
STATUTORY INSTRUMENTS

2001 No. 3435

EDUCATION, ENGLAND AND WALES

**The Education (School Teachers' Pay
and Conditions) (No. 7) Order 2001**

Made - - - - *17th October 2001*
Laid before Parliament *18th October 2001*
Coming into force - - *8th November 2001*

Whereas the review body appointed under section 1(1) of the School Teachers' Pay and Conditions Act 1991⁽¹⁾ (“the Act”) have made a report following the reference to them of certain matters;

And whereas the Secretary of State has consulted, in accordance with section 2(1) of the Act⁽²⁾, such associations of local education authorities, such bodies representing the interests of governors of foundation, voluntary, and foundation special schools and such bodies representing school teachers as appeared to her to be concerned;

Now, therefore, the Secretary of State, in exercise of the powers conferred by sections 2(1), (3) and (4) and 5(4) of the Act⁽³⁾ hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Education (School Teachers' Pay and Conditions) (No. 7) Order 2001 and shall come into force on 8th November 2001.

Application

2. This Order applies to school teachers (as defined in section 5(1) and (2) of the School Teachers' Pay and Conditions Act 1991⁽⁴⁾) in England and Wales.

(1) 1991 c. 49.

(2) Section 2(1) is amended by paragraphs 24 and 26(a) of Schedule 30 to the School Standards and Framework Act 1998 (c. 31).

(3) Section 2(3) and (4) is amended by paragraphs 24 and 26(c) and (d) of Schedule 30 to the School Standards and Framework Act 1998.

(4) The definition of “school teacher” in section 5(1) is amended by paragraphs 24 and 28(2)(a) of Schedule 30 to the School Standards and Framework Act 1998.

School Teachers' Pay and Conditions

3. The School Teachers' Pay and Conditions Document 2001(5) shall be amended with effect from 8th November 2001 as follows.

4. In paragraph 1.2—

(a) at the appropriate place in alphabetical order there shall be inserted the following definition—

““fast track teacher” means a teacher who has been recognised as a fast track teacher in accordance with paragraph 30D.2 and has not ceased to be recognised as such in accordance with paragraphs 30D.3 and 30D.4” and

(b) in the definition of “unlawful discrimination” after the words “threshold assessments” there shall be inserted the words “, fast track teacher assessments”.

5. After paragraph 16.2.5 there shall be inserted the following paragraph—

“Fast Track

16.2A. The relevant body shall award one point to a classroom teacher whose first post following his qualification is as a fast track teacher.”.

6. In paragraph 16.3 “16.1 and 16.2” shall be substituted by “16.1, 16.2 and 16.2A”.

7. After paragraph 30 there shall be inserted the following paragraphs:

“Fast Track Teachers

Appointment of assessment body to assess teachers for the Fast Track

(30A.1) The Secretary of State shall make arrangements for the appointment of an assessment body for the purposes of paragraphs 30B and 30C.

(30A.2) The Secretary of State shall make arrangements for the quality of assessments under paragraph 30B.4 to be monitored.

(30A.3) An assessment body appointed for the purposes of paragraph 31B or 31C or any review officer, senior review officer or replacement review officer appointed by it and any representative of the Secretary of State shall exercise their functions without unlawful discrimination.

Fast Track Assessment

(30B.1) This paragraph applies where a classroom teacher applies for a fast track assessment.

(30B.2) The teacher shall submit, no earlier than 12 months after submitting any previous application, to the assessment body an application in a form prescribed by the assessment body for fast track assessment which shall be supported by a reference from a person with a knowledge of teaching and who is able to comment objectively on the teacher’s suitability to become a fast track teacher.

(30B.3.1) Having considered the application the assessment body shall select for assessment in accordance with paragraph 30B.4 those teachers who meet the eligibility criteria set out in Annex 3.

(30B.3.2) The assessment body shall inform any teacher who submits an application in accordance with paragraph 30B.2 and who is not selected for assessment of that decision and the reasons for it.

(30B.4) The assessment body shall assess a teacher who has been selected for assessment against the competencies and values set out in Annex 4 to determine whether he meets those competencies and whether he is committed to those values.

(30B.5) The assessment body may determine that a teacher does not meet the competencies set out at Annex 4 or that he is not committed to the values set out in that Annex at any stage of the assessment process and if it so does shall notify the teacher of the decision in writing with its reasons within 4 weeks of the completion of that stage of the assessment.

(30B.6) Where the assessment body determines that a teacher meets the competencies set out in Annex 4 and is committed to the values set out in that Annex he shall be informed of that determination within 4 weeks of the completion of the assessment.

(30B.7) The assessment body shall keep a copy of the teacher's completed application and all other documents pertaining to his assessment under paragraph 30B.4, and make copies of the application and assessment documents available only to—

- (a) the teacher;
- (b) a person undertaking a review in accordance with paragraph 30C;
- (c) a person responsible under arrangements made by the Secretary of State for monitoring the quality of fast track assessments; or
- (d) an authority or school governing body to whom a complaint has been made under paragraph 30C.16 by the teacher.

Review of fast track teacher assessment

(30C.1) A teacher who is informed

- (a) that he has not been selected for fast track assessment; or
- (b) that it has been determined that he does not meet the competencies set out in Annex 4 or is not committed to the values set out in that Annex;

shall no later than the end of the period of 40 working days starting on the day on which he received written notice of the decision be entitled to seek a review of his selection or his assessment upon the grounds set out in paragraph 30C.2 (but no other grounds).

(30C.2) The grounds for review are that the teacher would have been selected for fast track assessment, proceeded to the next stage of assessment or been assessed as meeting the competencies set out in Annex 4 and being committed to the values set out in that Annex if—

- (a) the assessment body had taken proper account of relevant evidence; or
- (b) the assessment body had not taken account of irrelevant or inaccurate evidence; or
- (c) the assessment body had not been biased or had not unlawfully discriminated against the teacher in question; or
- (d) where the review is of an assessment stage, there were extenuating circumstances which adversely affected the teacher's performance.

(30C.3.1) An application for review shall be made in writing, and shall contain, or refer to, evidence relating to the grounds upon which review is sought.

(30C.3.2) Such evidence shall not be evidence relating to competencies and values which was not available in the original assessment or evidence relating to any extenuating circumstances which were not brought to the attention of the assessment body at the time of the assessment.

(30C.4) An application for review shall be submitted to the assessment body who shall refer it to a review officer who shall be a person who has not participated in any part of the selection or assessment he is to review.

(30C.5) The review officer shall conduct a review of the selection or assessment as referred to in the application for review.

(30C.6) Where the review officer is satisfied that the teacher would have been selected for fast track assessment if the selection

- (a) had taken proper account of relevant evidence; or
- (b) had not taken account of irrelevant or inaccurate evidence; or
- (c) had not been biased or had not unlawfully discriminated against the teacher,

he shall order that the teacher be assessed in accordance with paragraph 30B.4.

(30C.7) Where the review is of any stage of the assessment before the final stage and the review officer is satisfied that the teacher would have proceeded to the next stage of assessment if—

- (a) the assessment under review had taken proper account of relevant evidence; or
- (b) the assessment under review had not taken account of irrelevant or inaccurate evidence; or
- (c) the assessment under review had not been biased or had not unlawfully discriminated against the teacher in question; or
- (d) there had not been extenuating circumstances which adversely affected the teacher's performance,

he shall order that the teacher be permitted to proceed to the next stage of assessment.

(30C.8) Where the review is of the final stage of assessment and the review officer is satisfied that the teacher would have been assessed as meeting the competencies set out in Annex 4 and being committed to the values set out in that Annex if—

- (a) the original assessment had taken proper account of relevant evidence; or
- (b) the original assessment had not taken account of irrelevant or inaccurate evidence; or
- (c) the original assessment had not been biased or had not unlawfully discriminated against the teacher in question; or
- (d) there had not been extenuating circumstances which adversely affected the teacher's performance,

he shall order that the teacher is assessed as meeting the competencies set out in Annex 4 and being committed to the values set out in that Annex.

