

SL(6)351 – The School Teachers’ Pay and Conditions (Wales) Order 2023

Background and Purpose

The School Teachers’ Pay and Conditions (Wales) Order 2023 (“the Order”) makes provision for the determination of the remuneration of school teachers (within the meaning of section 122 of the Education Act 2002) in Wales and other conditions of employment of school teachers in Wales which relate to their professional duties and working time.

The Order makes this provision by reference to section 2 of a document entitled “School Teachers’ Pay and Conditions (Wales) Document 2022 and guidance on school teachers’ pay and conditions (revised) – April 2023” (“the Document”). It can be found on the Welsh Government website at: <https://gov.wales/teaching-and-leadership>

The Document is a replacement for the School Teachers’ Pay and Conditions (Wales) Document 2022 and guidance on school teachers’ pay and conditions (‘the initial 2022 Document’) which was brought into force on 7 December 2022 and had retrospective effect from 1 September 2022 for the school year 2022-23.

The initial 2022 Document introduced changes to teachers’ pay and conditions in line with the recommendations of the Independent Welsh Pay Review Body’s fourth report. Since the implementation of the initial 2022 document, there has been a period of industrial action undertaken by teachers’ unions. Extensive negotiations have led to Welsh Government offering a revised package on pay and conditions to teachers. As part of this package, Welsh Government has agreed to implement a further pay rise for the 2022/23 academic year. The Document being brought into effect by the Order makes changes to pay for 2022/23 only. Further changes to pay and conditions which are to be made as a result of the negotiations will be implemented through a future pay and conditions document.

The Order makes retrospective provision, under section 123(3) of the Education Act 2002, to provide that the provisions set out in section 2 of the Document have effect on and after 1 September 2022 notwithstanding that the Order comes into force after that date (article 2).

The Order revokes the School Teachers’ Pay and Conditions Order (Wales) 2022 (article 3) and replaces the remuneration and other conditions of employment of school teachers in Wales given effect by that Order.

Procedure

Negative.



The Order was made by the Welsh Ministers before it was laid before the Senedd. The Senedd can annul the Order within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date it was laid before the Senedd.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

The [written statement issued on 19 April 2023](#) by Jeremy Miles MS, Minister for Education and Welsh Language, explains:

“Following extensive negotiations with unions and the WLGA, the Welsh Government presented a new enhanced pay offer for teachers and headteachers.

For the 2022/23 academic year, in addition to the 5% pay rise already awarded, the revised pay offer comprised an additional 3%, of which 1.5% is consolidated and 1.5% is non-consolidated.

Consequently, I will today make the School Teachers’ Pay and Conditions (Wales) Order 2023 which gives effect to section 2 of the School Teachers’ Pay and Conditions (Wales) Document 2022 (revised) – April 2023.

The pay award will be backdated to 1 September 2022. Timing of the implementation of the award will be a matter for employers. Initial discussions with local authorities have been positive, with the aim to arrange for back pay to be passed on as soon as possible, hopefully before the end of April.

The Order being made today brings into effect the pay increases for the current 2022/23 academic year only. The making of a Teachers’ Pay and Conditions Order is an annual process and the proposed further 5% pay increase for the 2023/24 academic year will be implemented in the next Teacher’s Pay and Conditions Order, along with any other changes to conditions following further negotiations.”

Further, the Explanatory Memorandum, in considering Option 2 of the the Regulatory Impact Assessment, notes that the Welsh Government will directly cover the additional funding:

“Briefly, the overall financial impact of increasing teachers’ pay in 2022/23 by an additional 1.5% and making a further 1.5% non-consolidated lump sum payment is £30 million in financial year 2022-23 and £21.3 million in financial year 2023-24. To mitigate the impact of these costs on school and local authority budgets, which have



already been set for 2022-23 and 2023-24, the Welsh Government will fully fund these additional costs through additional in year grant funding to local authorities via the Local Authority Education Grant.”

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

3 May 2023



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee