

BATOD's latest submission to the STRB

21, Keating Close
Rochester
Medway, Kent
ME1 1EQ

Dr. A. Wright CBE
Chair, School Teachers' Review Body
Office of Manpower Economics
Kingsgate House
66-74 Victoria Street
London SW1E 6SW

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Dear Dr Wright

1. Introduction

1.1. The British Association of Teachers of the Deaf (BATOD) welcomes this further opportunity to submit representations and evidence to the School Teachers' Review Body (STRB).

1.2. We would like to remind the STRB of BATOD's unique position as the only professional body which represents the interests of Teachers of the Deaf (ToDs) in the United Kingdom. BATOD would also wish to reiterate that its members work in a range of situations and not only in LA schools. Furthermore, the ToDs' specialist role operates in a very wide age range context: from the point of very early diagnosis via the Newborn Hearing Screening Programme to Further and Higher Education settings. Also, many ToDs operate under the classification of "unattached teachers": a classification which BATOD feels is inappropriate and unhelpful.

1.3. We believe ToDs are essential in providing or promoting curriculum access for learners who are deaf. In mainstream settings ToDs are crucial in enabling the Government's inclusion agenda to be effective for this group. Many ToDs also have major responsibilities in supporting the Government's Early Intervention initiatives.

1.4. We would also remind STRB that the context of the work of many ToDs is very similar to that of teachers of learners with other low incidence special educational needs, e.g. teachers of children with visual impairment, multi-sensory impairment, autistic spectrum disorders or speech and language difficulties.

2. Matters for recommendation – item a (as outlined in the letter of 8th October 2009 from Ed Balls to Dr. Anne Wright).

2.1 BATOD is reassured that the issue of SEN Allowances continues to be a focus for the STRB.

2.2 The association is committed to attracting and retaining teachers of the highest quality to support learners who are deaf. We believe that an appropriate, professional reward system is one of the drivers for achieving this. Hence, BATOD supports the STRB view (Para 5.41), that SEN allowances should be regarded as a recognition of the challenging nature of the task and an acknowledgement that successful SEN teaching requires additional skills and experience. This is consistent with the view expressed by BATOD in our last submission to the STRB. The association agrees that SEN allowances should not be automatically awarded in recognition of the number of years served.

2.3 BATOD is in agreement that an SEN allowance should continue to be paid to those working in specialist SEN roles (STRB Para 5.42), whether in a special school or some other context, including those posts requiring a mandatory SEN qualification. The association agrees that the allocation of an SEN allowance in recognition of a mandatory SEN qualification should be attached to a post requiring this rather than to a person for simply holding such a qualification. However, BATOD has consistently held the strong view that holding a mandatory qualification whilst working in a relevant post should be one of the possible criteria linked to the award of a higher SEN allowance.

2.4 Educational provision for deaf learners has been evolving towards an inclusive context for several decades with the resultant closure of many schools for the deaf. In many respects, developments in provision for deaf learners pre-empted much of the SEN practice that has emerged since the Green Paper 'Excellence for All Children: Meeting Special Educational Needs' published in 1997 and the subsequent Government Strategy for SEN, 'Removing Barriers to Achievement' (2004). Although effective, inclusive SEN practice should now be embedded in our mainstream schools, BATOD feels strongly that SEN allowances should not be awarded routinely to staff teaching ordinary classes in mainstream schools. BATOD believes that such allowances should be reserved for those filling specialist SEN roles or teaching in the dedicated settings identified by the STRB (Para 5.42).

2.5 BATOD applauds the STRB's recommendation that the present system of two fixed allowances should be replaced (Para 5.44). However the association has significant concerns about the suggestion that schools and local authorities (LA) will be able to decide the appropriate spot value of an allowance from within a range. Although mindful of the STRB's remit to keep within the existing costs basis, BATOD is further disappointed that

the suggested range, £1000 - £3778 is, in reality, a downwards extension of the existing payment levels. In BATOD's experience, because employers often opt for the lower end of the scale, creating a spot point lower than the current first SEN allowance introduces potential for a further reduction in ToDs pay in relative terms. In previous engagements with STRB, BATOD has asserted that there is a need for a realistic, professional scale for committed teachers who choose an SEN career pathway rather than management responsibility. Such a scale should provide appropriate rewards for teachers who may not be eligible for TLR payments. BATOD had hoped for an SEN range which has some level of equity with TLRs, whereas it seems that, yet again, SEN teachers are the poor relations: Judging by the indicative SEN Allowance range, it seems clear that SEN payments are receiving less favourable treatment than TLRs when they were introduced to replace Management Allowances.

