EXPLANATORY MEMORANDUM TO

THE SCHOOL TEACHERS' PAY AND CONDITIONS (ENGLAND) ORDER 2025

2025 No. 892

1. Introduction

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

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 Catherine McKinnell, Minister for School Standards at the Department for Education confirms that this Explanatory Memorandum meets the required standard.

2.2 Patrick Carey, Director of School Workforce, at the Department for Education confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Dominic Mahon at Department for Education, at dominic.mahon@education.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The School Teachers' Pay and Conditions (England) Order 2025 ("the Order") sets out the remuneration and some conditions of employment for certain school teachers by giving effect to section 2 of the "School Teachers' Pay and Conditions Document 2025 and Guidance on School Teachers' Pay and Conditions" dated 16 July 2025 ("the Document"). The provisions of the Document have effect from 1st September 2025.

4.2 The Document applies to teachers employed in local authority-maintained schools in England.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdictions which the instrument forms part of the law of) is England and Wales.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

5. Policy Context

What is being done and why?

5.1 The Order is generally made annually and serves to introduce new pay and allowance ranges in the national pay framework for school teachers in maintained schools in England, together with any changes to their statutory conditions of employment as set

out in section 2 of the Document. Any changes to section 2 of the Document are the result of a statutory process and such changes are implemented through an order. Non-maintained schools, including academies and free schools, currently have the freedom and flexibility to adopt pay and conditions arrangements for their teachers which best reflect their local circumstances. However, most of these follow the Document. Following Royal Assent of the Children's Wellbeing and Schools Bill that is currently progressing through Parliament, academies will also be required to adhere to a pay floor that will be set out in the pay and conditions document and to "have regard" to the whole of the pay and conditions document.

5.2 The provisions in section 2 of the Document that differ substantively from those in section 2 of the previous version (as given effect by a previous instrument and now revoked by the Order) are the result of a statutory process. The first stage of this process usually requires a formal reference of matters concerning the remuneration and/or other relevant conditions of employment of school teachers to be made to the School Teachers' Review Body ("STRB"), which then reports on those matters. The Secretary of State, and usually a range of stakeholders including the national representatives of teachers and teacher employers, each have the opportunity to submit evidence and make representations to the STRB on those matters before the report is finalised. The Secretary of State considers the STRB's report and publishes it. The Secretary of State determines how and to what extent the recommendations in the report should be implemented and then conducts their own statutory consultation on proposed revisions to the Document and the draft Order before it is made.

5.3 On 30 September 2024, the Secretary of State asked the STRB for its recommendation on the adjustments that should be made to the salary and allowance ranges for classroom teachers, unqualified teachers, and school leaders in 2025/26, together with an assessment of any changes to flexibilities around Teaching and Learning Responsibility ("TLR") payments concerning the existing pro-rata rule. The Secretary of State also asked the STRB for its views on how the current framework can best support teachers from all backgrounds and with protected characteristics, including by promoting flexible working. The remit letter also advised that the Secretary of State wished the STRB to consider its recommendations on pay within the context of "the cost pressures that schools are already facing and may face over the year (and how they affect individual schools)", alongside other factors.

5.4 Section 121 of the Education Act 2002 requires the STRB to consult with the Secretary of State and such of the persons and bodies referred to in section 121(2) of that act as appears to the STRB to be appropriate to consult before reporting on a matter referred to them. On 22nd May 2025, following submission of evidence from the Secretary of State and the representative bodies to the STRB, the government laid before Parliament the STRB's 35th report[1], and its proposed response to that report.

5.5 In its 35th Report, the STRB recommended a 4% increase to all pay and allowance ranges and advisory points. The STRB also recommended a change to how specific TLR payments are calculated and paid (moving from a pro-rated system based on contracted hours to one that is based on the proportion of duties the individual undertakes) and also suggested that the Secretary of State go further to help promote flexible working.

