EXPLANATORY MEMORANDUM TO

THE EDUCATION (SCHOOL TEACHERS' PRESCRIBED QUALIFICATIONS, ETC) (AMENDMENT) ORDER 2014

2014 No. 1063

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

2. Purpose of the instrument

2.1 The purpose of the instrument is to amend the Education (School Teachers' Prescribed Qualifications, etc) Order 2003 ("the 2003 Order") to provide that all instructors (unqualified teachers with special qualifications or experience) who are employed to teach in local authority maintained schools and non maintained special schools in England and Wales are subject to the School Teachers' Pay and Conditions Document 2013 (STPCD), which is itself given statutory force by the School Teachers' Pay and Conditions Order 2013 (S.I. 2013 / 1932), made under sections 122-124 of the Education Act 2002. The 2003 Order requires amendment because it is no longer a statutory requirement that instructors may only be appointed to carry out specified work in schools where a suitable qualified teacher or a trainee teacher is not available to teach that subject(s). The Order extends to scope of the 2003 Order so that all instructors are subject to the provisions of the STPCD and accordingly are paid on the pay ranges for unqualified teachers specified therein.

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

3.1 None.

4. Legislative Context

4.1 These regulations amend the 2003 Order which provides that unqualified teachers in local authority maintained schools and non maintained special schools are subject to the Secretary of State for Education's powers to prescribe pay and conditions.

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 the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Education (Specified Work) (England) Regulations 2012 set out the requirements which must be satisfied by persons who are not qualified teachers in order to teach in schools. These regulations were amended by the Education (School Teachers) (Qualifications and Specified Work) (Miscellaneous Amendments) (England) Regulations 2012, which removed the condition that instructors can only be appointed to carry out specified work if no suitable qualified teacher or trainee teacher is available to fill the post. The purpose of the change was to make it easier for schools to appoint talented industry experts to deliver appropriate vocational courses.

7.2 The 2003 Order provides that instructors are subject to the Secretary of State for Education's powers to prescribe the pay and conditions of employment of school teachers. Currently, under the 2003 Order, only instructors appointed where no suitable qualified or trainee teachers are available are subject to the power to prescribe pay and conditions. The 2003 Order requires amendment to remove this anomaly and reflect the Education (School Teachers) (Qualifications and Specified Work) (Miscellaneous Amendments) (England) Regulations 2012. This Order will require that all instructors are paid on the unqualified teachers' pay ranges as set out in the STPCD and not just those appointed when there are no suitable qualified or trainee teachers available.

- Consolidation

7.3 The Department is not intending to consolidate the relevant legislation.

8. Consultation outcome

8.1 There was a public consultation on the Department for Education website between 26th March and 18th May 2012 on removing the requirement that instructors should only be appointed when no suitable qualified or trainee teacher is available to teach a particular subject. The removal of these conditions has already been implemented through the Education (School Teachers) (Qualifications and Specified Work) (Miscellaneous Amendments) (England) Regulations 2012. The consultation document confirmed that instructors in local authority maintained schools and non maintained special schools would still be paid at the appropriate level of the unqualified teachers' pay scales. This was followed by a notification to stakeholders in September 2013 of the intention to amend the 2003 Order. There have been no responses to this proposal.

9. Guidance

9.1 Schools and local authorities were informed in September 2013 of the intention to amend the 2003 Order via the termly communication to schools and email to local authorities. An update confirming the change will be communicated.

10. Impact

10.1 As this instrument has no impact on business, charities or voluntary bodies, an impact assessment has not been produced.

10.2 The impact on the public sector is minimal.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The department will continue to monitor the use of instructors through the annual School Workforce Census.

13. Contact

13.1 John Joseph at the Department for Education (tel: 0207 340 8207) or email:john.joseph@gsi.gov.uk) can answer any queries regarding the instrument.