

Portfolio Holder Decisions/Leader Decisions

Date: Thursday 19 August 2021
Time: 12.00 pm

Membership

Councillor Andy Jenns

Items on the agenda: -

1. **WCC Response to the Teachers Pay Consultation 2021** 3 - 18

Monica Fogarty
Chief Executive
Warwickshire County Council
Shire Hall, Warwick

Disclaimers

Disclosures of Pecuniary and Non-Pecuniary Interests

Members are required to register their disclosable pecuniary interests within 28 days of their election of appointment to the Council. A member attending a meeting where a matter arises in which s/he has a disclosable pecuniary interest must (unless s/he has a dispensation):

- Declare the interest if s/he has not already registered it
- Not participate in any discussion or vote
- Must leave the meeting room until the matter has been dealt with
- Give written notice of any unregistered interest to the Monitoring Officer within 28 days of the meeting

Non-pecuniary interests must still be declared in accordance with the Code of Conduct.

These should be declared at the commencement of the meeting

The public reports referred to are available on the Warwickshire Web

<https://democracy.warwickshire.gov.uk/uuCoverPage.aspx?bcr=1>

Public Speaking

Any member of the public who is resident or working in Warwickshire, or who is in receipt of services from the Council, may speak at the meeting for up to three minutes on any matter within the remit of the Committee. This can be in the form of a statement or a question. If you wish to speak please notify Democratic Services in writing at least two working days before the meeting. You should give your name and address and the subject upon which you wish to speak. Full details of the public speaking scheme are set out in the Council's Standing Orders.

Proposed Decision to be made Under the Council's Urgency Procedure by the Portfolio Holder for Customer and Transformation

WCC Response to the Teachers Pay and Conditions Consultation 2021

Portfolio Holder	Councillor Andy Jenns
Date of decision	19 August 2021
	Signed

Decision taken

To approve Warwickshire County Council's (WCC) response to the LGA survey in respect of the government consultation on the 2021 Teachers Pay and Conditions recommendation which is detailed in Appendix 1.

1.0 Reasons for decision

1.1 On 21 July 2021, the government launched a national consultation on Teachers Pay and Conditions recommendations.

1.2 DfE have set an eight-week period of consultation which commenced on 21 July and ends on 14 September 2021 during which statutory consultees (which includes National Employers' Organisation for School Teachers (NEOST)) are invited to comment on the publication of the 31st Schools Teachers' Review Body (STRB) report, Draft School Teachers Pay and Conditions Document (STPCD) 2021 and the Teachers' Pay Order. The NEOST consultation also provides an opportunity to identify what school employers think needs to be the focus for the STRB's remit for 2022.

1.3 To inform the NEOST response, the LGA are seeking feedback from local authorities to a short survey to be submitted no later than 24 August 2020. It is expected this will be the Council's only submission as part of the consultation.

1.4 We have sought feedback from Headteachers and internal stakeholders to gauge views and responses to the government's proposals.

1.5 This feedback has been consolidated into one response and is available for review in the appendix document attached.

1.6 WCC are supportive of NEOST's headline position as follows, that:

- applying the public sector pay pause (except for a relatively small number of lower paid unqualified teachers (UQTs), is likely to increase the existing recruitment and retention difficulties for all qualified teachers and leaders already identified across the whole school system
- supports a level of pay protection for the lower paid (in relation to the proposed consolidated payment of £250) for teachers earning less than £24,000 (FTE) on the UQTs ranges

1.7 Looking ahead the STRB sets out the thoughts of the review body in terms of the 2022 STRB remit recommending a focus on equalities impacts of the pay system, teacher's wellbeing, review of performance related pay and a review of the existing leadership framework.

1.8 WCC are supportive of the proposed focus on these areas, recognising that these matters have a key role to play in affecting morale, recruitment and retention within schools.

1.9 The delayed announcement and publication of the draft School Teachers Pay and Conditions Document (STPCD) has led to the consultation taking place during the school holiday period. Due to this there has been limited opportunity for Headteachers to engage in the consultation process and as such there has been limited feedback from schools on which to base the consultation response.

1.10 The response has been produced by officers from HR&OD, Education Services and Finance.

2.0 Reasons for Urgency

2.1 The decision is required under the Council's urgency procedure owing to the time available to seek views on the consultation and in order to meet the LGA deadline for response of 24 August 2021.

