STATUTORY INSTRUMENTS

1977 No. 1501

EDUCATION, ENGLAND AND WALES

The Remuneration of Teachers (Further Education) (Amendment No. 2) Order 1977

Made - - -	*6th September* 1977
Coming into Operation	*7th September* 1977

Whereas—

(1) A Committee ("the Committee") has been constituted under section 1 of the Remuneration of Teachers Act 1965(**a**) ("the Act") for the purpose of considering the remuneration payable to teachers in all establishments of further education (within the meaning of the Further Education Regulations 1975(**b**)) maintained by local education authorities and to other further education teachers on the staff of such authorities (except teachers seconded to bodies which reimburse the employing authorities the amount of their salaries) ("further education teachers");

(2) in pursuance of section 2(2) of the Act the Committee have transmitted to the Secretary of State for Education and Science ("the Secretary of State") recommendations agreed on by them with respect to the remuneration of further education teachers;

(3) there are in force Orders made under section 2 of the Act with respect to the remuneration of such teachers, namely, the Remuneration of Teachers (Further Education) Order 1976(**c**) and the Remuneration of Teachers (Further Education) (Amendment) Order 1977(**d**);

(4) it appears to the Secretary of State that effect can more conveniently be given to the recommendations of the Committee by amending the scales and other provisions set out in the Document referred to in the said Orders, namely, the Document published by Her Majesty's Stationery Office on 25th May 1976 under the title "SCALES OF SALARIES FOR TEACHERS IN ESTABLISHMENTS FOR FURTHER EDUCATION, ENGLAND AND WALES 1976" ("the Document");

(5) in pursuance of section 2(5) of the Act the Secretary of State has prepared a draft Order (being the draft of this Order) setting out the amendments of the scales and other provisions contained in the Document which, in her opinion, are requisite for giving effect to the recommendations of the Committee; and

(6) the Secretary of State, as required by section 2(6) of the Act, has consulted the Committee with respect to the draft Order and made such modifications thereof as were requisite for giving effect to representations made by the Committee.

(**a**) 1965 c. 3.
(**b**) S.I. 1975/1054 (1975 II, p. 3676).
(**c**) S.I. 1976/824 (1976 II, p. 2088).
(**d**) S.I. 1977/61 (1977 I, p. 151).

Now, therefore, the Secretary of State, in pursuance of sections 2(6) and 7(3) of the Act, hereby orders as follows:—

Citation and Commencement

1. This Order may be cited as the Remuneration of Teachers (Further Education) (Amendment No. 2) Order 1977 and shall come into operation on 7th September 1977.

Interpretation

2. The Interpretation Act 1889(**a**) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Amendment of Document

3. The scales and other provisions contained in the Document are hereby amended:—

(a) with effect from 1st April 1976, in the manner specified in Schedule 1 to this Order;

(b) with effect from 1st April 1977, in the manner specified in Schedule 2 to this Order; and

(c) with effect from 1st September 1977, in the manner specified in Schedule 3 to this Order.

SCHEDULE 1

Amendments effective from 1st April 1976

1. For section 9 there shall be substituted the following section—

"9. Teachers in Adult Education—

(1) A full-time teacher who on 31 March 1976 was engaged in adult education shall so long as he continues to fill the same post—

(a) if he was paid on one of the scales in Appendix I to the statutory Further Education Salaries Document 1975 ("the 1975 Document"), be remunerated in accordance with the corresponding provisions of this Document;

(b) if he was remunerated otherwise than in accordance with the provisions of the 1975 Document—

(i) if his salary was determined by reference to the salary scale applicable to another occupational group (including teachers in primary and secondary schools) continue to be remunerated in accordance with such salary scale, including any addition or additions to salary awarded within the terms of the Remuneration, Charges and Grants Act 1975(**b**) to the occupational group in question;

(ii) in any other case, continue to receive the salary of which he was in receipt on 31 March 1976, enhanced in accordance with sub-sections 1(4) and 1(5) above, subject to the provisions of sub-section 1(8).

(2)(a) A full-time teacher appointed to a post in adult education created on or after 1 April 1976 shall be paid on whichever scale in Appendix IA is regarded by the local education authority as appropriate.

(b) A full-time teacher appointed on or after 1 April 1976 to fill a vacancy in a post which existed on 31 March 1976 shall be remunerated in accordance with whichever of the provisions of sub-section (1) above was applicable on 1 April 1976 to that post."

(**a**) 1889 c. 63.

(**b**) 1975 c. 57.

2. In section 17 of Part V of the Document—

(a) In sub-section (1)(a) for the words "full-time teacher in an educational establishment" there shall be substituted the words "full-time teacher in an establishment to which section 1(1) of this Document refers".

(b) For sub-section (2)(a) there shall be substituted the following sub-section—

"(2)(a) Subject to paragraphs (b) and (c), a teacher who

(i) was formerly employed in a full-time teaching post in a college of education in England or Wales maintained by a local education authority or in receipt of grant from the Secretary of State, or in an institution in respect of which a direction has been given by the Secretary of State under Regulation 3(2) of the Further Education Regulations 1975;

(ii) as a result of the closure or reorganisation of the college or, as the case may be, of that direction, on or after 1 April 1974 loses that post or would (apart from this sub-section or the corresponding section of the Document currently relating to the scales of salaries for teachers in maintained primary or secondary schools) suffer a diminution of salary; and

(iii) continues on or after that date to be employed in full-time teaching service in an educational establishment

shall while employed in an establishment to which section 1(1) of this Document refers, be deemed for all salary purposes to continue to hold a post he held immediately before the closure, reorganisation or direction, save however that no London area payment shall be payable except that payable under section 14 of this Document where the conditions of that section are satisfied."

SCHEDULE 2

Amendments effective from 1st April 1977

1. Sub-section "(a)" of section 1 of the Document shall be renumbered "(1)".

2. For sub-sections (b) to (g) of section 1 of the Document there shall be substituted the following sub-sections—

"(2) Subject as hereafter in this section provided and to the supplementary provisions relating to safeguarding (section 17), part-time teachers (section 18), and teachers in divided service (section 19), a teacher in full-time service shall be entitled to the aggregate of his salary determined under this Part, the relevant section of Part II or Part III, as the case may be, and any additional payments or allowances payable to him under Part IV.

(3) A teacher who, pursuant to the provisions of this Document which were then in force, suffered the loss or diminution of an increment which fell due for payment during the year commencing 1 August 1975 may be paid an increment on his incremental date in the year commencing 1 August 1976 equal to whichever is the greater of the following amounts—

(i) the increment or part thereof withheld; or

(ii) the increment which would have been payable to him if his incremental progression had not been interrupted by reason of the said provisions.

(4) With effect from 1 April 1976 a teacher whose remuneration does not exceed £8,500 per annun shall receive an additional payment at the rate of £312 per annum, save that if such payment would increase his rate of remuneration beyond £8,500 per annum he shall be paid such part only as will increase his rate of remuneration to that amount. Entitlement to this additional payment shall be recalculated in accordance with the provisions of this sub-section whenever there is any change in remuneration (apart from the said additional payment and the addition to salary payable under sub-section (5)) payable to a teacher under this Document, provided that no recalculation shall be made by reason of a teacher becoming eligible for an annual increment or part of such increment after 31 July 1976, except such recalculation as may be necessary to secure that his total remuneration after payment of the increment shall not exceed that to which he would have been entitled had he been in receipt of salary at the maximum of his scale on 31 July 1976.

(5) With effect from 1 April 1977 a teacher shall receive an addition to salary determined from time to time as follows—

(i) if his remuneration is less than £3,200 per annum – £132 per annum;

(ii) if his remuneration is £4,160 or more per annum – £180 per annum;

(iii) in all other cases an amount per annum equal to £28 less than 5 per cent of his annual remuneration, such amount being calculated to the nearest multiple of £3, a remainder of £1.50 being treated for the purpose of this calculation as being nearer to the next higher multiple of £3.

(6) Remuneration means—

(i) for the purpose of sub-section (4), remuneration as defined in section 7 of the Remuneration, Charges and Grants Act 1975, and

(ii) for the purpose of sub-section (5), remuneration as so defined but excluding payments under section 14 and sub-section 16(1) of the Document.

(7) Payments under sub-sections (4) and (5) of this section and any comparable payments under the statutory salaries Document for teachers in primary and secondary schools in England and Wales shall be disregarded for the purpose of determining the incremental point at which a teacher shall enter any scale.

(8) The provisions of sub-sections (4) and (5) of this section are modified as follows with regard to teachers in Adult Education—

(i) the sub-sections shall not apply to teachers whose remuneration is determined in accordance with sub-section (1)(b)(i) of Section 9;

(ii) payments under sub-section (4) shall be deferred until twelve months and under sub-section (5) until twenty-four months after the date upon which the teacher became entitled to a general pay increase if that increase took effect after 1 April 1975."

3. In section 18 of the Document, for the words "from 1 April 1976" there shall be substituted the words "from 1 April 1977".

SCHEDULE 3

Amendments effective from 1st September 1977

1. In Part III of Appendix IIA of the Document—

(i) In paragraph 2 for the words "academic year 1975–76" there shall be substituted the words "academic year 1976–77".

(ii) In paragraph 2(iv) for the words "on 1 November 1975" there shall be substituted the words "on 1 November 1976".

2. In Part IV of Appendix 1IIA of the Document—

(i) In paragraph 2(1) of the words "from 1 September 1976" there shall be substituted the words "from 1 September 1977";

(ii) In paragraph 5, for the words "after 1 September 1973 the grading applicable from 1 September 1976" there shall be substituted the words "after 1 September 1974 the grading applicable from 1 September 1977";

(iii) For paragraph 6 there shall be substituted the following paragraph:—

"6. Where, under the provisions of paragraph 5 above, a Department which was newly opened or reorganised after 1 September 1974 is placed in a grade below that in which it was placed under the corresponding provisions of the Further Education Salaries Document 1976, then in force, the existing Head of Department shall continue to receive salary on the scale appropriate to the higher grade."

3. In Part V of Appendix IIA of the Document—

(i) In paragraph 2(1) for the words "from 1 September 1976" there shall be substituted the words "from 1 September 1977";

(ii) In paragraph 4, for the words "after 1 September 1973" and "from 1 September 1976" there shall be substituted the words "after 1 September 1974" and "from 1 September 1977" respectively;

(iii) For paragraph 5, there shall be substituted the following paragraph:—

"5. Where, under the provisions of paragraph 4 above, an establishment of further education which was newly opened or reorganised after 1 September 1974 is placed in a group below that in which it was placed under the corresponding provisions of the Further Education Salaries Document 1976 then in force, the existing Principal and/or full-time Vice-Principal shall continue to receive salary determined by the local education authority from the appropriate range of salaries for the higher group."

Given under the Official Seal of the Secretary of State for Education and Science on 6th September 1977.

(L.S.)

Shirley Williams,

Secretary of State for Education and Science.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order, which gives effect to the recommendations agreed on by the Committee for the consideration of remuneration of teachers in establishments of further education amends the Document published by Her Majesty's Stationery Office on 21st May 1976 under the title "SCALES OF SALARIES FOR TEACHERS IN ESTABLISHMENTS FOR FURTHER EDUCATION, ENGLAND AND WALES 1976".

First, it provides for the payment of additional remuneration to such teachers.

Secondly, it makes certain consequential amendments to the provisions in the Document relating to the remuneration of teachers in adult education.

Thirdly, it re-phrases certain provisions relating to safeguarding of salaries, in order to correlate them with the complementary provisions in the Document setting out the scales and other provisions determining the remuneration of teachers in primary and secondary schools.

The Order has retrospective effect by virtue of section 7(3) of the Remuneration of Teachers Act 1965.

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