

EXPLANATORY MEMORANDUM TO
THE SCHOOL TEACHERS' INCENTIVE PAYMENTS (ENGLAND) ORDER 2008
2008 No. 2099

1. This explanatory memorandum has been prepared by the Department for Children Schools and Families and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 The purpose of this Order is to ensure that incentive payments to school teachers who teach mathematics, physics or chemistry and who have successfully completed a relevant course and an accredited module on that course in order to facilitate their teaching of that subject are *not* treated as remuneration under the School Teachers' Pay and Conditions Document.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

4. **Legislative Background**

4.1 The Secretary of State may make provision for the determination of the remuneration of school teachers under section 122(1) of the Education Act 2002 and does so by reference to a document called the "School Teachers' Pay and Conditions Document" ('STP&CD'), which is replaced annually with effect from 1st September.

4.2 This Order provides that lump sum incentive payments paid to those school teachers who teach a subject in relation to which they have successfully completed a relevant course and an accredited module on that course are not to be treated as remuneration for the purpose of section 122(1) and, therefore, are not subject to any of the other provisions in the STP&CD.

5. **Territorial Extent and Application**

5.1 This instrument applies only in relation to school teachers in England

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 Pilot courses were proposed to test whether they could help teachers of mathematics, physics and chemistry who were not specialists in the subject they were teaching to enable them to teach the subjects more effectively. The School Teachers' Pay Review Body was invited to consider whether or not incentive payments for successfully completing these courses should be paid. In their 16th Report they recommended that incentives could be paid for those achieving accreditation, but they recommended that they should be paid in the same way as the payment of 'Golden Hellos'¹ - that is outside the school teachers' remuneration framework. This is consistent with their being one-off lump sum payments.

7.2 This Order is to enable these payments not to be treated as remuneration.

7.3 The principle of how such payments should be made was part of the consultation carried out by the Secretary of State following the publication in February 2007 of the School Teachers' Review Body's recommendations in its 16th Report². 20 organisations were consulted between 6 February 2007 and 5 March 2007, and responses were received from 8 organisations. 7 were broadly in favour, and one was opposed to the principle of such payments (rather than the method). No changes were made to the proposal, given that no-one objected to the method of the payments.

7.4 The Training and Development Agency for Schools were also consulted and are content with the wording of the Order and will provide guidance to local authorities and schools on how to make the payments.

8. Impact

8.1 An 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 is small. The number of people on the pilot courses will be about 250 teachers, their schools will need to certify that they are teaching the subjects concerned, and the local authorities or schools will need to make the payments.

9. Contact

Ianthe Wright at the Department for Children Schools and Families Tel: 020 7925 6355 or e-mail: ianthe.wright@dcsf.gsi.gov.uk can answer any queries regarding the instrument.

¹ The School Teachers' Remuneration Order 2000 (S.I. 2000/2324).

² Cm 7007.