2.2 Due to the deadline for response the decision could not be reasonably deferred and should be treated as a matter of urgency.

3.0 Background information

3.1 Government Recommendations:

3.1.1 Education Secretary Gavin Williamson has confirmed that there will be a pay freeze for most teachers in England in 2021/22. Teachers earning under £24,000 (FTE) will receive an uplift of £250 to their annual salary.

3.1.2 The Government published the STRB report on 21 July 2021. The STRB 31st report and Draft STPCD 2021 reflects the restricted STRB remit, and the Government has accepted the recommendations in full as follows:

- A £250 consolidated pay award for unqualified teachers earning less than £24,000 (FTE) on the UQTs ranges.
- Reintroduction of advisory pay point structure for the unqualified teacher pay range.
- Reflects a change in the number of days that teachers must be available to work as a result of the additional Bank Holiday on Friday 3rd June 2022 to mark the Queen's Platinum Jubilee.
- Incorporates the statutory induction changes for Early Career Teachers (ECTs).
- Introduces flexibilities around TLR3 (Teacher and Learning Responsibility) by removing the consecutive use clause, which could introduce a payment mechanism for tutoring when being delivered by main pay range teachers and upper pay range teachers, to address learning disruption as a result of the pandemic. TLR3 payments are ordinarily awarded for teachers who are taking on a time-limited school improvement project or one-off responsibility.

3.2 Expected Timescales:

- 8-week consultation on STRB report and STPCD 21 July – 14 September
- WCC consultation with Schools and internal stakeholders – 28 July – 13 August
- LGA deadline for responses from Local Authorities – 24 August
- w/c 20 September – STPCD laid in Parliament and published
- w/c 11 October – STPCD comes into effect
- All provisions back dated to 1 September

4.0 Financial implications

4.1 Finance has undertaken a review to assess the potential impact of the proposed Teachers Pay Award 2021. Note this modelling was based on data available for Warwickshire County Council Maintained Schools only where we have payroll information.

4.2 Based on data as at 9 August 2021 this review is made up of 130 maintained schools, 122 of which are Primary Schools, 6 Nursery and 2 Special Schools. This payroll data identified 1,831 teachers in these 130 maintained schools.

- Only unqualified teachers on the lowest 3 pay points of the Unqualified Teachers Pay Scale, earning less than £24,000 (FTE), will be eligible for the £250 consolidated pay award in 2021/22
- 10 unqualified teachers making up 0.55% of teachers are on the lowest 3 pay points on the Unqualified Teachers Pay Scale and therefore eligible for the pay award
- This yields a total cost for all schools on our payroll of £3,092 including on-costs.

4.3 Warwickshire schools have budgeted for a 2% increase in teachers' pay from September 2021. Estimates suggest the proposed pay award will add an insignificant amount (0.004%) to the teachers' pay bill for Warwickshire maintained schools. The proposed pay award for teachers would be affordable within existing school budgets.

Environmental implications

None.

Report Author	Tina Riley, Senior People Practitioner HROD Governance & Policy
Assistant Director	Sarah Duxbury, Assistant Director of Governance and Policy
Lead Director	Strategic Director for Resources
Lead Member	Portfolio Holder for Customer & Transformation

Urgent matter?	Yes
Confidential or exempt?	No
Is the decision contrary to the budget and policy framework?	No

List of background papers (If applicable)

Appendix 1 – LGA Consultation Response

Members and officers consulted and informed

Portfolio Holder – Councillor Andy Jenns - Portfolio Holder for Customer and Transformation

Corporate Board –

Legal – Nichola Vine, Strategy and Commissioning Manager (Legal and Democratic)

Finance – Virginia Rennie, Strategy and Commissioning Manager (Strategic Finance)

Equality – Keira Rounsley, Senior EDI Practitioner

Democratic Services – Helen Barnsley, Democratic Services Officer

Councillors –

Councillor (For consent to Urgency) - Councillor Adrian Warwick, Chair of the Resources and Fire and Rescue Overview and Scrutiny Committee

Local Member(s):

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LGA Consultation on Teachers' Pay Draft STPCD 2021 and STRB 31st report

