EXPLANATORY MEMORANDUM TO

THE SCHOOL TEACHERS' PAY AND CONDITIONS (ENGLAND) ORDER 2026

2026 No. 1096

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.

2. Declaration

2.1 Georgia Gould, 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 the Department for Education can be contacted by email at the following address with any queries regarding the instrument: Dominic.mahon@education.ac.uk. Alternatively, the department can be contacted by telephone: 0370 000 2288.

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 2026 ("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 2026 and Guidance on School Teachers' Pay and Conditions" dated 16th October 2026 ("the Document"). The provisions of the Document have effect from 1st September 2026.

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. In the future, and as a result of new powers granted to the Secretary of State under the Children's Wellbeing and Schools Act 2026 ("CWSA"), academy schools and alternative provision academies will be required to adhere to a pay floor that will be set out in section 2 of the Document and to "have regard" to the Document when determining the pay and conditions of employment for academy teachers. We anticipate that these requirements will apply from September 2027 as they require certain provisions of the CWSA to be commenced and/or exercised in the first instance.

5.2 The provisions in section 2 of the Document that differ substantively from those in 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 22nd July 2025, 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 2026/27, 2027/28 and an indicative assessment for 2028/29. Additionally, the Secretary of State asked for an assessment of whether the current salary safeguarding period should be reduced and whether to introduce the option for maintained schools to offer non-consolidated payments (including bonuses). The Secretary of State also asked the STRB for its views on the current working hours arrangement within section 2 of the Document for teachers and leaders. 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 coming years (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 1st July 2026 following submission of evidence from the Secretary of State and the representative bodies to the STRB, the government laid before Parliament the STRB's 36th report[1], and its proposed response to that report.

5.5 In its 36th Report, the STRB recommended a pay uplift of 3.5% for all teachers and leaders for 2026/27, except for the Unqualified Teacher Pay Range Minimum (Rest of England), where a 5% uplift was recommended for 2026/27, 3% for all teachers and leaders for 2027/28 and an indictive uplift of 3% for 2028/29. The STRB also

[1] STRB's 36th Report – https://assets.publishing.service.gov.uk/media/6a4623ac732d8e7ce5f53afb/STRB_36th_Report_2026.pdf

recommended reducing the salary safeguarding period to at least one full academic year and allowing schools the flexibility to offer modest non-consolidated rewards to recognise excellence alongside pay. The STRB also provided views on working hours, including a proposal to add more flexibility regarding INSET days and reinforcing protections on leaders' working time.

5.6 As set out in the Written Ministerial Statement[2] of 1st July 2026, the Secretary of State accepted the STRB's recommendations on the pay award for 2026/27 and 2027/28, alongside its recommendation to allow schools to offer modest non-consolidated rewards. The Secretary of State also agreed to implement the STRB's suggestions on INSET day flexibility and to clarify protections on leaders' working time. However, after careful consideration, and further review of the evidence put forward by statutory consultees, the Secretary of State decided not to proceed with the STRB's recommendation to reduce the salary safeguarding period and to instead retain the existing 3-year protection for teachers at this current time.

5.7 In addition to the changes arising from the STRB's report, three further changes have been made to section 2 the Document. The first two changes are considered "subsidiary" provisions under Section 125(2)(a) and 125(3) of the Education Act 2002 and therefore do not require a referral to the STRB. The first is to streamline and simplify elements of the salary safeguarding chapter, without changing the policy position. The second removes references to the temporary arrangements applying to the calculation of Teaching and Learning Responsibility ("TLR") 1 & TLR 2 payments during 2025/26, because the changes introduced in this area last year were done so on a phased basis (being voluntary from 1st September 2025, but mandatory from 1st September 2026). As we are now in the mandatory implementation period as determined last year, the temporary/voluntary provisions for 2025/26 have been removed. The third change made to section 2 of the Document is to clarify that pay progression for teachers on the upper pay range can be considered annually or every two years, depending on the school's pay policy. For this change, the Secretary of State consulted the STRB chair on disapplying the requirement for a formal STRB referral, as permitted under Section 125(2)(b) of the Education Act 2002. The STRB Chair was satisfied with this change and agreed with our approach.

5.8 The Written Ministerial Statement also launched a 12-week consultation (with the statutory consultees engaged by the STRB) on proposed revisions to the previous version of the Document to reflect the accepted recommendations and the other changes noted above, together with the proposed draft Order giving legal effect to section 2 of the revised Document. This consultation exercise is addressed at Paragraph 7 below.

5.9 The Order and revised Document will come into force on 6th November 2026, with the provisions of the Document backdated to (having retrospective effect from) 1st September 2026.

What was the previous policy, how is this different?

5.10 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 section 2 of the Document and determined through the relevant statutory process set out above.

[2] Written Ministerial Statement –https://questions-statements.parliament.uk/written-statements/detail/2026-07-01/hcws171

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 Secretary of State has referred certain matters to the STRB under section 120(1) of the Act, other than three matters not requiring such a referral (as detailed above). Two of these are matters which the Secretary of State thinks are subsidiary in accordance with section 125(2)(a) and (3) of the Act. The third is a matter on which the Secretary of State has consulted the chairman of the STRB on disapplying section 125(1) of the Act, in accordance with section 125(2)(b) of the Act. 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 in section 2 of the Document. By virtue of section 122(2)(b), the provisions of section 2 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 2025.

