



Teachers' Pay and Conditions Act 1987

1987 CHAPTER 1

An Act to repeal the Remuneration of Teachers Act 1965; to make temporary provision with respect to the remuneration and other conditions of employment of school teachers and as to certain arrangements for settling the remuneration and other conditions of employment of teachers in further education; and for connected purposes. [2nd March 1987]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Termination of existing arrangements.

- (1) The Remuneration of Teachers Act 1965 is repealed.
- (2) The remuneration of teachers shall continue to be determined, and paid to teachers by local education authorities, in accordance with the scales and allowances in payment, and other provisions in force, immediately before the passing of this Act until those provisions are superseded—
 - (a) in the case of school teachers, by provisions having effect under this Act;
 - (b) in the case of teachers in further education, by provisions agreed between, or settled in a manner agreed between, teachers and their employers.

2 Interim Advisory Committee on School Teachers' Pay and Conditions.

- (1) The Secretary of State shall appoint an Interim Advisory Committee on School Teachers' Pay and Conditions to examine and report to him on such matters relating to the remuneration and other conditions of employment of school teachers in England and Wales as he may refer to them.
- (2) The members of the Committee shall include persons having relevant knowledge of or experience in education.

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- (3) Schedule 1 has effect with respect to the constitution and proceedings of the Committee.
- (4) The Secretary of State may give directions to the Committee with respect to matters referred to them as to considerations to which they are to have regard and financial or other constraints to which their recommendations are to be subject, and as to the time within which they are to report to him.
- (5) Where a matter has been referred to the Committee, they shall give notice of the matter and of any relevant direction—
 - (a) to such associations of local education authorities as appear to them to be concerned and to any local education authority with whom consultation appears to them to be desirable,
 - (b) to such bodies representing the interests of governors of voluntary schools as appear to them to be concerned, and
 - (c) to such organisations representing school teachers as appear to them to be concerned,and shall afford them a reasonable opportunity of submitting evidence and representations with respect to the issues arising.
- (6) The report of the Committee to the Secretary of State shall contain their recommendations on the matter referred to them and such other advice relating to that matter as they think fit.
- (7) The Secretary of State shall, upon receiving a report from the Committee, arrange for it to be published.

3 Power of Secretary of State to make provision by order.

- (1) Where the Advisory Committee has reported to the Secretary of State on any matter, he may, after consulting—
 - (a) such associations of local education authorities as appear to him to be concerned and any local education authority with whom consultation appears to him to be desirable,
 - (b) such bodies representing the interests of governors of voluntary schools as appear to him to be concerned, and
 - (c) such organisations representing school teachers as appear to him to be concerned,make provision by order made by statutory instrument giving effect to the recommendations of the Committee, with or without modification, or making such other provision with respect to that matter as he thinks fit.
- (2) An order which contains a statement that it gives effect without any material modification to recommendations of the Committee shall be subject to annulment in pursuance of a resolution of either House of Parliament; and an order which does not contain such a statement shall not be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament.
- (3) An order may, instead of containing the provision to be made, refer to provisions set out in a document published by Her Majesty's Stationery Office and direct that those provisions shall have effect or, as the case may be, be amended in accordance with the order.

- (4) An order may make different provision for different cases, including different provision for different areas.
- (5) An order may, in particular, as regards remuneration—
- (a) confer discretion on the local education authority with respect to any matter;
 - (b) make provision as to the aggregate amount of allowances payable to teachers in a school;
 - (c) set lower and upper limits on the number or proportion of teachers in a school to be paid on specified scales or who are at any specified time to be paid any specified allowance;
 - (d) provide for the designation of schools in relation to which special provisions apply;
 - (e) provide for the determination of any questions arising as to the interpretation or application of the provisions set out or referred to in the order;
 - (f) make retrospective provision, but not so as to require the reduction of a teacher's pay in respect of a past period;
 - (g) provide that to the extent specified in the order matters may be settled by agreement between, or in a manner agreed between, teachers and local education authorities.
- (6) The effect of an order is—
- (a) so far as it relates to remuneration, that the remuneration of teachers to whom the order applies shall be determined, and paid to teachers by local education authorities, in accordance with the scales and other provisions set out or referred to in the order, and
 - (b) so far as it relates to conditions of employment other than remuneration, that the provisions set out or referred to in the order shall have effect as terms of the contracts of employment of teachers to whom the order applies;
- and the provisions of a teacher's contract of employment shall have, or continue to have, effect only so far as consistent with those provisions.
- (7) The Secretary of State may by order made by statutory instrument coming into force on or before 1st October 1987, without any report of the Advisory Committee but after consulting—
- (a) such associations of local education authorities as appear to him to be concerned and any local education authority with whom consultation appears to him to be desirable,
 - (b) such bodies representing the interests of governors of voluntary schools as appear to him to be concerned, and
 - (c) such organisations representing school teachers as appear to him to be concerned,
- make such provision as he thinks fit with respect to the remuneration and other conditions of employment of school teachers in England and Wales.
- (8) Any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament; and subsections (3) to (6) apply to such an order as they apply to an order under subsection (1).
- (9) The first order under this section may include provision as regards remuneration in respect of the period between 1st April 1986 and the passing of this Act.

4 Arrangements for settling remuneration and other conditions of employment of teachers in further education.

- (1) Any arrangements for settling for the whole of England and Wales any matter relating to the remuneration and other conditions of employment of teachers in further education, or any description of such teachers, shall be such that every organisation which—
 - (a) was represented immediately before the passing of this Act on the Burnham Further Education Committee, and
 - (b) has members whose conditions of employment may be affected, is afforded a reasonable opportunity of participating in the process.
- (2) The “Burnham Further Education Committee” means the committee set up in pursuance of section 1 of the Remuneration of Teachers Act 1965 to consider the remuneration payable to teachers in further education.
- (3) It is the duty of the parties to any such arrangements to take any steps necessary to secure that the requirements of this section are complied with.
- (4) This section applies to arrangements notwithstanding that they were made before the passing of this Act and any steps required to be taken in relation to such arrangements shall be taken before anything is done in pursuance of the arrangements after the passing of this Act.