The STRB 31st report and Draft STPCD 2021 reflects the restricted STRB remit for 2021. The STRB were asked not to recommend a pay uplift for qualified school teachers and leaders but does recommend:

- A £250 consolidated pay award for eligible unqualified teachers.
- Reintroduction of advisory pay point structure for the unqualified teacher pay range.
- Reflects a change in the number of days that teachers must be available to work as a result of the additional Bank Holiday on Friday 3rd June 2022 to mark the Queen's Platinum Jubilee.
- Incorporates the statutory induction changes for Early Career Teachers (ECTs).
- Introduces flexibilities around TLR3 by removing the consecutive use clause, which could introduce a payment mechanism for tutoring when being delivered by main pay range teachers and upper pay range teachers, to address learning disruption as a result of the pandemic.

SURVEY

We focused our questions on:

- Asking if these proposed changes are clear;
- Identifying the impact on LA's and schools e.g. teacher's R & R and;
- Gathering your views on what changes/focus from an employers' perspective that you would want to see in next year's (2022) STRB remit.

Please note, if you are unable to answer any specific question, we would prefer you to skip that question and continue to submit your response.

We will only accept 1 submitted response to the online survey, which should take no more than 15 minutes to complete.

Please submit your survey by no later than 2pm on 24 August 2021

Any questions please contact schoolteachers@local.gov.uk

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QUESTIONS

1.Name

Patricia Kinsella, Lead Commissioner, HROD Governance & Policy

2.Local authority

Warwickshire County Council

3.Email address

patriciakinsella@warwickshire.gov.uk

4.Roughly how many maintained schools do you represent?

130 maintained schools

5.Roughly how many academy schools do you provide pay policy support to?

57

6. PAY: How concerned are you about the impact on recruitment and retention in your school with the proposed pay pause/freeze for school leaders and qualified teachers? *Where 1 is Not Concerned and 10 is Most Concerned*

1	2	3	4	5	6	7	8	9	10
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Not concerned

Most concerned

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7. PAY: Will the proposed uplift for eligible unqualified teachers (as described on page 9 of the draft STPCD 2021) cause your local authority or schools any significant concerns around recruitment and retention of all teachers and school leaders? *Where 1 is Not Concerned and 10 is Most Concerned*

1	2	3	4	5	6	7	8	9	10
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Not concerned

Most concerned

8. PAY: How does your current pay policy make provision for tutoring payments for teachers?

- STPCD 2020 Para 26.1 c) i.e. - additional payments for participation in out of school learning activities
- Other - Please specify

9. PAY: If you responded OTHER to question 8 above, please specify here.

N/a

10.PAY: The proposed TLR3 flexibilities (as described on page 78 para 53 draft STPCD 2021) will enable schools to award consecutive TLR3s for the same responsibility if it relates to 'tutoring to deliver catch-up support to pupils on learning lost during the pandemic'.

Do you anticipate any problems with this provision?

- Yes
- No
- Don't Know

11.PAY: If Yes to question 10, what issues or problems do you anticipate?

WCC think it should be for a maximum period –2 years or 3 years – so as not to break the principle of TLRs being for particular workstreams.

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12.PAY: If Yes to question 10, what changes would you want to see in final STPCD 2021?

WCC believe it should be for a maximum period –2 years or 3 years – so as not to break the principle of TLRs being for particular workstreams, as stated above.

13.Pay: Do you think this will change the local authority/schools pay policy (i.e. do you think schools are likely to use this provision)?

- Yes
 No

14.PAY: If you responded Yes to question 13, please specify why

Due to the timing of the consultation, it is difficult to provide a view on whether schools are likely to use this provision.

15.EARLY CAREER TEACHERS: Do you think the proposed pay and terms and conditions changes relating to the introduction of the statutory Early Careers Framework (described in paragraph 19.2 page 26/27 draft STPCD 2021) will cause your local authority/school any significant implementation concerns?

- Yes
 No

16.EARLY CAREER TEACHERS: If you responded yes to the question above, please specify

WCC would not like to see schools using the ECTs progress towards meeting the standards as a way of preventing teachers receiving their pay rise. The requirement is for teachers to meet the standards at the end of the 2 year induction period. There is nothing specified in the ECT documentation that says if they are not making sufficient progress towards meeting the standards, this will impact on their pay award at the midpoint in their induction. Some newly qualified teachers take a while to settle into the role. We do not want to risk losing good teachers from the profession at the end of the first year, because of a harsh implementation of stopping their expected pay rise, part way through induction.

