

SL(6)391 – The School Teachers’ Pay and Conditions (No. 2) (Wales) Order 2023

Background and Purpose

This Order provides for the remuneration and conditions of employment of school teachers in maintained schools in Wales. The Order does so by giving effect to:

- The School Teachers’ Pay and Conditions (Wales) Document 2022 and guidance on school teachers’ pay and conditions (revised) – September 2023 (**the 2022 Document**), and
- The School Teachers’ Pay and Conditions (Wales) Document 2023 and guidance on school teachers’ pay and conditions (**the 2023 Document**).

[The 2022 Document](#) makes changes for the 2022/23 year by providing slightly amended calculations of the 1.5% non-consolidated lump sum payment which formed part of the 2022/23 pay award. The Explanatory Memorandum states that “*An amended methodology has been used to calculate the non-consolidated payment as a result of representations made by teacher unions. The amended methodology results in a very slight increase in each case.*” These changes will apply to the period 1 September 2022 to 31 August 2023.

[The 2023 Document](#) makes other changes to pay and conditions. In response to negotiations with teacher unions and employers, from 1 September 2023 a 5% uplift will be applied to all scale points and allowances. The 2023 Document also provides clarity on administrative tasks not to be routinely carried out by teachers (see paragraph 51.9 of, and Annex 3 to, the 2023 Document).

The Order comes into force on 28 October 2023, therefore the changes made by this Order include retrospective provision. Such retrospective provision is permitted under the Education Act 2002, i.e. the Act under which this Order is made.

Jeremy Miles MS, Minister for Education and Welsh language issued a [written statement](#) on the Order on 5 October 2023.

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

One 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

We note that this Order is part of the Welsh Government's response to concerns about pay and conditions for teachers in Wales. We also note the following from the Regulatory Impact Assessment:

"This option will meet previously agreed commitments on teachers' pay and conditions by implementing the Year 2 award of 5% from September 2023 and providing clarity on clerical and administrative tasks that should not be routinely carried out by teachers. The agreement has already helped avoid further industrial action being taken by teacher unions so reducing potential disruption to young people's education. It may also have a positive impact on retention of teachers in Wales and attracting newly qualified teachers to the profession in Wales. Clarification of the statutory position that teachers should not be required routinely to participate in any administrative, clerical and organisational tasks will potentially help improve school efficiency and avoid unnecessary teacher workload."

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

10 October 2023