5 Financial provisions.

There shall be paid out of money provided by Parliament any expenses of the Secretary of State under this Act and any increase attributable to this Act in the sums so payable under any other Act.

6 Duration of Act.

- (1) This Act shall expire on 31st March 1990 unless continued in force under this section.
- (2) The Secretary of State may by order made—
 - (a) in the case of the first order, on or before 31st December 1989, and
 - (b) in the case of any subsequent order, before the end of the calendar year before the 31st March on which this Act is due to expire,provide that this Act shall continue in force for a further year.
- (3) On the expiry of this Act any order under section 3 in force immediately before expiry shall continue to have effect in accordance with section 3(6) in relation to any contract of employment entered into before the expiry until superseded by provisions agreed between, or settled in a manner agreed between, teachers and their employers.
- (4) An order under this section shall be made by statutory instrument which shall not be made unless a draft of the order has been laid before and approved by resolution of each House of Parliament.

7 Interpretation.

- (1) In this Act—

“Advisory Committee” means the Interim Advisory Committee on School Teachers' Pay and Conditions appointed under section 2;

“contract of employment”, in relation to a teacher, means the contract, whether a contract of service or for services, under which he performs his duties as teacher;

“school teacher” means—

- (a) a teacher in a primary or secondary school maintained by a local education authority, or
- (b) a person employed by a local education authority as a teacher in the provision of primary or secondary education,

other than a person employed as a teacher in an establishment maintained by a local authority in the exercise of a social services function;

“teacher in further education” means a teacher paid by a local education authority who is—

- (a) employed in an establishment of further education, or
- (b) otherwise employed by a local education authority for the purposes of their functions relating to further education,

other than a teacher seconded to a body which reimburses the employing authority the amount of his salary.

- (2) This Act shall be construed as one with the Education Act 1944.

8 Short title, &c.

- (1) This Act may be cited as the Teachers' Pay and Conditions Act 1987.
- (2) The enactments mentioned in Schedule 2 are repealed to the extent specified.
- (3) This Act extends to England and Wales only, except for paragraph 4 of Schedule 1 (amendment as to House of Commons disqualification) which extends to the whole of the United Kingdom.

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SCHEDULES

SCHEDULE 1

Section 2(3).

CONSTITUTION AND PROCEEDINGS OF ADVISORY COMMITTEE

Membership of Committee

- 1 (1) The Advisory Committee shall consist of not less than five or more than nine members, who may be appointed as full-time or part-time members.
- (2) Members shall hold and vacate office in accordance with their terms of appointment, subject to the following provisions.
- (3) A member may resign his membership by notice in writing to the Secretary of State.
- (4) The Secretary of State may by notice in writing to the member concerned remove from office a member who—
- (a) has become bankrupt or made an arrangement with his creditors,
 - (b) is incapacitated by physical or mental illness, or
 - (c) has been absent from two or more consecutive meetings of the Committee otherwise than for a reason approved by the Committee,
- or who is in the opinion of the Secretary of State otherwise unable or unfit to perform his duties as member.

Chairman and Deputy Chairman

- 2 (1) The Secretary of State shall appoint one of the members of the Advisory Committee to be Chairman and may appoint one of them to be Deputy Chairman.
- (2) The persons so appointed shall hold and vacate those offices in accordance with their terms of appointment, subject to the following provisions.
- (3) The Chairman or Deputy Chairman may resign his office by notice in writing to the Secretary of State.
- (4) If the Chairman or Deputy Chairman ceases to be a member of the Committee, he also ceases to be Chairman or Deputy Chairman.

Financial provisions

- 3 (1) The Secretary of State may pay the Chairman, Deputy Chairman and members of the Advisory Committee such remuneration, and such allowances in respect of expenses properly incurred by them in the performance of their duties, as he may determine.
- (2) The Secretary of State may determine to pay in respect of a person's office as Chairman, Deputy Chairman or member of the Advisory Committee—
- (a) such pension, allowance or gratuity to or in respect of that person on his retirement or death, or

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- (b) such contributions or other payment towards the provision of such a pension, allowance or gratuity,
as the Secretary of State may determine.
- (3) Where a person ceases to be a member of the Advisory Committee otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, the Secretary of State may determine to make a payment to him by way of compensation of such amount as the Secretary of State may determine.
- (4) As soon as may be after making a determination under sub-paragraph (2) or (3) the Secretary of State shall lay before each House of Parliament a statement of the amount payable in pursuance of the determination.
- (5) The consent of the Treasury is required for any determination of the Secretary of State under this paragraph.

House of Commons disqualification

- 4 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices), insert at the appropriate place—
“A member of the Interim Advisory Committee on School Teachers' Pay and Conditions appointed under section 2 of the Teachers' Pay and Conditions Act 1987 who is in receipt of remuneration.”.

Proceedings of the Committee

- 5 (1) The quorum of the Advisory Committee and the arrangements relating to their meetings shall be such as the Committee may determine.
- (2) The validity of proceedings of the Committee is not affected by any vacancy among the members or any defect in the appointment of any member.

SCHEDULE 2

Section 8(2).

REPEALS

Chapter	Short title	Extent of Repeal
1965 c. 3.	Remuneration of Teachers Act 1965.	The whole Act.
1975 c. 71.	Employment Protection Act 1975.	In Part IV of Schedule 16, paragraph 11.
1986 c. 1.	Education (Amendment) Act 1986.	Section 2.