

Explanatory Memorandum to the School Teachers' Pay and Conditions (Wales) (Amendment) Order 2020.

This Explanatory Memorandum has been prepared by the Education and Public Services Department and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the School Teachers' Pay and Conditions (Wales) (Amendment) Order 2020. I am satisfied that the benefits justify the likely costs.

Kirsty Williams
Minister for Education
17 March 2020

PART 1

1. Description

The School Teachers' Pay and Conditions (Wales) (Amendment) Order 2020, which comes into force on 15 April 2020, amends the School Teachers' Pay and Conditions (Wales) Order 2019.

The School Teachers' Pay and Conditions (Wales) Order 2019 makes provision for the remuneration and conditions of employment of school teachers in Wales, to be determined by reference to the provisions set out in section 2 of the School Teachers' Pay and Conditions (Wales) Document 2019 and guidance on school teachers' pay and conditions ("STPCD").

This Order amends article 1(3) of the School Teachers' Pay and Conditions (Wales) Order 2019 to include provision about publication of the STPCD.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

Article 2 of the School Teachers' Pay and Conditions (Wales) (Amendment) Order 2020 addresses the technical reporting point raised by the Constitutional and Legislative Affairs Committee ("CLAC") in their report on the School Teachers' Pay and Conditions (Wales) Order 2019 dated 23 October 2019.

3. Legislative background

This Order is made under sections 122, 124 and 126 of the Education Act 2002 ("the Act"). These functions were transferred to the Welsh Ministers on 30 September 2018 from the Secretary of State for Education via the Welsh Ministers (Transfer of Functions) Order 2018.

Section 122(1) of the Act provides the Welsh Ministers with the power to make provision for the remuneration of school teachers in Wales and other conditions of employment related to their professional duties and working time.

Section 124(3) of the Act provides that an order made under section 122 can make provision through a document, which must also be published.

Section 126 of the Act requires the Welsh Ministers to consult those appropriate bodies they feel relevant before making any order under section 122.

This Order is being made under the negative resolution procedure.

4. Purpose and intended effect of the legislation

The overall policy aim is to make provision for the remuneration and conditions of employment of school teachers in Wales, to be determined by reference to the provisions set out in section 2 of the STPCD.

This Order amends the School Teachers' Pay and Conditions (Wales) Order 2019 to include provision about publication of the STPCD. The purpose of this is to provide clarity to the user of the legislation on where the STPCD is published.

5. Consultation

A shortened two week stakeholder consultation ran from 24 February 2020 to 9 March 2020 on the proposed minor technical amendment to the School Teachers' Pay and Conditions (Wales) Order 2019. The consultees included; local authorities, teacher unions and diocesan authorities, all of whom are represented on the Teachers' Pay and Conditions Partnership Forum.

There was no disagreement to the minor technical amendment contained in the draft School Teachers' Pay and Conditions (Wales) (Amendment) Order 2020.

6. Regulatory Impact Assessment

The requirement for a Regulatory Impact Assessment ("RIA") has been assessed against the RIA code for subordinate legislation. In this instance, an RIA was not considered necessary.

This statutory instrument is made as a consequence of comments made by CLAC and is intended to clarify where the STPCD is published. It comprises a minor amendment to the School Teachers' Pay and Conditions (Wales) Order 2019 and has no policy impact.