



School Teachers' Pay and Conditions Act 1991

1991 CHAPTER 49

1 Establishment of review body to consider statutory conditions of employment of school teachers

- (1) The Prime Minister shall appoint a body (in this Act referred to as “the review body”) to examine and report on such matters relating to the statutory conditions of employment of school teachers in England and Wales as may from time to time be referred to the review body by the Secretary of State.
- (2) In this Act “statutory conditions of employment”, in relation to any school teachers, means their remuneration and such of their other conditions of employment as relate to their professional duties and working time.
- (3) Schedule 1 to this Act shall have effect with respect to the constitution and proceedings of the review body.
- (4) With respect to matters referred to the review body by him, the Secretary of State may give directions to the review body as to considerations to which they are to have regard and as to the time within which they are to report; and any such directions may be varied or revoked by further directions under this section.
- (5) Where a matter has been referred to the review body, they shall give notice of the matter and of any relevant direction—
 - (a) to such associations of local education authorities as appear to them to be concerned and to any local education authority with whom consultation appears to them to be desirable,
 - (b) to such bodies representing the interests of governors of voluntary schools and, subject to subsection (6) below, grant-maintained schools as appear to them to be concerned, and
 - (c) to such bodies representing school teachers as appear to them to be concerned, and shall afford every such association, authority and other body and, where subsection (6) below applies, the persons referred to in that subsection a reasonable

opportunity of submitting evidence and representations with respect to the issues arising.

- (6) If, in a case where the review body are required to give notice as mentioned in subsection (5) above, it appears to them that there is neither a body which represents nor bodies which collectively represent the interests of those governors of grant-maintained schools who appear to the review body to be concerned, then, so far as concerns the interests of those governors, it shall be a sufficient compliance with the duty of the review body under paragraph (b) of that subsection if the notice is given to such persons, being governors of grant-maintained schools, as appear to the review body to be appropriate to be representative of all the governors concerned.
- (7) Where a matter has been referred to the review body, their report shall contain their recommendations on that matter and such other advice relating to that matter as they think fit.
- (8) The review body shall send any report made by them under this section to the Prime Minister and to the Secretary of State and, upon receiving a report, the Secretary of State shall arrange for it to be published.

2 Orders relating to statutory conditions of employment

- (1) Where, following the reference of any matters to them under section 1 above, the review body have made a report, the Secretary of State may, after consulting—
 - (a) such associations of local education authorities as appear to him to be concerned and any local education authority with whom consultation appears to him to be desirable,
 - (b) such bodies representing the interests of governors of voluntary schools and, subject to subsection (2) below, grant-maintained schools as appear to him to be concerned, and
 - (c) such bodies representing school teachers as appear to him to be concerned,
 make provision by order giving effect to the recommendations of the review body, with or without modification, or making such other provision with respect to the matters referred to the review body as he thinks fit.
- (2) If, in any case where the Secretary of State is required to consult as mentioned in subsection (1) above, it appears to him that there is neither a body which represents nor bodies which collectively represent the interests of those governors of grant-maintained schools who appear to him to be concerned, then, so far as concerns the interests of those governors, it shall be a sufficient compliance with his duty under paragraph (b) of that subsection if he consults such persons, being governors of grant-maintained schools, as appear to him to be appropriate to be representative of all the governors concerned.
- (3) An order under this section is in the following provisions of this Act referred to as a “pay and conditions order”, and such an order shall either—
 - (a) contain the provision to be made; or
 - (b) refer to provisions set out in a document published by Her Majesty’s Stationery Office and direct that those provisions shall have effect or, as the case may be, be amended in accordance with the order.
- (4) A pay and conditions order may, in particular, as regards the statutory conditions of employment of school teachers do all or any of the following—

- (a) confer discretion on the local education authority or, in the case of a grant-maintained school, on the governing body of the school with respect to any matter and provide for the exercise of any such discretion, in relation to a school which has a delegated budget, by the governing body of the school;
 - (b) make provision as to the aggregate amount of allowances payable to teachers in a school;
 - (c) set lower and upper limits on the number or proportion of teachers in a school to be paid on specified scales or who are at any specified time to be paid any specified allowance;
 - (d) provide for the designation of schools in relation to which special provisions apply;
 - (e) provide for the determination of any questions arising as to the interpretation or application of the provisions set out or referred to in the order;
 - (f) make provision which is retrospective, but not so as to require the reduction of a teacher's remuneration in respect of a past period or so as to alter for any past period any other statutory condition of employment to the detriment of a teacher;
 - (g) provide that, to the extent specified in the order, matters may be settled by agreement between, or in a manner agreed between, teachers and local education authorities;
 - (h) provide, in the case of grant-maintained schools, that, to the extent specified in the order, matters may be settled by agreement between, or in a manner agreed between, teachers in such schools and the governing bodies of such schools.
- (5) Without prejudice to his power to make a pay and conditions order by virtue of subsection (1) above, after consulting the associations, authorities and other bodies referred to in paragraphs (a) to (c) of subsection (1) above and, where appropriate, such persons as are referred to in subsection (2) above, the Secretary of State may make a pay and conditions order by virtue of this subsection if—
- (a) it appears to the Secretary of State, following consultation with the chairman (or, in his absence, the deputy chairman) of the review body, that the provision proposed to be made by the order is not of so significant a nature that the matter to which it relates should be referred to the review body under section 1 above; and
 - (b) it appears to the Secretary of State to be expedient to make the provision in question.
- (6) Subject to section 3 below and to any amendment or revocation by a later pay and conditions order, the effect of a pay and conditions order is that,—
- (a) so far as it relates to remuneration, the remuneration of school teachers to whom the order applies shall be determined, and paid to school teachers by local education authorities or, in the case of school teachers in grant-maintained schools, by the governing bodies of such schools, in accordance with the scales and other provisions set out or referred to in the order; and
 - (b) so far as it relates to other statutory conditions of employment, the provisions set out or referred to in the order shall have effect as terms of the contracts of employment of school teachers to whom the order applies.
- (7) Subject to section 3 below, so far as concerns his statutory conditions of employment, the contract of employment of a school teacher shall contain no terms other than those which have effect by virtue of a pay and conditions order.

Status: This is the original version (as it was originally enacted).

- (8) Without prejudice to section 14 of the Interpretation Act 1978 (power to make an order implies a power, exercisable in the same manner etc, to revoke or amend a previous order made under that power) a pay and conditions order made by virtue of subsection (1) above may revoke or amend, or may be revoked or amended by, a pay and conditions order made by virtue of subsection (5) above.
- (9) A pay and conditions order shall be made by statutory instrument and,—
- (a) if the order gives effect without any material modification to recommendations of the review body or is made by virtue of subsection (5) above, the order shall contain a statement that it does so or, as the case may be, is so made; and
 - (b) in any other case, the statutory instrument by which the order is made shall be subject to annulment in pursuance of a resolution of either House of Parliament.

3 Special provisions as to grant-maintained schools

- (1) A pay and conditions order shall not apply to the statutory conditions of employment of the school teachers in a grant-maintained school the governing body of which—
- (a) have, by notice to the Secretary of State, made an application for exemption; and
 - (b) pursuant to that application are for the time being exempted from subsections (6) and (7) of section 2 above by virtue of an order under subsection (4) below.
- (2) Before making an application under subsection (1) above, the governing body of the grant-maintained school concerned shall consult the school teachers employed by them with respect to the proposed application.
- (3) A notice of application under subsection (1) above shall specify a date, at least three months after the date of the notice, with effect from which the governing body of the grant-maintained school concerned intend to make their own provision as to the statutory conditions of employment of the school teachers employed by them.
- (4) On receipt of a notice of application under subsection (1) above the Secretary of State shall, by statutory instrument, make an order—
- (a) naming the school; and
 - (b) specifying, as the date with effect from which, by virtue of the order, subsections (6) and (7) of section 2 above are not to apply, the date specified in the notice of application or such other date as may be agreed between the governing body and the Secretary of State.

4 Financial provisions

There shall be paid out of money provided by Parliament any expenses of the Secretary of State under this Act and any increase attributable to this Act in the sums so payable under any other Act.

5 Interpretation, orders and application of provisions of Education Act 1944

- (1) In this Act—

“contract of employment”, in relation to a school teacher, means the contract, whether a contract of service or for services, under which he performs his duties as teacher;

“pay and conditions order” has the meaning given by section 2(3) above;

“the review body” has the meaning given by section 1(1) above;

“school teacher” means, subject to subsection (2) below, a teacher employed by—

(a) a local education authority, or

(b) the governing body of a voluntary or grant-maintained school, in the provision of primary or secondary education;

“school which has a delegated budget” has the same meaning as in Chapter III of Part I of the Education Reform Act 1988; and

“statutory conditions of employment” has (subject to subsection (3) below) the meaning given by section 1(2) above;

and other expressions used in this Act have the same meaning as in the Education Act 1944.

- (2) A person employed as a teacher in an establishment maintained by a local authority in the exercise of a social services function is not a school teacher for the purposes of this Act.
- (3) For the purposes of this Act, the Secretary of State may by order made by statutory instrument provide that, with effect from the date on which the order comes into force or such later date as may be specified in or determined under the order,—
 - (a) any payment or other benefit specified in the order is, or as the case may be is not, to be regarded as remuneration; or
 - (b) any matter is, or as the case may be is not, to be regarded as falling within the professional duties or working time of school teachers.
- (4) An order under any provision of this Act may—
 - (a) make different provision for different cases, including different provision for different areas; and
 - (b) contain such incidental, supplemental or transitional provisions as the Secretary of State thinks fit.
- (5) In sections 68 and 99(1) of the Education Act 1944 (powers of Secretary of State in relation to functions of certain bodies under that Act), any reference to that Act includes a reference to this Act.

6 Citation, repeals, extent and commencement

- (1) This Act may be cited as the School Teachers' Pay and Conditions Act 1991.
- (2) This Act and the Education Acts 1944 to 1988 may be cited together as the Education Acts 1944 to 1991.
- (3) This Act has effect in place of the Teachers' Pay and Conditions Act 1987 and, accordingly, the enactments in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Status: This is the original version (as it was originally enacted).

- (4) This Act, except paragraph 5 of Schedule 1 to this Act (House of Commons disqualification), extends to England and Wales only; and that paragraph extends to the whole of the United Kingdom.
- (5) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and, without prejudice to section 5(4) above, different days may be so appointed for different provisions and for different purposes.