarity or simplification of the document, they were adopted.

The final Document was published in August 2014, ahead of coming into force on 1 September 2014. The Government will continue to work with statutory consultees in relation to developing the non-statutory guidance and on-going implementation.