
STATUTORY INSTRUMENTS

2021 No. 806

EDUCATION, ENGLAND

**The School Teachers' Pay and Conditions
(England) (Coronavirus) (Amendment) Order 2021**

<i>Made</i>	- - - -	<i>7th July 2021</i>
<i>Laid before Parliament</i>		<i>9th July 2021</i>
<i>Coming into force</i>	- -	<i>30th July 2021</i>

The Secretary of State, in accordance with section 125(2)(b) of the Education Act 2002⁽¹⁾ (“the Act”), has consulted the chair of the School Teachers’ Review Body about disapplying section 125(1) of the Act.

In accordance with section 126 of the Act⁽²⁾ the Secretary of State has consulted such of the persons and bodies referred to in that section as appeared to the Secretary of State to be appropriate.

The Secretary of State makes the following Order in exercise of the powers conferred by sections 122(1)(b), 123 and 124 of the Act.

Citation, commencement, extent and application

1. This Order may be cited as the School Teachers’ Pay and Conditions (England) (Coronavirus) (Amendment) Order 2021 and comes into force on 30th July 2021.
2. This Order extends to England and Wales.
3. This Order applies to school teachers⁽³⁾ in England.

Amendment of the School Teachers’ Pay and Conditions (England) Order 2020

4.—(1) The School Teachers’ Pay and Conditions (England) Order 2020⁽⁴⁾ is amended as follows.

- (2) In article 2(1) for “The provisions” substitute “Subject to article 2A, the provisions”.

(1) [2002 c.32](#).

(2) Sections, 122, 123 and 126 of the Education Act 2002 were amended by [S.I. 2010/1158](#).

(3) “School teachers” is defined for these purposes in section 122(3) to (6) of the Education Act 2002. The functions of the Secretary of State under sections 122 to 124, 126 and 127 of that Act, so far as they were exercisable in relation to school teachers in Wales, were transferred to the Welsh Ministers by virtue of article 39(3) of the Welsh Ministers (Transfer of Functions) Order 2018 ([S.I. 2018/644](#)).

(4) [S.I. 2020/1020](#).

(3) After article 2 insert—

“Modifications to the Document

2A. In the Document referred to in article 2(1), the provisions set out in section 2 have effect until the end of the school year⁽⁵⁾ beginning in 2020 as if—

(a) in paragraph 51.2.a), the reference to 190 days were a reference to 189 days;

(b) after paragraph 51.2.b) there were inserted—

“(c) 1 day must be a day on which the teacher may either be required to teach pupils and perform other duties or only be required to perform other duties; and”.

7th July 2021

Nick Gibb
Minister of State
Department for Education

(5) For the definition of “school year” see, by virtue of section 212(2) and (3)(f) of the Education Act 2002, section 579(1) of the Education Act 1996 (c.56). The definition of “school year” was inserted into section 579(1) by the Education Act 1997 (c.44), Schedule 7, paragraph 43; there are other amendments to section 579(1) which are not relevant to this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the School Teachers' Pay and Conditions Order 2020 ([S.I. 2020/1020](#)) ("the 2020 Order"), by inserting a new article 2A so as to modify the School Teachers' Pay and Conditions Document 2020 ("the Document"), which is given legal effect by the 2020 Order, until the end of the school year beginning in 2020. The effect of the modification is to reduce by one the number of days for which a teacher must be available to teach pupils and perform other duties in that school year, and to make a corresponding modification to allow for one day on which a teacher must be available either to teach pupils and perform other duties or only to perform other duties. This is to allow teachers to be available for an additional optional in-service training day to be taken by schools in that school year.

The modifications to the Document are published alongside the Document on the website of the Department for Education (www.education.gov.uk). It can be accessed on the Government website, at www.gov.uk. Copies are available to purchase from TSO Customer Services, PO Box 29, Norwich, NR3 1GN, telephone 0333 202 5070 or for inspection at reasonable times at the offices of the Department for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT.

The Order makes retrospective provision, under section 123(3) of the Education Act 2002, to provide that article 2A has effect on and after 1st September 2020 notwithstanding that the Order comes into force after that date.

An impact assessment has not been prepared for this Order as no impact on businesses or civil society organisations is foreseen. The impact on the public sector is minimal.