(30C.9) Where the review officer is not satisfied that the circumstances described in paragraphs 30C.6 to 30C.8 apply he shall order the selection decision or the assessment (at any stage) to stand.

(30C.10) Before determining a review the review officer—

- (a) shall consider the application for review; and
- (b) may—
 - (i) request the assessment body to provide copies of any of their records in relation to the assessment, and consider such documents as it supplies pursuant to the request; and
 - (ii) seek comments from the teacher or any person who participated in the selection or assessment.

(30C.11) The assessment body shall provide to the review officer copies of such of their records in relation to the selection or assessment as the review officer requests.

(30C.12) The review officer shall notify in writing the teacher and the assessment body of his decision under any of paragraphs 30C.6 to 30C.9 and of his reasons for it no later than the end of the period of 70 working days starting on the day on which the assessment body received the review application.

(30C.13) Where a review officer orders the selection decision or the assessment to stand, the teacher shall no later than the end of the period of 40 working days starting on the day on which he received written notice of the review officer's decision be entitled to seek a further review upon the grounds set out in paragraph 30C.2 (but no other grounds).

(30C.14) A teacher seeking a further review shall submit a written application in accordance with paragraph 30C.3 for review to the assessment body who shall appoint a senior review officer who shall be a person who has not participated in any part of the selection, assessment or review he is to review further.

(30C.15.1) The senior review officer and a representative of the Secretary of State shall conduct a review of the selection or assessment process as appropriate, shall have the same powers and duties of a review officer conducting a review under paragraphs 30C.5 to 30C.11 above and may also consult the original review officer.

(30C.15.2) The senior review officer shall notify in writing the teacher and the assessment body of his decision under paragraph 30C.15.1 and the reasons for it no later than the end of the period of 70 working days starting on the day on which the assessment body received the application for a further review under paragraph 30C.14.

(30C.16.) Paragraphs 30C.16 to 30C.23 apply where—

- (a) a senior review officer orders that a selection decision or an assessment is to stand; and
- (b) the teacher who made the review application complains to the authority or school governing body which employ him that the senior review officer or the Secretary of State's representative who carried out the further review unlawfully discriminated against him.

(30C.17.1) A complaint brought under paragraph 30C.16 may be brought no later than the end of the period of 40 working days starting with the date on which the teacher received the notification under paragraph 30C.15.2.

(30C.17.2) A complaint brought under paragraph 30C.16 shall be made in writing and shall contain, or refer to, evidence relating to the discrimination complained of.

(30C.17.3) The teacher shall give a copy of the complaint under paragraph 30C.16 to the assessment body.

(30C.18) The teacher, the assessment body, the review officer and the senior review officer shall at the request of the teacher's employers supply them with such records, information or evidence as the employers reasonably request.

(30C.19) Where the employers are satisfied that—

- (a) the teacher's complaint under paragraph 30C.16 is justified; and
- (b) the discrimination may have affected the senior review officer's decision that the selection decision or assessment under paragraph 30B.4 should stand,

they shall within 40 working days of receiving the complaint inform the assessment body in writing of their conclusions and the reasons for their decision. The assessment body shall refer the case to a replacement review officer who shall be a person who has not participated in any part of the selection, assessment, review or further review he is to review further.

(30C.20) The employers shall notify in writing the teacher, the review officer and the senior review officer that they have referred the case to the assessment body for a further review and of the reasons for their decision.

(30C.21.1) Where a reference is made to him under paragraph 30C.19, the replacement review officer shall carry out a further review taking account of the employers' conclusions and the reasons for their decision. The replacement review officer shall have all the powers and duties of a review officer conducting a review under paragraphs 30C.5 to 30C.11 and may consult the review officer and the senior review officer.

(30C.21.2) Where the replacement review officer is satisfied that had the teacher not been unlawfully discriminated against he would have been selected for fast track assessment, he shall determine that the teacher be assessed in accordance with paragraph 30B.4.

