STATUTORY INSTRUMENTS

1987 No. 236

EDUCATION, ENGLAND AND WALES

The Remuneration of Teachers (Primary and Secondary Education) (Amendment) (No. 2) Order 1987

Made - - - -	*18th February 1987*
Coming into force	*25th February 1987*

WHEREAS:

(1) in pursuance of section 2(2) of the Remuneration of Teachers Act 1965**(a)** ("the Act"), the Committee constituted under section 1 of the Act for the purpose of considering the remuneration payable to teachers in primary and secondary schools maintained by local education authorities and to other persons employed by such authorities as teachers in the provision of primary and secondary education (except teachers in an establishment maintained by a local authority in the exercise of a social services function) ("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 such teachers ("primary and secondary education teachers");

(2) there are in force Orders made under sections 2(4) and (6) of the Act with respect to the remuneration of the teachers in question, such Orders being those specified in the Schedule to this Order;

(3) it appears to the Secretary of State that effect can most 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 7th October 1983 under the title "Scales of Salaries for Teachers: Primary and Secondary Education, England and Wales 1983"**(b)** ("the 1983 Document"), as amended by the said Orders;

(4) in pursuance of section 2(5) of the Act, the Secretary of State has prepared a draft Order setting out the amendments to the 1983 Document which, in his opinion, are requisite for giving effect to the recommendations of the Committee, and

(5) the Secretary of State, as required by section 2(6) of the Act, has consulted the Committee with respect to the draft Order and the Committee have made no representations with respect thereto:

Now, therefore, the Secretary of State, in pursuance of sections 2(6) and 7(3) of the Act, hereby makes the following Order, which is in the form of the draft:

1.—(1) This Order may be cited as the Remuneration of Teachers (Primary and Secondary Education) (Amendment) (No.2) Order 1987.

(2) This Order shall come into force on 25th February 1987.

2. The provisions contained in the 1983 Document, as amended, are hereby further amended, with effect from 25th February 1987 in the manner specified in sub-paragraphs (2), (3), (5), (6) and (11) and with effect from 16 July 1986 in the manner specified in sub-paragraphs (1), (4), (7), (8), (9) and (10) as follows–

(a) 1965 c.3.
(b) ISBN 0 11 270550 2.

(1) In section 1 (Remuneration) the word "and" where it appears after the words "(Section 18)" shall be deleted and there shall be inserted after the words "(Section 19)" the words "and unqualified teachers with comparable qualifications who are to be paid as qualified teachers (Section 20A)".

(2) In section 16 (Safeguarding)–

(a) there shall be added after sub-paragraph (ii) the following sub-paragraph–

"(iiA) where in the circumstances described in sub-paragraph (i) or (ii) a full-time teacher or a teacher in regular part-time service loses his post or would (but for this sub-section) suffer a diminution of salary or be placed on a salary scale with a lower maximum, and is thereupon employed as stated in sub-paragraph (i) but as a teacher in regular part-time service, he shall (subject, in the circumstances described in sub-paragraph (ii), to the same consent) be entitled to that proportion of the salary and allowances to which he was entitled immediately before the relevant change in circumstances which his part-time employment bears to full-time employment;";

(b) in sub-paragraph (iii) for the words "(i) or (ii)" there shall be substituted the words "(i), (ii) or (iiA)".

(3) In section 17 (Part-time Teachers and Teachers employed on a Short Notice Basis)–

(a) sub-section (c) shall be deleted; and

(b) in sub-section (d) for the words "sub-sections (b) or (c) apply" there shall be substituted the words "sub-section (b) applies".

(4) After section 20 there shall be added the following paragraphs–

"20A. Circumstances in which an unqualified teacher is to be paid as a qualified teacher

Where an unqualified teacher–

(i) has successfully completed a course which the authority by whom the teacher's remuneration is paid is satisfied is comparable to a course such as is mentioned in paragraph 2(*a*)(i) of Schedule 5 to the Education (Teachers) Regulations 1982**(a)** and

(ii) unless he so completed the course before 1st September 1984, has attained in mathematics and in English the standard required to attain in the subject in question either a grade C in the examinations for the General Certificate of Education at ordinary level or a grade 1 for the examinations for the Certificate of Secondary Education

he shall, for a period not exceeding one year from the date of his first appointment as a teacher in England and Wales after successfully completing the said comparable course or until the Secretary of State declines to approve that course as comparable for the purposes of paragraph 2(*b*) of that Schedule, whichever is the sooner, be paid as a qualified teacher.

20B. Lump sum on becoming a qualified teacher

On being notified after 16th July 1986 that he is a qualified teacher a teacher shall be paid a lump sum by any authority by whom his remuneration has been paid in the year preceding his date of qualification or (if a shorter period) in the period between his relevant date (as defined for the purpose of Appendix III and its annexes) and his date of qualification, such lump sum to be equivalent to the difference (if any) between the remuneration he received from that authority during that period and the remuneration he would have received from them as a qualified teacher."

(5) In Appendix II, Part A, paragraph 6(3)**(b)**–

(a) there shall be substituted for sub-paragraph (*d*) the following sub-paragraph–

"(d) the year beginning 1 April 1983

from the period 1 April 1987 to 31 March 1988 on (a) the average of unit totals for 1985, 1986 and 1987 or (b) the unit total for 1987 or (c) the estimated unit total for 1987 whichever is the greatest. Where a new head or deputy head teacher is appointed during the period 1 April 1987 to 31 March 1988, the head or deputy head teacher scale applicable shall be based on whichever of (a) or (b) is the greater;";

(a) S.I. 1982/106.

(b) Sub-paragraph (*d*) was substituted by S.I. 1986/559 and sub-paragraph (*g*) added by S.I. 1987/137.

(b) there shall be added after sub-paragraph (*g*) the following sub-paragraph–

"(h) the year beginning 1 April 1987

from the date of opening or reorganisation until 31 March 1991 on the estimated unit total for 1991.".

(6) In Appendix II, Part B, in paragraphs 3 and 4**(a)** there shall be substituted for the date 1986 wherever it appears the date 1987.

(7) In Appendix III–

(a) in sub-paragraphs (1) and (2) of paragraph 5 the word "post-qualified" wherever it appears shall be deleted; and there shall be inserted after the words "remunerated experience" wherever they appear the words "following his relevant date";

(b) after paragraph 5 there shall be added the following paragraph–

"5A. In this Appendix and its annexes "relevant date" shall mean–

(a) in the case of a teacher qualified before 16 July 1986 his date of qualification;

(b) in the case of a teacher qualified after 16 July 1986 the date on which–

(i) he obtained the qualification or successfully completed the course, or (if later)

(ii) he completed any requisite period of service or experience

which led to his being notified by the Secretary of State, pursuant to Schedule 5 to the Education (Teachers) Regulations 1982 that he was a qualified teacher; and

(c) in the case of an unqualified teacher to whom section 20A applies the date on which he successfully completed the comparable course there mentioned;".

(8) In paragraph 3(b) of annex A to Appendix III there shall be substituted for the words "after service as a qualified teacher" the words "following service after the relevant date".

(9) In annex B to Appendix III–

(a) in the heading, for the words "date of qualification" there shall be substituted the words "relevant date";

(b) in paragraph 1, for the words "Pre-qualified gainful employment" there shall be substituted the words "Gainful employment undertaken prior to the relevant date";

(c) in paragraph 1(ii), for the words "date of qualification" there shall be substituted the words "relevant date";

(d) in paragraph 2 the words from "either" to "and who" shall be deleted and for the words "date of qualification", wherever they appear, there shall be substituted the words "relevant date";

(e) in paragraph 3, for the words "date of qualification" there shall be substituted the words "relevant date".

(10) In annex C to Appendix III–

(a) in the heading, for the words in brackets there shall be substituted the following words "other than gainful employment undertaken, in the case of a qualified teacher, before the relevant date";

(b) for sub-paragraph 2(b) there shall be substituted the following sub-paragraph–

"(b) in the case of qualified teachers, before the relevant date.".

(11) In annex D to Appendix III for the note to paragraph 2 there shall be substituted–

"(NOTE—The courses referred to in sub-paragraphs (i) and (ii) above are prefixed by the letters C or D in the Department of Education and Science and Welsh Office Education Department publication entitled "Long Courses for Teachers 1986–1987". In the 1983–1984 publication they are described in sections A and S and in earlier equivalent publications in the corresponding sections.)".

(a) These paragraphs were substituted by S.I. 1984/1650 and most recently amended by S.I. 1987/137.

SCHEDULE

Orders in force relating to the remuneration of primary and secondary education teachers.

Order	*Reference*
The Remuneration of Teachers (Primary and Secondary Education) Order 1983	S.I. 1983/1463
The Remuneration of Teachers (Primary and Secondary Education) (Amendment) Order 1984	S.I. 1984/1650
The Remuneration of Teachers (Primary and Secondary Education) (Amendment) Order 1986	S.I. 1986/559
The Remuneration of Teachers (Primary and Secondary Education) (Amendment) Order 1987	S.I. 1987/137

Kenneth Baker

18th February 1987 — Secretary of State for Education and Science

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends, with effect from 25th February 1987 (paragraph 2(2), (3), (5), (6) and (11)) or with effect from 16 July 1986 (paragraph 2(1), (4), (7), (8), (9) and (10)) the provisions contained in the document setting out the scales and other provisions for determining the remuneration of teachers in primary and secondary schools maintained by local education authorities and certain other teachers employed by such authorities. This document, entitled "Scales of Salaries for Teachers: Primary and Secondary Education, England and Wales 1983", which has been amended by the Orders listed in the Schedule, is published by Her Majesty's Stationery Office and may be obtained from Government bookshops or through booksellers. The Order gives effect to recommendations of the appropriate Burnham Committee under section 2 of the Remuneration of Teachers Act 1965 ("the Act").

The main amendments are, first, that the provisions in section 16 of the document designed to safeguard the remuneration payable to a teacher who loses his post or would suffer a diminution in salary or be placed on a salary scale with a lower maximum are extended to teachers in regular part-time service (paragraph 2(2)). Secondly, section 17(*c*), which provides that a teacher employed throughout a term on a day to day basis shall be paid the same as if he had been employed in regular service, is deleted (paragraph 2(3)). The pay of such teachers will in future be governed by section 17(*b*). Thirdly, provision is made for unqualified teachers to be paid as qualified teachers where they have comparable qualifications (paragraph 2(4)). Fourthly, provision is made for payment of a lump sum to a teacher who becomes a qualified teacher while employed by an authority (paragraph 2(4)). Finally, provision is made so that, for a teacher who qualifies after 16 July 1986, the point of reference for certain incremental credit is the date on which he obtained the qualification, successfully completed the course or completed any requisite period of service or experience which led to his becoming a qualified teacher (paragraph 2(7)(b)).

The retrospective effect of paragraph 2(1), (4), (7), (8), (9) and (10) is authorised by section 7(3) of the Act.

80p net

ISBN 0 11 076236 3

Printed in UK for HMSO by Bemrose Security Printing, Derby 860/5088 WO 226 C20 2/87