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STATUTORY INSTRUMENTS

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**2005 No. 3479**

**EDUCATION, ENGLAND AND WALES**

**The Education (School Teachers' Pay  
and Conditions) (No.4) Order 2005**

*Made* - - - - - *17th December 2005*  
*Laid before Parliament* *3rd January 2006*  
*Coming into force* - - - *1st January 2006*

The School Teachers' Review Body(1) have, following the reference to them of certain matters, reported to the Prime Minister and to the Secretary of State in accordance with section 120 of the Education Act 2002(2).

The Secretary of State has consulted, in accordance with section 126 of that Act, such associations of local education authorities, such bodies representing the interests of governing bodies of schools and such bodies representing the interests of teachers as appeared to her to be appropriate having regard to the contents of this Order.

In exercise of the powers conferred on the Secretary of State by sections 122(1), 123, 124 and 210(7) of that Act, the Secretary of State for Education and Skills makes the following Order:

**1.** This Order may be cited as the Education (School Teachers' Pay and Conditions) (No. 4) Order 2005 and shall come into force on 1 January 2006.

**2.—(1)** The School Teachers' Pay and Conditions Document 2005(3) is amended in accordance with the following paragraphs.

(2) In paragraph 4.4—

(a) for paragraph (a) substitute—

“(a) in the case of a member of the leadership group or an advanced skills teacher—

(i) of the basis on which his remuneration has been determined and the criteria (including performance objectives) on which his salary will be reviewed in the future; and

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(1) The School Teachers' Review Body was established by section 1 of the School Teachers' Pay and Conditions Act 1991 (1991 c. 49). Section 1 was repealed by section 215(2) of, and Part 12 of Schedule 22 to, the Education Act 2002 (c. 32) but the review body continues to exist by virtue of section 119(1) of that Act.

(2) 2002 c. 32.

(3) ISBN 0- 11- 271180- 4; the Document was given legal effect by The Education (School Teachers' Pay and Conditions (No. 3) Order 2005 (S.I.2005/2212).

- (ii) where he was appointed for a fixed period or under a fixed-term contract, of the date or, where appropriate, the circumstance, the occurrence of which will bring the fixed period or fixed-term contract to an end;” and
- (b) in paragraph (b)(iii) for “temporary” substitute “made whilst the teacher occupies another post in the temporary absence of the post-holder”.
- (3) In paragraph 25.1, for “the teacher remains in the same post, or temporary” substitute “a teacher remains in the same post or occupies another post in the temporary absence of the post-holder”.
- (4) At the beginning of paragraph 26.1 insert—  
“Subject to paragraph 26.1A”.
- (5) After paragraph 26.1 insert—  
    **“26.1A.** TLRs awarded to teachers employed under a fixed-term contract or whilst they occupy another post in the temporary absence of the post-holder shall not be safeguarded after the fixed-term contract expires or after the date or the circumstance (if occurring earlier than that date) notified to the teacher pursuant to paragraph 4.4(b)(iii) occurs.”.
- (6) In paragraph 26.3 for paragraph (e) substitute—  
    “(e) (i) the date on which the safeguarding period will end;  
        (ii) where the safeguarded sum is paid in respect of a TLR awarded to a teacher employed under a fixed-term contract, the date on which that fixed-term contract and payment of the safeguarded sum will end; or  
        (iii) where the safeguarded sum is paid in respect of a TLR awarded to a teacher whilst he occupies another post in the temporary absence of the post-holder, the date or the circumstance (if occurring earlier than that date) notified to the teacher pursuant to paragraph 4.4(b)(iii) on which the award and payment of the safeguarded sum will end; and”.
- (7) In paragraph 26.4 for paragraph (a) substitute—  
    “(a) (i) the safeguarding period ends;  
        (ii) where the safeguarded sum is paid in respect of a TLR awarded to a teacher employed under a fixed-term contract, the date on which that fixed-term contract expires; or  
        (iii) where the safeguarded sum is paid in respect of a TLR awarded to a teacher whilst he occupies another post in the temporary absence of the post-holder, the date or the circumstance (if occurring earlier than that date) notified to the teacher pursuant to paragraph 4.4(b)(iii) occurs;”.
- (8) In paragraph 48—
  - (a) in sub-paragraph 4(a) substitute “19” for “29”; and
  - (b) for sub-paragraph 5(b) substitute—
    - “(b) in relation to any management allowance—
      - (i) paragraph 24 shall not apply;
      - (ii) the allowance must be reduced by the value of any TLR awarded to the teacher from time to time; and
      - (iii) an allowance awarded for a fixed period shall only be included in the safeguarded salary for the period of that award;”.
- (9) In paragraph 49—

- (a) at the end of sub-paragraph 5(c) insert “or in the case of a teacher employed as a member of the leadership group or as an advanced skills teacher for a fixed period or under a fixed-term contract, the date or the circumstance the occurrence of which will bring that fixed period or fixed-term contract and payment of the safeguarded sum to an end”;
  - (b) at the end of sub-paragraph 6(a) insert “or in the case of a teacher employed as a member of the leadership group or as an advanced skills teacher for a fixed period or under a fixed-term contract, the date on which that fixed period or fixed-term contract ends”;
  - (c) for sub-paragraph 6(b)(iii) substitute—
    - “(iii) as a result of a subsequent determination by the relevant body, he is awarded a TLR or an SEN allowance or both, and the combined value of that payment or allowance or payment and allowance and his new pay point equals or exceeds his original salary;”.
- (10) In paragraph 3 of Annex 6—
- (a) in paragraph 48A.4, for “authority” substitute “relevant body”; and
  - (b) in paragraph 48A.4(d), omit “subject to paragraph 5.3,” and for “new” substitute “old”.

17th December 2005

*Jacqui Smith*  
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.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends The School Teachers' Pay and Conditions Document 2005 (“the Document”) with effect from 1 January 2006.

The Document makes provision for teachers to receive additional payments (‘TLRs’) for undertaking teaching and learning responsibilities and for members of the leadership group and advanced skills teachers (‘ASTs’) to be paid on separate, higher pay scales.

The Document also makes provision for such teachers to receive a safeguarded sum for a period of time where the relevant body (the governing body or the local education authority) determines, whether as a result of a change to their pay policy or to the school’s staffing structure or otherwise, that it is no longer appropriate for them to undertake these particular responsibilities or to be paid on those separate pay scales.

The principal amendments to the Document—

clarify the circumstances in which and the length of time for which the safeguarded sums for members of the leadership group, ASTs, and those to whom TLRs have been awarded will be paid, in particular in relation to those teachers who are employed under a fixed-term contract or for a fixed period; and

bring the position of teachers in receipt of management allowances who begin general safeguarding arrangements before 1 January 2006, and who are awarded a TLR, into line with that of all other teachers.