[1] STRB's 35th Report - https://www.gov.uk/government/publications/school-teachers-review-body-35th-report-2025

5.6 As set out in the Written Ministerial Statement[2] of 22nd May 2025, the Secretary of State accepted the STRB's recommendations in full and launched a 7 week consultation (with the statutory consultees engaged by the STRB) on proposed revisions to the previous School Teachers' Pay and Conditions Document to reflect the accepted recommendations, together with the proposed draft Order giving legal effect to the revised Document. This consultation exercise is addressed at Paragraph 7 below.

5.7 The revised Document will come into force on 1st September 2025.

What was the previous policy, how is this different?

5.8 This Order is a Statutory Instrument (usually made annually) that gives effect to the latest school teachers' pay award and any other changes to their statutory terms and conditions as set out in the Document and determined through the relevant statutory process set out above.

6. Legislative and Legal Context

How has the law changed?

6.1 The Order 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 certain school teachers and other conditions of employment related to their professional duties and working time.

6.2 The Order makes provision by reference to the provisions of the Document under section 124(3) of the Act. In accordance with section 125(1) of the Act, the Order makes provision about matters that have been referred to the STRB under section 120(1) of the Act, on which the STRB has reported under section 120(3). In accordance with section 120(4) of the Act, the report of the STRB has been published.

6.3 In accordance with section 126 of the Act, and before making the Order, 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. #

6.4 The Order applies to all school teachers as defined in section 122(3) to (6) of the Act in England. By virtue of section 122(2)(a), their remuneration is to be determined and paid in accordance with the pay ranges and other provisions of the Document. By virtue of section 122(2)(b), the provisions of the Document which relate to conditions of employment other than remuneration have effect as terms of their contracts of employment. The Order revokes the School Teachers' Pay and Conditions (England) Order 2024.

6.5 Section 1 of the Document summarises the changes to pay and conditions and associated guidance since the previous 2024 order and other relevant information about the Document. Section 2 of the Document reproduces the text in Section 2 of the previous version but with changes relating to the application of the September 2025 pay award and the two additional changes relating to TLR payments and flexible working, as referenced in paragraph 5.5 above.

6.6 Section 2 of the Document is laid out in seven parts and five annexes. Parts 1 to 6 set out how pay and allowances for the various categories of teacher are to be determined. Part 7 sets out conditions of employment for the various categories of teacher that will

[2] Written Ministerial Statement - https://questions-statements.parliament.uk/written-statements/detail/2025-05-22/hcws664

have effect as terms of their contracts of employment. The annexes to section 2 of the Document set out the performance standards for teachers, interpretation matters, advisory pay points and information on administrative tasks. Section 3 of the Document is statutory guidance to accompany the provisions in section 2 and replaces the previous section 3.

Why was this approach taken to change the law?

6.7 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 On 22nd May 2025 the Secretary of State launched a 7 week consultation (with the statutory consultees engaged by the STRB) on proposed revisions to the previous School Teachers' Pay and Conditions Document to reflect the accepted recommendations, together with the proposed draft Order giving legal effect to the revised Document.

7.2 Six of the eight (excluding the Department) consultees to the process responded to the consultation. Only the National Governance Association and the British Association of Teachers of the Blind provided no response.

7.3 The Association of School and College Leaders ("ASCL") were pleased with the timing of this year's report, stating that "It makes a huge difference to school leaders to know the details of the pay award and any related funding well before the end of the summer term". They welcomed this year's pay award and the fact that it was higher than the government's affordability figure. However, they criticised the lack of a fully funded award and that pay levels continue to be eroded. ASCL were fully supportive of the new TLR payment arrangements and the additional guidance on flexible working. They also called on the government to fully remove performance related pay ("PRP") from the pay system. They highlighted the concern around working hours for the whole profession, but especially their members. They were also concerned about and critical of the STRB's comments around pension flexibility.