(30C.21.3) Where the replacement review officer is satisfied that had the teacher not been unlawfully discriminated against at an early stage of assessment he would have proceeded to the next stage the replacement review officer shall determine that the teacher may proceed to that stage.

(30C.21.4) Where the replacement review officer is satisfied that had the teacher not been unlawfully discriminated against at the final stage of assessment he would have been assessed as meeting the competencies set out at Annex 4 and being committed to the values set out at that Annex, he shall determine that the teacher meets those competencies and values to a high standard.

(30C.21.5) Where the replacement review officer is not satisfied that—

- (a) the teacher has been discriminated against; or
- (b) the senior review officer's decision has been affected by any such discrimination,

the replacement review officer shall order that the selection or assessment decision shall stand.

(30C.22) When the replacement review officer has determined the further review, he shall inform the assessment body, the teacher, the review officer, the senior review officer and the employers of his decision and of the reasons for it no later than the end of the period of 40 working days starting on the day on which the assessment body received the application for a further review under paragraph 30C.19.

(30C.23) Where the employers—

- (a) are not satisfied that the teacher's complaint under paragraph 30C.16 is justified; or
- (b) if they are so satisfied, they are not satisfied that the discrimination may have affected the review officer's decision that the selection decision or the assessment made under paragraph 30B.4 stood,

they shall dismiss the complaint, and notify the teacher and assessment body in writing of their decision and the reasons for it, such notification to be given no later than the end of the period of 40 working days starting with the day on which the employers received the complaint under paragraph 30C.16.

(30C.24) In paragraph 30C "working day" means any day other than a Saturday, Sunday or a day which is a bank holiday.

Appointment of recognising body to recognise teachers as fast track teachers

(30D.1) The Secretary of State may make arrangements for the appointment of a recognising body for the purpose of recognising and ceasing to recognise teachers as fast track teachers in accordance with this paragraph and where no such appointment has been made the Secretary of State shall be the recognising body.

(30D.2) The recognising body shall recognise a teacher as a fast track teacher if the teacher—

- (a) is not when appointed to his first fast track post subject to any restriction or condition imposed by the Secretary of State, the General Teaching Council for England, the General Teaching Council for Wales, the General Teaching Council for Scotland or the Department of Education in Northern Ireland;
- (b) has been assessed as meeting the competencies contained in Annex 4 and being committed to the values contained in that Annex;
- (c) is or has been employed in a fast track teacher post; and
- (d) has not ceased to be recognised as a fast track teacher by virtue of paragraph 30D.3 or 30D.4.

(30D.3.1) The recognising body shall cease to recognise a teacher as a fast track teacher if the teacher becomes subject to a prohibition order imposed by the General Teaching Council for England, the General Teaching Council for Wales or the General Teaching Council for Scotland, or is subject to a prohibition imposed by the Secretary of State exercising her powers under Regulation 5 of the Education (Restriction of Employment) Regulations 2000⁽⁶⁾ or by the Department of Education in Northern Ireland exercising its powers under Regulation 9 of the Teachers (Eligibility) Regulations (Northern Ireland) 1997⁽⁷⁾.

(30D.3.2) The recognising body may cease to recognise a teacher as a fast track teacher if the teacher becomes subject to a suspension order or a conditional registration order imposed by the General Teaching Council for England, the General Teaching Council for Wales or the General Teaching Council for Scotland, or is subject to a restriction imposed by the Secretary of State exercising her powers under Regulation 5 of the Education (Restriction of Employment) Regulations 2000 or the Department of Education in Northern Ireland exercising its power under Regulation 9 of the Teachers (Eligibility) Regulations (Northern Ireland) 1997.

(30D.4) The recognising body may cease to recognise a teacher as a fast track teacher after the teacher's appointment as a fast track teacher has terminated or after the post he occupies has ceased to be a fast track post if:

- (a) the recognising body is of the opinion that the teacher has not performed excellently during that appointment or during the period that post was a fast track post;
- (b) he is appointed to a post which is not a fast track teacher post;
- (c) he is not appointed to another post as a teacher;
- (d) his contract is terminated early; or
- (e) in the case of a teacher whose fast track appointment includes his induction year, he did not satisfactorily complete his induction year or his induction period was extended.