6.5 Section 2 of the Document, which is given legal effect by the Order, reproduces the text in section 2 of the previous version but with changes relating to the application of the 2026/27 and 2027/28 pay award and the additional changes referenced in paragraphs 5.6 and 5.7 above.

6.6 Whilst not given legal effect by the Order itself, section 1 of the Document is introductory and summarises the changes to pay and conditions and associated guidance since the previous 2025 order and provides other relevant information about the Document and the status of its various sections. 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 1st July 2026 the Secretary of State launched a 12-week consultation (with the statutory consultees engaged by the STRB) on proposed revisions to the previous version of the Document to reflect the accepted recommendations and the other changes noted above, together with the proposed draft Order giving legal effect to a revised section 2 of the 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 process but criticised the delay in publishing the report and the consultation. They welcomed the two year pay uplift but "remain concerned about the continuing divergence between school teacher and further education pay". While they also welcomed the additional funding to support the pay uplift in schools they had strong concerns about affordability at school level. They welcomed the decision not to accept the recommendation on reducing the salary safeguarding period. ASCL were slightly less critical than the other unions of the non-consolidated recognition scheme but had the same concerns around fairness of implementation in schools and worries around it being a reintroduction of some form of performance related pay. They were "delighted that the Secretary of State acted on the STRB's suggestion around leaders' working time and welcome the clarity around reinforcing the existing work-life balance clause".

7.4 The National Association of Head Teachers (NAHT) were critical of the delay between the Government receiving the STRB's report in February and publishing it in July. They welcomed the pay uplifts for 2026/7 and 2027/28 saying it represented "a small uplift above the headline rate of CPI inflation. It represents another small step in the right direction towards the restoration teachers' and school leaders' real terms salaries to 2010 levels." They also welcomed the additional funding to support schools. However they said that this still represented a lack of pay competitiveness between teachers and comparable professions. They welcomed the STPCD changes to strengthen protections for working hours for teacher. They welcomed the Government's decision not to implement changes to salary safeguarding. They were critical of the decision to implement the modest non-consolidated recognition scheme, which they say has been rejected by all unions – believing that this could represent a return in part to performance related pay.

7.5 NASUWT (previously known as the National Association of Schoolmasters Union of Women Teachers) claim that this year's pay award fails to protect schools from rising inflation and continues the erosion of pay levels since 2010. They recognise the recent clarification on funding the pay award, but state "that this does not mean that additional funding is going into school budgets, and the picture is complicated at individual school level". To fix what they see as the current teacher recruitment and retention crisis "government must commit to pay increases significantly above RPI inflation to achieve full pay restoration". They reject the non-consolidated reward scheme stating that it "ignores all education unions' consensus and provides a recipe for inequality, unfairness and inconsistencies".

7.6 The National Education Union (NEU) were critical of this year's pay award, stating that while it was marginally above RPI, over the longer term it "may well turn out to be yet another pay cut against RPI inflation. They went on to say that the continuing erosion in pay competitiveness with other professions is having a seriously damaging impact on recruitment and retention. NEU welcomed the decision not to reduce the salary safeguarding period. They claimed that enabling schools to make "modest" non-consolidated awards and allowing schools to define the arrangements and determine the criteria was "a certain recipe for unfairness, not to mention the additional workload and conflict it will create in schools".

7.7 Like the other consultees, Community criticised the pay award timing and while welcoming the two year uplift, they also raised concerns about competitiveness. They were also critical of the non-consolidated award recognition scheme. They welcomed the recommendation to codify the accepted local practices around twilight INSET sessions and split-day training as "practical and sensible". They also welcomed the strengthened protections for leaders working hours saying but would like to see this "further reinforced with the right to disconnect in evenings, and at weekends and during school closure periods".

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. Of note is their strength of feeling that the STRB has underplayed the extent of the damage caused by using CPI inflation to underpin its analysis. They claim that RPI inflation is the appropriate measure for pay bargaining and that teacher pay has been cut in real terms by more than a fifth against RPI since 2010.

7.9 The response from the National Employers Organisation of School Teachers (NEOST) provided detailed survey evidence from school employers. They welcomed the two years pay deal saying "it provides greater certainty for schools and is broadly considered to strike a reasonable balance between recruitment and retention needs and affordability". They also welcomed the additional funding though raised concerns that some schools would still struggle to fund the pay uplift. They welcomed the acknowledgement that school leaders needed "protected time for rest, recovery and to aid their wellbeing and so this proposal was regarded as a positive step". NEOST welcomed the decision to reject the recommendation on changing the salary safeguarding process but said that the simplified salary safeguarding chapter was a definite improvement. They agreed with the Department's policy intention that where schools could afford to, the option of awarding 'modest' recognition payments would be "helpful but should be reserved for genuinely exceptional contributions beyond normal role expectations". NEOST welcomed the clarity in the STPCD around frequency of upper pay range pay progression decisions.

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 2026 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").