

**EXPLANATORY MEMORANDUM TO THE  
EDUCATION (SCHOOL TEACHERS' PAY AND CONDITIONS) (No. 2)  
ORDER 2005**

**2005 No. 1101**

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

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

The Education (School Teachers' Pay and Conditions) (No. 2) Order 2005 comes into force on 6 May 2005, except for paragraphs (e), (f), (m) and (o)-(r) of article 2, which come into force on 1 September 2005. The Order amends existing provision for the remuneration and other conditions of employment of school teachers. It provides for the ending of management allowances, the introduction of Teaching and Learning Responsibility payments and the safeguarding of the management allowances for classroom teachers, and for safeguarding the salary of all teachers in circumstances of an internal reorganisation by their employer, for up to three years.

3. **Matters of special interest to the Joint Committee**

3.1 The order implements a number of the recommendations made by the School Teachers' Review Body (the "STRB"), an independent statutory body established under the School Teachers' Pay and Conditions Act 1991. The recommendations are set out in the STRB's annual report on matters referred to it by the Secretary of State under section 120(1) of the Education Act 2002 ("the Act"). The Secretary of State is required to publish the report in accordance with section 120(4) of the Act, to consider the STRB's recommendations (section 125(1) of the Act) and to consult key stakeholders, namely the employers' organisations and teachers' unions, about the proposed content of any Order that would make changes to the remuneration and conditions of employment of school teachers (section 126 of the Act).

3.2 The report was published on 22 February 2005. Formal consultation on the draft Order ran from 4 March – 31 March 2005.

4. **Legislative Background**

4.1 The Education (School Teachers' Pay and Conditions) (No. 2) Order 2005 is made under section 122 of the Act, which confers on the Secretary of State the power to make provision for the remuneration of

school teachers and other conditions of their employment related to professional duties and working time. "School teacher" is defined by section 122(3) – (7). Under section 124(3), such provision may be made by reference to a document. The Order amends section 2 of the School Teachers' Pay and Conditions Document 2004 which was given legal effect by SI 2004/2142 and amended by SI 2005/539 ("the Document").

4.2 The Order comes into force on 6 May 2005, except for paragraphs (e), (f), (m) and (o)-(r) of article 2, which come into force on 1 September 2005. In accordance with section 125 of the Act, the Order makes provision about matters that have been referred to the STRB under section 120(1) of the Act and on which the STRB has reported under section 120(3). The Secretary of State has considered the report. The Order amends section 2 of the Document. Before the Order was made, the Secretary of State carried out a consultation in accordance with section 126 of the Act.

## **5. Extent**

This instrument applies to England and Wales

## **6. European Convention on Human Rights**

Not applicable

## **7. Policy background**

7.1 Amendments to the Document are the result of a statutory process that requires first of all a formal reference of matters concerning the remuneration or other conditions of employment of school teachers to the STRB which then reports on those matters. 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.

7.2 In tandem with the formal consultation process, the department conducts an on-going informal dialogue with representatives of most of the main stakeholders (teachers' unions and the employers' organisations), so that the changes introduced by the Order largely represent a shared agenda for reform.

7.3 These changes to the Document are part of a broader, long standing policy initiative to restructure the school workforce. Related regulations have been laid separately, under section 21 of the Act that require school governing bodies and local education authorities, as the employers of teachers, to review their staffing structures and adopt plans to implement changes in light, inter alia, of the changes to the Document made by this Order.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 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 education authorities and governing bodies. This Order makes an impact on budgets in respect of discretionary decisions taken by governing bodies and local education authorities.

## **9. Contact**

Helen Walker at the Department for Education and Skills (tel. 020 7925 6141 or email [helen.walker@dfes.gsi.gov.uk](mailto:helen.walker@dfes.gsi.gov.uk) ) can answer any questions regarding the instrument