

EXPLANATORY MEMORANDUM TO
THE SCHOOL TEACHERS' PAY AND CONDITIONS (AMENDMENT)
ORDER 2011

2011 No. 192

1. This explanatory memorandum has been prepared by the Department for Education (“the Department”) and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 This Order amends the School Teachers’ Pay and Conditions Document 2010 (“the Document”) to which the School Teachers' Pay and Conditions Order 2010 (S.I. 2010/1979) gave effect on 1st September 2010.
 - 2.2 Modifications make changes to the number of days a teacher must be available for work and the number of hours a teacher must be available to perform their duties so teachers can benefit from the public holiday to celebrate the Royal Wedding on 29 April 2011 – or for schools to take another day off in lieu.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Context**
 - 4.1 The Order applies to all school teachers within the meaning of section 122(3) to (5) of the Education Act (EA) 2002 in England and Wales. By virtue of section 122(2)(b) of the EA 2002, the provisions of the Document which relate to conditions of employment other than remuneration have effect as terms of their contracts of employment¹.
5. **Territorial Extent and Application**
 - 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.

¹ This modification will come into force alongside the Education (School Day and School Year) (England) (Amendment) Regulations 2011 which amend the Education (School Day and School Year) (England) Regulations 1999 (S.I. 1999/3181).

7. Policy background

- 7.1 The purpose of the modifications relating to the Document is to allow teachers to benefit from the public holiday to celebrate the Royal Wedding on 29 April 2011 – or for schools to take another day off in lieu.
- 7.2 The modifications to the Document result in a reduction in the number of days a teacher employed in full time work must be required to work from 195 to 194 days, and a reduction in the number of days they will be required to teach pupils and perform other duties from 190 to 189 days. Alongside there is a corresponding reduction in the number of hours during which a teacher employed full time is required to perform their duties – from 1265 to 1258.5 hours.
- 7.3 We do not intend to consolidate the legislation as the modification will apply for one school year only.

8. Consultation outcome

- 8.1 By correspondence with the chair of the School Teachers' Review Body ("STRB") the Secretary of State sought the views of the STRB on the modifications, and the chair confirmed the STRB had no objection.
- 8.2 A two week focussed consultation has also been undertaken in relation to the proposed changes to teaching hours with statutory consultees of the Document and members of the Education Forum (a Departmental stakeholder group made up of professional organisations who consider the implications of education policy on the school workforce).
- 8.3 The consultation attracted four responses, all of which expressed no concern to the proposals. Two consultees' observations on the application of the changes at school level were in relation to school inspections, parents' child care arrangements and proportionality for part-time teachers.

9. Guidance

- 9.1 The Department does not intend to issue any detailed guidance on these modifications.
- 9.2 The modifications will be published on the Department's website alongside the Document.

10. Impact

- 10.1 The Department foresees no impact on business, charities or voluntary bodies.

- 10.2 The impact on the public sector relates to maintained schools in England and Wales to the extent that it makes changes to the conditions of teachers employed by local authorities and governing bodies.
- 10.3 An Impact Assessment has not been prepared for this instrument. This is because no impact upon the private or voluntary sectors is foreseen.
- 10.4 Any impact upon parents should be minimised by the notice that schools or local authorities give them about the local arrangements.

11. Regulating small business

- 11.1 The legislation does not apply to small business.

12. Monitoring & review

- 12.1 There will be no formal monitoring or review as the Department does not gather data on the number of days teachers are required to work or the number of hours a teacher may be required to perform their duties.

13. Contact

- 13.1 Contact Anna Ward at the Department for Education (tel: 01325 735688; e-mail anna.ward@education.gsi.gov.uk) with any queries regarding the public holiday provisions in this instrument.