

**EXPLANATORY MEMORANDUM TO THE  
EDUCATION (SCHOOL TEACHERS' PAY AND CONDITIONS) (No. 3) ORDER  
2005**

**2005 No. 2212**

1. 1.1 This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.  
  
1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.
2. **Description**
  - 2.1 The Education (School Teachers' Pay and Conditions) (No. 3) Order 2005, which comes into force on 1 September 2005, makes provision for the remuneration of school teachers and for the other conditions of employment relating to their professional duties and working time by reference to a document known as the School Teachers' Pay and Conditions Document 2005 ("the Document").  
  
2.2 The Document applies to teachers employed in local authority maintained schools in England and Wales. It replaces the School Teachers' Pay and Conditions Document 2004 from 1 September 2005. Teachers' pay and conditions are reviewed at least annually and the pay scales for the various categories of teacher are updated in line with the appropriate pay awards. The new Document incorporates the changes which have been made since the 2004 Document was published and a number of further changes. These further changes relate primarily to the introduction of the Excellent Teacher scheme and pay safeguarding.  
  
2.2 The School Teachers' Pay and Conditions Document 2005 is laid out in 12 parts and 6 annexes. Part 1 deals with commencement and interpretation matters. Parts 2 to 7 set out how pay for the various categories of teacher is to be determined. Parts 8 to 12 set out conditions of employment for the various categories of teacher that will have effect as terms of their contracts of employment. The annexes set out the performance standards related to particular categories of teacher, the list of clerical and administrative tasks which teachers should not be expected to undertake routinely, and details of further changes to teachers' pay arrangements that will have effect from 1 January 2006.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 There are no matters of special interest to the committee.
4. **Legislative Background**
  - 4.1 The Education (School Teachers' Pay and Conditions) (No. 3) Order 2005 is made under section 122 of the Education Act 2002 ("the Act"), which provides the Secretary of State with the power to make provision for the pay of teachers and other conditions of their employment related to professional duties and working time. The

Order comes into force on 1<sup>st</sup> September 2005. The Order makes provision by reference to the Document, under section 124(3) of the Act. In accordance with section 125(1) of the Act, it makes provision about matters that have been referred to the School Teachers' Review Body ("STRB") under section 120(1) of the Act, on which STRB has reported under section 120(3). It also makes provision about matters determined by the Secretary of State in accordance with her subsidiary powers under section 125(3). Before the Order was made, the Secretary of State carried out a consultation on the Order and the Document in accordance with section 126 of the Act.

4.2 The Order applies to all school teachers within the meaning of section 122 of the Act in England and Wales. By virtue of section 122(2)(a) of the Act, the pay of school teachers to whom the Order applies is to be determined and paid to them in accordance with the pay scales and other provisions of the Document. By virtue of section 124(3)(b) of the Act, the provisions set out in the Document relating to the conditions of employment have effect as terms of the contracts of employment of school teachers to whom the Order applies.

## **5. Extent**

5.1 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 (an independent statutory body established under the School Teachers' Pay and Conditions Act 1991) 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.

7.2 The statutory consultation on the Document and pay order had the following outcomes. Five responses were received, all from teacher associations. Two minor changes to the safeguarding arrangements were made as a result of comments received from a range of parties. These were to remove the time-limits on the safeguarding of the pay of heads whose pay ranges were reduced prior to 1 September 2005, and to add redeployment to the list of circumstances in which mandatory general safeguarding should apply from 1 January 2006. A number of other minor clarifications, amendments and corrections were also made as a result of points raised.

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

7.4 Although the Document is replaced annually, the level of teachers' pay is currently subject to a two and a half year award, following recommendations made by the STRB in November 2003, of which the school year 2005-6 (the period to which this Document will apply) is the last full year.

## **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.

## **9. Contact**

Tony Dunne at the Department for Education and Skills (tel: 0207 925 6140; e-mail [anthony.dunne@dfes.gsi.gov.uk](mailto:anthony.dunne@dfes.gsi.gov.uk)) can answer any queries regarding the instrument.