(30D.5) Paragraph 30D.4(a) does not apply if:

- (a) during any part of the 12 months period ending on the date the teacher's appointment as a fast track teacher terminated or his post ceased to be a fast track post the teacher was in his induction year; or
- (b) during any part of the 12 months period ending on the date the teacher's appointment as a fast track teacher terminated or his post ceased to be a fast track post the teacher was not a fast track teacher.

(30D.6.1.1) Where the recognising body considers that the teacher's performance is such that it is likely to cease to recognise him as a fast track teacher under paragraph 30D.4(a) if his performance does not improve sufficiently, the recognising body shall issue a preliminary notification in writing to the teacher in accordance with the notice periods in paragraph 30D.6.1.2.

(30D.6.1.2) The notice periods shall be as follows—

⁽⁶⁾ S.I. 2000/2419 amended by S.I. 2001/1269.

⁽⁷⁾ Statutory Rule of Northern Ireland 1997/312.

- (a) Where the teacher's appointment as a fast track teacher is due to terminate or the post he occupies is to cease being a fast track post at the end of the Autumn or Summer term the notice period shall be 7 months before the end of that term.
- (b) Where the teacher's appointment as a fast track teacher is due to terminate or the post he occupies is to cease to be a fast track post at the end of the Spring term the notice period shall be 6 months.

(30D.6.1.3) A teacher receiving a preliminary notification under this sub-paragraph may not later than 20 working days after receiving it submit to the recognising body evidence of any extenuating circumstances which have affected his performance.

(30D.6.2.1) Where the recognising body intends to cease to recognise a teacher as a fast track teacher in accordance with paragraph 30D.4(a), having taken into account any evidence of any extenuating circumstances submitted in accordance with paragraph 30D.6.1.3, it shall notify him in writing of that intention in accordance with the notice periods in 30D.6.2.2, giving reasons for its decision.

(30D.6.2.2) The notice periods shall be as follows—

- (a) Where the teacher's appointment as a fast track teacher is due to terminate or the post he occupies is to cease being a fast track post at the end of the Autumn or Spring term the notice period shall be 3 months before the end of that term.
- (b) Where the teacher's appointment as a fast track teacher is due to terminate or the post he occupies is to cease to be a fast track post at the end of the Summer term the notice period shall be 4 months.

(30D.6.3) Subject to paragraph 30D.6.2 where the recognising body ceases to recognise a teacher as a fast track teacher in accordance with paragraphs 30D.3 or 30D.4 it shall notify the teacher in writing not later than 40 working days after making that decision giving reasons for the decision.

(30D.7.1) Where the recognising body notifies the teacher that it has ceased or intends to cease to recognise him as a fast track teacher in accordance with paragraphs 30D.3 and 30D.4 the teacher shall not later than 20 working days after receiving that notification be entitled to make an application in writing to the recognising body for a review of that decision on the grounds set out in paragraphs 30D.8.

(30D.7.2) An application for review under paragraph 30D.7.1 shall state the grounds upon which the review is being sought and the reasons for seeking a review on those grounds.

(30D.8.1) The grounds for a review of a decision under paragraphs 30D.3 and 30D.4 are that the recognising body failed to follow the procedures set out in paragraph 30D.6 or that the recognising body would not have ceased to recognise the teacher as a fast track teacher if it had—

- (a) taken proper account of relevant information; or
- (b) not taken account of irrelevant or inaccurate information.

(30D.8.2) Nothing in this paragraph shall be taken as permitting a review of the decisions of the General Teaching Council for England, the General Teaching Council for Wales or the General Teaching Council for Scotland, or decisions of the Secretary of State under Regulation 5 of the Education (Restriction of Employment) Regulations 2000 or the Department of Education in Northern Ireland under Regulation 9 of the Teachers (Eligibility) Regulations (Northern Ireland) 1997.

(30D.9) Where an application for review is made the recognising body shall review its decision and if it is of the opinion that any of the grounds set out in paragraph 30D.8.1 is made out, shall revoke its decision.

(30D.10) If the recognising body is not of the opinion that any of the grounds set out in paragraph 30D.8.1 is made out, it shall order that its decision shall stand.

(30D.11) The recognising body shall not later than 40 working days after receiving the application for review, inform the teacher in writing of its decision under 30D.9 or 30D.10 as the case may be.

(30D.12) In paragraph 30D—

“working day” means any day other than a Saturday, Sunday or a day which is a bank holiday and

“month” means calendar month.”

8. In paragraph 44 after “leadership group” there shall be inserted “, a fast track teacher”.

9. In paragraph 47.2 after “advanced skills teachers” there shall be inserted “, fast track teachers”.

10. In the heading of Part XI after “TEACHERS” there shall be added “AND FAST TRACK TEACHERS”.

11. After paragraph 54 there shall be inserted the following paragraph:

“54A. Subject to paragraph 59.1, the professional duties of a fast track teacher shall be the professional duties of a teacher other than a head teacher (as described in Part XII).”

12. In paragraph 55 after “advanced skills teacher” there shall be inserted “or a fast track teacher”.

13. In paragraph 59.1 after “advanced skills teachers” there shall be inserted the words “, fast track teachers”.

14. After Annex 2 there shall be inserted the following annexes—

“Annex 3

Eligibility criteria for fast track assessment

1. The teacher is registered with the General Teaching Council for England and is not subject to any restriction, condition or suspension, imposed by the Secretary of State or the General Teaching Council for England, the General Teaching Council for Wales, the General Teaching Council for Scotland or the Department of Education in Northern Ireland.

2. The teacher obtained a first class or class 2.1 honours degree or holds a qualification which in the opinion of the assessment body is equivalent to such a degree.

3. The teacher is not entitled to be paid at point 9 on the main pay scale, is not entitled to be paid as a post-threshold teacher and does not hold an advanced skills teacher post or a leadership group post.

4. The teacher has supplied a reference from a person with a knowledge of teaching and who is able to comment objectively on the teacher’s suitability to become a fast track teacher.

Annex 4

Fast Track Teachers' Competencies and Values

COMPETENCIES

THINKING STYLE

1. Analysis and problem solving—The teacher identifies solutions to problems and takes responsibility for making decisions. In particular he typically:

- (a) anticipates problems and assumes personal ownership to take action and address them;
- (b) systematically gathers up to date information from a wide range of relevant quantitative and qualitative sources and perspectives;
- (c) collects and analyses all available relevant information to gain a comprehensive understanding of the immediate situation;
- (d) effectively assimilates different types of information eg facts, diverse, conflicting views and strong opinions;
- (e) interprets information logically to identify options and conclusions;
- (f) quickly identifies the key issues, recognising themes within information, possible causes and anomalies;
- (g) uses sound judgement to make decisions when there is no obvious answer;
- (h) seeks to identify the best solution for all concerned;
- (i) makes timely decisions and ensures decisions are implemented.

2. Conceptual thinking—The teacher thinks beyond the immediate situation and identifies new and improved ways of doing things. In particular he typically:

- (a) invents new ways of integrating ideas or information into meaningful concepts and models;
- (b) continually looks for new and improved ways of doing things and motivates others to do the same;
- (c) sees “everyday” problems as an opportunity to do something different and creative;
- (d) is able to anticipate future possibilities i.e. thinking is not constrained by the current situation;
- (e) is able to take an overview of situations, standing back from detail;
- (f) identifies connections between apparently unrelated situations;
- (g) looks at situations from different angles to generate novel interpretations and ideas.