2.6 BATOD notes the STRB's assertion that TLRs may be the most appropriate way of rewarding staff in SEN settings with responsibilities for which SEN allowances may not be appropriate, for example SENCOs. BATOD has previously informed the STRB that the removal of management allowances, the introduction of TLRs and the total erosion of the protected payments in respect the mandatory ToD qualification effective 31st December 2008 created a significant loss of salary for some BATOD members.

2.7 BATOD is aware that some School governors and LAs deemed that many such ToDs previously in receipt of the old management allowances did not meet the criteria for TLR payments. The general TLR criteria are outlined in paragraph 21.3 of the Teachers' Pay and Conditions Document (TP & C Document 2009). Paragraph 21.3 starts by establishing a responsibility context based on the role of classroom teachers which:

- must be focused on teaching and learning
- requires the exercise of a teachers professional skills and judgement
- requires the teacher to lead, manage and develop a subject or curriculum area; or to lead and manage pupil development across the curriculum
- has an impact on the educational progress of pupils other than the teacher's assigned classes or groups of pupils
- involves leading, developing and enhancing the teaching practice of other staff.

2.8 BATOD would like to remind the STRB of the variation in the context of the ToDs work. ToDs work in a wide range of settings but their role is generally not the same as that of a class teacher in a mainstream school. The Newborn Hearing Screening Programme (NHSP) is a core service within the Health Services in the UK which now ensures that all parents are offered hearing screening for their new child within the first few weeks

of life. ToDs usually provide the very early family support and contact associated with this. Hence, ToDs may support children and their families from the first weeks of a child's life. Support is routinely provided in a range of settings including the child's home.

2.9 At school age, the majority of deaf children are taught in mainstream classes, in some additionally resourced schools and a minority in special schools of all types. The ToD will support, as a member of a team, in all these settings either with a class of children or with individual deaf children. Significantly, ToDs also often work on their own and, particularly in small services, ToDs may experience professional isolation. Furthermore, ToDs may be employed directly by schools or Academies, Local Authorities' Children's Services, Primary Care Trusts and voluntary bodies

2.10 ToDs often continue to provide support throughout the child's life in school including Post 16 provision.

2.11 Due to this context, in most cases ToDs cannot fulfil the management requirement for payment of a TLR1. It will also be clear to the STRB that due to the nature and context of their role, ToDs may be judged as not meeting criteria c, d, and e as outlined in para 2.7 above. This creates a real risk that ToDs and other unattached teachers may be significantly disadvantaged in financial terms compared to others whose working context provides ready opportunities to pursue posts with TLR payments and to match the criteria. The limitation in the proposed SEN Allowance range compared to TLR Allowances hardly seems likely to promote the achievement of point (c) in Ed Ball's letter of 8th October 2009, namely, "the need to ensure consistent and reasonable pay arrangements which encourage teacher professionalism together with recruitment and retention." Hence, as BATOD has argued before, the ToDs role becomes more demanding while the rewards seems far from sufficient and, in some cases, are reduced.

2.12 BATOD feels that the current TLR criteria c, d, and e are skewed, reflecting a school based context. The association believes that the significant professional requirements demanded of ToDs and the importance of their role in supporting National SEN, Inclusion and Early Intervention initiatives is such that, as with unattached teachers in other SEN specialisms, many would satisfy similar criteria if they better reflected an unattached teacher's context. Many unattached teachers are employed within LA SEN support services. Many such services have been judged to be effective in supporting key aspects of the National initiatives mentioned above (eg HMI report: Inclusion: the impact of LEA support and outreach services (2005)) which led to the development of quality standards for such services.

2.13 BATOD feels that it is anomalous that the current criteria for awarding TLR allowances potentially disadvantages unattached teachers and, hence, may be contrary to an equal opportunities framework. BATOD reiterates its belief that the STRB should either consider a revised set of TLR criteria which better fit unattached SEN teachers or create a SEN Allowance framework which affords more equity with the TLR Allowances.

