EXPLANATORY MEMORANDUM TO

THE EDUCATION (SCHOOL TEACHERS' PAY AND CONDITIONS) (NO. 2) (AMENDMENT) ORDER 2006

2006 No. 3171

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 2006 ("the Order"), which comes into force on 1 January 2007, makes minor amendments to 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 teachers employed in maintained schools 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 corrects four errors in the pay scales included in the Document in September, and also makes good some minor omissions, principally in relation to pay safeguarding provisions. All of these were identified after publication. It also makes some drafting changes and imposes publication requirements.

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

3.1 The Order is presented as an Amendment Order to the Pay Order (No. 2) 2006 (SI 2133), as it deals solely with errors and omissions, not with policy changes. The changes it makes are not retrospective.

4. Legislative Background

4.1 The Education (School Teachers' Pay and Conditions) (No. 2) (Amendment) Order 2006 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. By virtue of section 122(2)(b) of the Act, the provisions set out in the Document

which relate to conditions of employment other than remuneration have effect as terms of the contracts of employment of those school teachers to whom the Order applies.

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 corrections being made through this Order are important, but the Department is not aware of any issues which have arisen as a result of the typographical errors and minor omissions.

7.2 The Secretary of State consulted representatives of teacher associations and employers before making the Order. The consultation itself lasted for four weeks (the usual period for consultations under section 126). There were two responses, both from teacher associations. Both associations recognised the need for the changes to be made, and had no other comments.

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 The impact on the public sector relates to the budgets of maintained schools in England and Wales to the extent that it makes minor changes to the pay of certain teachers employed by local education authorities and governing bodies.

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.