7.4 The National Association of Head Teachers ("NAHT") "hugely" welcomed the timing around this year's process and the commitment to improve it further in the next pay round. While they also welcomed the credibility and independence of the STRB's report and the acceptance of this year's pay uplift, they stated that it has "only just been sufficient to finally arrest a more than decade-long decline in teachers' and leaders' real terms earnings". They also noted that "measured against other similar graduate occupations pay competitiveness for teaching professionals is once again on the slide", and they claim this is leading to a supply crisis at all levels of the profession. On equality and inclusion, they believe the government should remove the threshold arrangements between the main and upper pay range and move to fully automatic pay progression, reinstate the leadership pay range spine points (as we have to teachers) and fully remove PRP from the system. NAHT approve of the change to move away from pro-rating TLR payments based on contracted hours. They support an increase in flexible working but "dispute the STRB's bald conclusion that there is a 'culture of negative responses". Instead, there are genuine barriers and funding issues that are difficult to overcome". On the matter of a multi-year pay award, they were supportive of the principle, subject to suitable safeguards. On targeted pay they reiterated their fundamental objection to it, believing it to be divisive and a driver of new sources of pay inequality and inequity. With regard to the STRB's observation

on pensions, NAHT stated that "any change in pension arrangements to move away from a defined contribution scheme will offer inferior terms, conditions and value for teaching professionals, when compared to the Teachers' Pension Scheme."

7.5 NASUWT (previously known as the National Association of Schoolmasters Union of Women Teachers) welcome the early timing of the STRB report and that the STRB "asserted its independence" in relation to the pay award and NASUWT welcome the 4% pay uplift. They also warmly welcome the TLR changes and the new flexible working guidance. NASUWT also supported the government's position of considering further the position around PRP. They were though critical of school funding and called for all pay awards to be fully funded.

7.6 The National Education Union ("NEU") state that while last year's pay award was a welcome start in halting the erosion of teacher pay, this year's award will "will mean yet another real terms cut against RPI inflation". They call for a further £600m in funding, claiming that "mainstream school funding will increase by just 2.8% or 3.4% per pupil; 75% of primary schools will not have a sufficient increase in funding to cover their costs; and the same is true of 92% of secondary schools". NEU call for the restoration of mandatory pay spine points for all teachers and leaders as a means of tackling problems with equality and inclusion in the pay system. They also call for the complete removal of PRP and the reintroduction of fully automatic pay progression for all. They broadly welcome the changes to TLR payments. On workload, NEU state that "excessive workload, heightened intensity of work, and a lack of wellbeing are the key reasons teachers and leaders leave the profession, fuelling a recruitment and retention crisis", and the call for a cap on working hours. They were also critical of any moves to make pensions more flexible.

7.7 Like the other consultees, Community welcomed the pay uplift, reporting that many members were satisfied with it, but expressed frustration that the award was not fully funded. They also stated that despite recent pay awards, pay "continues to fail to maintain parity with other graduate roles". They also called for Planning, Preparation and Assessment ("PPA") time to be increased.

7.8 As in previous years, the unions also produced a joint response, that reiterated the key messages that they each set out in their individual responses.

7.9 The response from the National Employers Organisation of School Teachers ("NEOST") welcomed the early pay award announcement and believes the level of award to be appropriate. They also welcomed the additional £615m funding to support schools to implement the pay award but call for the Government to provide sufficient financial support to ensure all schools can implement the pay award in full without making significant detrimental adjustments. They say their survey data indicates that "without additional funding, schools may be forced to take measures that could negatively impact the quality of education". They also support the publication of the next STRB remit in July. NEOST broadly support the change to TLRs but say some schools consider that there may be implementation challenges around perceived fairness

8. Applicable Guidance

8.1 Section 3 of the Document contains statutory guidance (in accordance with section 127(1) of the Act) about the procedure to be followed in applying the provisions of the Order.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because no impact on business is foreseen.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies.

9.3 The legislation does not impact small or micro businesses.

9.4 The impact on the public sector is that relating to the budgets of maintained schools in England to the extent that it makes changes to the pay and conditions of teachers employed by local authorities and governing bodies.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is that any changes identified as necessary whilst the Order is in force are noted for potential inclusion in the next iteration of the Document. These matters, together with any feedback from relevant stakeholders is taken into consideration when the statutory process for the next pay award and iteration of the Document commences.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 The Minister for School Standards has made the following statement regarding Human Rights:

"In my view the provisions of The School Teachers' Pay and Conditions (England) Order 2025 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").