2.14 Notwithstanding BATOD's concerns about the proposed range for the new SEN allowance and the notion of awarding spot values, the Association agrees that it will be essential to create guidance criteria for making appropriate decisions. The Association notes the intention to establish a working group and ensure that it takes into account contextual developments including the ECM agenda, related policy initiatives and their implications for the school workforce as a whole. Furthermore BATOD recognises the intention to ensure that membership of the group will strike a balance between SEN specialists and those with an overview of broader developments in teaching and learning. However, BATOD reminds the STRB that such decisions linked to SEN Allowances are not only made by school managers. BATOD urges the STRB to ensure that the composition of the working group reflects the wider working context of unattached SEN teachers including ToDs. In addition to the 6 bullet points listed (para 5.46), BATOD would like to see the addition of a further bullet point specifically related to the working context of unattached teachers with an acknowledgement of the variation which exists in this.

2.15 BATOD notes the intention to ensure that the working group engages with the full range of STRB's statutory consultees including those with appropriate expertise and experience (para 5.47). BATOD would be delighted to contribute to this important work stream.

2.16 BATOD notes that the STRB does not intend to make any immediate changes to the current system of SEN allowances, pending consideration of the working group's findings. However, the Association notes the exception in the case of teachers working in PRUs (Short Stay Schools) experience challenging circumstances equal to those in most other dedicated SEN settings and agrees that the STRB proposal is entirely appropriate

3 Item b (as outlined in the letter of 8th October 2009 from Ed Balls to Dr. Anne Wright).

3.1 BATOD acknowledges that the STRB is also seeking views on the criteria which should be established for leadership roles and responsibilities to provide a consistent, transparent, fair national framework to be used by the relevant body when establishing Deputy Head Teacher and Assistant Head Teacher posts.

3.2 The STRB will be aware that the trend which has seen the closure of many schools for the deaf (para 2.4 above.) means that in reality very few ToDs are employed as Head Teachers, Deputy Head Teachers or Assistant Head Teachers in schools.

3.3 A greater number have senior management roles in support services. Whilst many will be remunerated on the leadership scale, this is by no means universal and great variation in salary determination is the reality.

3.4 BATOD has previously informed the STRB that the low incidence aspect of sensory impairment, together with the prevailing nature of current provision creates major limiting factors for career progression for ToDs. This extends to include restricted opportunities for ToDs to pursue national qualifications for Leadership. The need for improved access to NPQH for ToDs has been vigorously raised in a different forum. Currently there is no pathway towards NPQH for aspiring heads of specialist support services.

3.5 BATOD is concerned that Ed. Balls has contextualised the current STRB work stream to create a "consistent, transparent, fair national framework" for leadership payments with the need for the new framework to be "analogous to the framework for teaching and learning responsibility (TLR) posts." BATOD has already set out its concerns about the TLR framework (section 2 above) and urges the STRB to consider these concerns in relationship to any emerging criteria for leadership roles and progression.

4 Summary

4.1 BATOD is reassured that the issue of SEN Allowances continues to be a focus for the STRB. BATOD continues to assert that appropriate remuneration is a factor which makes a significant contribution to attracting high quality individuals to the teaching profession and ensuring that they do not leave prematurely. The availability of effective teachers is vital to the Government's ongoing objective of driving up standards in pupil attainment and the achievement of ECM objectives at an individual child level.

4.2 BATOD believes ToDs are essential in providing or promoting curriculum access for learners who are deaf. In mainstream settings ToDs are crucial in enabling the Government's inclusion agenda to be effective for this group. Many ToDs also have major responsibilities in supporting the Government's Early Intervention initiatives

4.3 BATOD continues to assert the view that at a time when the ToDs' role has become more demanding, the rewards seem far from sufficient and, in some cases, have been reduced.

4.4 The DCSF has recognised that there is an acute shortage of qualified teachers of the deaf. BATOD believes that a suitable rewards framework is essential if this situation is to be eased in the medium and long term.

4.5 BATOD believes there is a need for a realistic, professional scale for committed teachers who choose an SEN career pathway rather than leadership and management responsibility.

4.6 BATOD believes there is a need for a revised set of TLR criteria which better fit the unattached SEN teacher's working context or an SEN Allowance framework which affords more equity with TLR Allowances

4.7 BATOD acknowledges STRB's five recommendations (para 5.51) and in section 2. of this paper, the Association has set out its detailed comments on the STRB's Eighteenth Report Part One – 2009, paragraphs 5.41 to 5.51.

4.8 BATOD urges the STRB to give due consideration to the working context of ToDs and other unattached teachers in relation to determining a new set of criteria for leadership roles and responsibilities

4.9 BATOD looks forward to receiving details of the outcome of this consultation process in due course and reiterates its willingness to participate further if required.

Yours sincerely

Peter Preston

Consultant, BATOD