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17. EARLY CAREERS TEACHERS: Outside of the draft STPCD changes, it has been confirmed that schools will be able to access additional funding to enable further development of this year's NQTs (2020 intake). Do you expect your schools to take up this offer?

- Yes
- No
- Don't Know

18. EARLY CAREERS TEACHERS: If you responded Yes to the question above, do you think this will support the retention of teachers?

- Yes
- No
- Don't know

19. PLATINUM JUBILEE: Are the proposed changes to manage the Platinum Jubilee Bank Holiday, as set out in the draft STPCD 2021 sufficiently clear?

- Yes
- No

20. PLATINUM JUBILEE: Is there adequate notice to enable your LA and schools to manage the necessary changes to the schools 2021/22 timetable?

- Yes
- No

21. PLATINUM JUBILEE: if you responded No to questions 19 and/or question 20, please specify

N/a

22. LOOKING AHEAD: The STRB report sets out the review bodies thoughts in terms of next years (2022) STRB remit. Do you support the STRB's proposed focuses on:

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Equalities impacts of the pay system

- Yes
- No
- Don't Know

23. LOOKING AHEAD: The STRB report sets out the review bodies thoughts in terms of next years (2022) STRB remit. Do you support the STRB's proposed focuses on:

Teacher's wellbeing

- Yes
- No
- Don't Know

24. LOOKING AHEAD: The STRB report sets out the review bodies thoughts in terms of next years (2022) STRB remit. Do you support the STRB's proposed focuses on:

Review of performance related pay

- Yes
- No
- Don't Know

25. LOOKING AHEAD: The STRB report sets out the review bodies thoughts in terms of next years (2022) STRB remit. Do you support the STRB's proposed focuses on:

Review of the existing leadership framework

- Yes

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- No
- Don't Know

26.LOOKING AHEAD: Feel free to expand on your responses here

27.LOOKING AHEAD: From an employer perspective what future changes would your local authority/schools want to see in the STPCD 2022?

- Ability for Upper Pay Range Teachers to voluntarily move back to Main Pay Range within the school they are currently working
- Reduction of salary safeguarding from 3 years to 1 year in line with other sectors
- Other

28.LOOKING AHEAD: If you responded OTHER to the question above, please specify here

Due to the timing of the consultation, there has been limited opportunity to seek a view from Schools on these points.

29.FURTHER INFORMATION: Please feel free to add any extra information or comments you wish to share.

The delayed announcement and publication of the draft STPCD has led to the consultation taking place during the school holiday period and has led to limited opportunity for Schools to engage in the consultation process and as such there has been limited feedback from schools on which to base this response.

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CONSENT TO URGENT DECISION	PART 1 (to be completed by the person seeking consent)	
Proposed Decision Maker		Date for Decision
Councillor Andy Jenns - Portfolio Holder for Customer and Transformation		19 August 2021
Title: Warwickshire County Council Response to the Teachers Pay and Conditions Consultation 2021		
Summary of matter		
<p>On 21 July 2021, the government launched a national consultation on the 2021 Teachers Pay and Conditions recommendations.</p> <p>To help inform the National Employers' Organisation for School Teachers (NEOST) response to the consultation Warwickshire County Council have been invited by the LGA to submit a consultation response by the deadline 24 August 2021.</p>		
Proposed Decision		
That the Portfolio Holder for Customer and Transformation approves Warwickshire County Council's response to the LGA in respect of the government consultation on the 2021 Teachers Pay and Conditions recommendations which are detailed in the appendix.		
Reasons for Urgency		
The decision is required under the Council's urgency procedure owing to the time available to seek views on the consultation and in order to meet the LGA deadline for response of 24 August 2021.		
Would the recommended decision be contrary to the Budget and Policy Framework? <i>[please identify relevant plan/budget provision]</i>		
No		
PART 2 (to be completed by the person giving consent)		
Name	Councillor: Adrian Warwick	
Office Held	Chair of the Resources and Fire and Rescue Overview and Scrutiny Committee	
<i>Signed</i>		
Date consent is given	09/08/2021	

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