

SL(6)545 – The School Teachers’ Pay and Conditions (Wales) Order 2024

Background and Purpose

This Order 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 2024 and guidance on school teachers’ pay and conditions (“the Document”, published on <https://gov.wales/teaching-and-leadership>).

In response to the recommendations in the Independent Welsh Pay Review Body’s fifth report, from 1 September 2024 a 5.5% uplift will apply to all scale points and allowances. The Order introduces new pay and allowance ranges in the national pay framework for school teachers in maintained schools in Wales only. Non-maintained schools in Wales have the freedom and flexibility to adopt pay and allowance ranges for their teachers which best reflect their local circumstances.

The Order will come into force on 28 November 2024. However, the provisions on teachers’ pay and conditions under section 2 of the Document will have retrospective effect from 1 September 2024 (such retrospective effect being permitted under the Education Act 2002).

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

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

Article 2 defines “school teacher” for the purposes of article 2. However, the term “school teacher” is also used in article 1.

It is unclear why the definition of “school teacher” does not also apply to article 1 (especially given that article 1 sets out the fundamental principle as to when the Order applies and is, therefore, an important provision).



Merits Scrutiny

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

2. 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 the following reference to costs in the Regulatory Impact Assessment included in the Explanatory Memorandum to the Order:

An increase of 5.5% across all teacher scale points and allowances equates to an estimated increase to the overall pay bill of £56.07 million for financial year 2024-25 (September 2024 to March 2025) and £96.12million for financial year 2025-26.

However, to mitigate the impact of these costs on school and local authority budgets, which have already been set for 2024-25, the Welsh Government will provide additional in-year grant funding via the Local Authority Education Grant, to support local authorities and schools with the pay uplift.

Welsh Government response

A Welsh Government response to the first reporting point is required.

Government Response: The School Teachers' Pay and Conditions (Wales) Order 2024

Technical Scrutiny point 1: The Welsh Government agrees the technical scrutiny reporting point and notes it for future orders. However, it is not considered that anyone will be misled by article 1 of the Order.

Legal Advisers

Legislation, Justice and Constitution Committee

14 November 2024