3. Ensuring the delivery of quality results—The teacher sets high standards for himself and others and ensures they are achieved. In particular he typically:

- (a) consistently focuses energy and effort on achieving the best possible results with the time and resources available;
- (b) sets stretching and achievable task objectives for himself and others, ensuring these are understood and accepted by all those involved;
- (c) is able to anticipate realistically the time needed to complete tasks;
- (d) identifies what needs to be achieved, by when, by whom and in what order. He anticipates obstacles and develops contingency plans;
- (e) is able to manage a variety of tasks simultaneously. He does not become overly distracted by one key task at the expense of others;
- (f) consistently monitors and evaluates progress, taking action to revise priorities, overcome obstacles and problems;

- (g) develops short, medium term and longer term strategic plans as appropriate.

INTERPERSONAL STYLE

4. Communicating effectively—The teacher communicates effectively both orally and in writing, capturing the interest and enthusiasm of different audiences. In particular he typically:

- (a) communicates aims, ideas and information using clear and concise language that is easy to understand;
- (b) adapts the style and content of his communication to appeal to the listener or reader;
- (c) effectively selects and uses the appropriate medium to communicate with others (for example: face to face, to individuals or groups, using information and communications technology (ICT));
- (d) seeks and listens to others' views and encourages contributions;
- (e) ensures information reaches relevant people and that messages are understood;
- (f) conveys conviction in his own message, capturing the interest and attention of others.

5. Influencing others—The teacher is able to persuade and influence other people. In particular he typically:

- (a) is highly persuasive, presenting convincing and appealing arguments;
- (b) is an independent thinker and is prepared to challenge other people's views;
- (c) effectively negotiates with others to agree a way forward;
- (d) is proactive in creating and maintaining a broad network of contacts. He makes effective use of this network e.g. to communicate information, consult and gain support and make progress;
- (e) decides and acts upon deliberate strategies to influence others;
- (f) overcomes criticisms and challenges with persuasive counter-arguments.

6. Developing and enabling others—The teacher continually encourages others to perform to the best of their abilities and challenges under-performance. In particular he typically:

- (a) continually challenges and encourages others to perform to the best of their abilities;
- (b) establishes how he can best support individual needs and provides appropriate direction, coaching and support;
- (c) identifies people's strengths and development needs and provides timely constructive feedback;
- (d) helps people to identify actions they can take to improve and agrees motivating and stretching objectives;
- (e) adapts his approach to respond to individual differences in for example motivation and learning style.

7. Teamworking and building relationships—The teacher builds and contributes to highly effective working relationships with individuals, within and across teams. In particular he typically:

- (a) brings problems that hamper teamworking out into the open and works with others to resolve them;
- (b) demonstrates respect for diversity in needs, attitudes and opinions of others, and adapts his behaviour accordingly;
- (c) seeks to understand and is sensitive to others' concerns and problems, offers continued help and support;
- (d) is genuinely interested in people and seeks to get to know them;
- (e) makes time to be accessible to others. He makes it easy for others to get to know him and feel comfortable in his presence.

PERSONAL STYLE

8. Confidence and resilience—The teacher demonstrates self confidence in his ability to succeed, maintaining energy and enthusiasm in highly challenging situations. In particular he typically:

- (a) appears confident and self-assured in a wide range of social and professional situations;
- (b) approaches new situations and takes on difficult challenges willingly and positively and encourages others to do the same;
- (c) is able to make and defend unpopular decisions;
- (d) can tolerate working under pressure, quickly overcomes setbacks, retaining a positive “can do” attitude;
- (e) remains “upbeat” and maintains energy level when challenged or criticised;
- (f) manages his own time to achieve a healthy balance between home and work.

9. Commitment to self-development—The teacher shows a commitment to his own learning and takes responsibility for his own professional development. In particular he typically:

- (a) is highly motivated to increase continually the breadth and depth of his knowledge and skills;
- (b) creates opportunities for self-development—is prepared to take risks by trying new things;
- (c) sets challenging personal goals and strives to achieve them;
- (d) actively seeks feedback from others and is open to constructive criticism and learning from his mistakes;
- (e) takes actions to address his development needs.

VALUES

Integrity and Fairness

10. The teacher:

- (a) respects all individual differences, for example: gender, race and background, and behaves fairly towards others irrespective of these;
- (b) listens equally to parties with differing views and opinions and demonstrates that they are of equal value to him;
- (c) does what he says he will do and keeps commitments;

- (d) says when he does not know the answer;
- (e) admits mistakes and when he got it wrong;
- (f) handles difficult issues objectively and sensitively.

Commitment to working with children

11. The teacher:

- (a) is able to articulate with passion and conviction why he wants to teach children;
- (b) has sought out opportunities to work with children;
- (c) is able to build rapport with many different groups of children;
- (d) is interested in understanding children's minds, behaviour and development;
- (e) retains enthusiasm and commitment for working with children despite adverse reactions or difficulties;
- (f) puts the needs of children before his own;
- (g) believes in equality of opportunity for all children.

Passion for learning and education

12. The teacher:

- (a) can articulate his educational values with enthusiasm and conviction;
- (b) believes in the ability of everyone to achieve and fulfil their potential;
- (c) has a genuine interest in how people learn and develop;
- (d) gains satisfaction from helping others learn and develop and passing on skills and knowledge;
- (e) has high expectations of self, pupils and others in relation to achieving potential;
- (f) has a demonstrable passion for his own curriculum area. He is clearly motivated to teach his own curriculum area to others."

17th October 2001

Stephen Timms
Minister of State
Department for Education and Skills

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the School Teachers' Pay and Conditions Document 2001 (“the Document”) to which the Education (School Teachers' Pay and Conditions) (No. 5) Order 2001 (S.I.2001/2962) gave effect on 1st September 2001.

It makes provision for the assessment and recognition of “fast track teachers” on behalf of the Secretary of State.

A definition of “fast track teacher” is inserted into paragraph 1.2 of the Document. A fast track teacher is a teacher who has been recognised as a fast track teacher by a recognising body which may be appointed by the Secretary of State or be the Secretary of State herself. To be recognised as a fast track teacher the teacher must have been assessed as meeting the competencies and being committed to the values found in Annex 4, be employed or have been employed in a fast track post, not have been subject to any restriction imposed by any of the General Teaching Councils, the Secretary of State or the Department of Education in Northern Ireland at the time of his first appointment as a fast track teacher and not have ceased to be recognised as a fast track teacher. Fast Track Teacher assessments are inserted into the definition of unlawful discrimination.

New paragraph 16.2A of the Document provides that a teacher whose first post following qualification is as a fast track teacher will be entitled to an additional point on the pay scale.

New paragraph 30A of the Document provides for the appointment of an assessment body and imposes a duty on that body and its review officers to exercise their functions without unlawful discrimination.

New paragraph 30B of the Document sets out the procedures for the assessment of teachers against the eligibility criteria set out at Annex 3 and the competencies and values for fast track teachers which are set out in Annex 4. The assessment may take place over more than one stage and the assessment body shall assess whether the teacher meets the competencies and is committed to the values.

New paragraph 30C of the Document provides that a teacher who is not selected for assessment or is assessed as not meeting the required competencies and values may seek a review and if necessary a further review of his selection or assessment which will be undertaken by a review officer or a senior review officer who has had no previous involvement in that teacher’s assessment. The grounds for seeking review are set out in paragraph 30C.2.

If a teacher considers that he has been discriminated against by the senior review officer conducting a further review, he can make a complaint to his employers who if they think the complaint is justified will inform the assessment body who will arrange for a further review by a review officer who will take into account the employers' conclusion regarding discrimination.

New paragraph 30D sets out the circumstances in which the recognising body may cease to recognise a teacher as a fast track teacher. The teacher can seek a review of that decision in accordance with the procedure set out in that paragraph.

The Order amends the professional duties section of the Document to exclude fast track teachers from the Working Time provisions in the Document whilst ensuring that fast track teachers have a daily break.

The Document is published by Her Majesty’s Stationery Office and is obtainable from book shops of the Stationery Office Limited and through booksellers.

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