

EXPLANATORY MEMORANDUM TO
THE EDUCATION (SCHOOL TEACHERS' PAY AND CONDITIONS) (NO. 2)
(AMENDMENT) ORDER 2007

2007 No. 1688

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. 2) (Amendment) Order 2007 (“the Order”), which comes into force on 16 July 2007, replaces Annex 6 in section 2 of the document entitled “School Teachers’ Pay and Conditions Document 2006 and Guidance on School Teachers’ Pay and Conditions”, otherwise known as “the Document”. The Document makes provision for the pay and conditions of school teachers employed by local authorities or governing bodies in England and Wales, by virtue of article 4 of the Education (School Teachers' Pay and Conditions) (No. 2) Order 2006 (SI 2133).

2.2 The Order introduces revised teachers’ pay standards for post-threshold teachers, excellent teachers and advanced skills teachers, replacing standards which currently exist in the Document.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.
4. **Legislative Background**

4.1 The Education (School Teachers' Pay and Conditions) (No. 2) (Amendment) Order 2007 is made under section 122(1) of the Education Act 2002 (“the Act”), which provides the Secretary of State with the power to make provision for the remuneration of teachers and other conditions of employment related to their professional duties and working time. The Secretary of State carried out a consultation on the Order in accordance with section 126 of the Act before it was made.

4.2 The Order applies to all school teachers within the meaning of section 122(3) to (5) of the Act in England and Wales. By virtue of section 122(2)(a) of the Act, the remuneration 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.

4.3 The existing Annex 6 already sets out changes to the Document which have effect from 1 September 2007. Instead of amending the existing Annex 6, the Order substitutes a new Annex 6 for the existing one. The revised Annex 6 incorporates the

old Annex as well as introducing the revised standards and the associated amendments.

5. Extent

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The policy objectives are for the revised professional standards to provide the basis for decisions about pay progression at teachers' key career stages – specifically at the threshold and for excellent teachers and advanced skills teachers. The Order gives effect to the revised standards for pay purposes and sets out how the assessment of those standards should work, reflecting the cumulative nature of the standards. This is an important change which will be in the public interest as it affects the basis for the pay progression of key groups of teachers.

7.2 There has been significant public consultation on the content of the standards over a period of time. The Training and Development Agency for Schools (TDA) developed revised draft standards following wide consultation and Ministers undertook a further more limited consultation on the drafting of the standards once they had considered the TDA's advice.

7.3 The Secretary of State consulted representatives of teacher associations and employers on how the revised standards should be reflected in the Pay Document before making the Order. The consultation itself lasted for four weeks (the usual period for consultations under section 126). There were four responses, from the Rewards and Incentives Group, NUT, GTC and UCAC. These asked for some changes to be made in relation to some specific terminology (personalised learning and formative assessment), some exemplification to accompany the standards, commented on the assessment process and other aspects of the wording. We have revisited the references to personalised learning and formative assessment as a result and propose to develop and publish some exemplification of the standards as a separate exercise.

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 No additional impact on public sector budgets results from this Order.

9. Contact

9.1 Helen Walker at the Department for Education and Skills (tel: 0207 925 6141; e-mail helen.walker@dfes.gsi.gov.uk) can answer any queries regarding the instrument.