

2001 No. 3243

EDUCATION, ENGLAND AND WALES

**The Education (School Teachers' Pay and Conditions)
(No. 6) Order 2001**

Made - - - - - 25th September 2001

Laid before Parliament 27th September 2001

Coming into force - - 18th October 2001

Whereas the review body appointed under section 1(1) of the School Teachers' Pay and Conditions Act 1991(a) ("the Act") have made a report following the reference to them of certain matters;

And whereas the Secretary of State has consulted, in accordance with section 2(1) of the Act(b), such associations of local education authorities, such bodies representing the interests of governors of foundation, voluntary, and foundation special schools and such bodies representing teachers as appeared to her to be concerned;

Now, therefore the Secretary of State in exercise of the powers conferred by section 2(1), (3) and (4) and 5(4) of the Act(c) hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Education (School Teachers' Pay and Conditions) (No. 6) Order 2001 and shall come into force on 18th October 2001.

Application

2. This Order applies to school teachers (as defined in section 5(1) and (2) of the Act(d)) in England and Wales.

School Teachers' Pay and Conditions

3. The School Teachers' Pay and Conditions Document 2001(e) shall be amended as follows.

(a) 1991 c. 49.

(b) Section 2(1) is amended by paragraphs 24 and 26(a) of Schedule 30 to the School Standards and Framework Act 1998 (c. 31).

(c) Section 2(3) and (4) is amended by paragraphs 24 and 26(c) and (d) of Schedule 30 to the School Standards and Framework Act 1998.

(d) The definition of "school teacher" in section 5(1) is amended by paragraphs 24 and 28(2)(a) of Schedule 30 to the School Standards and Framework Act 1998.

(e) ISBN 0 11 271107 3.

4. In paragraph 1.2 at the appropriate place in alphabetical order there shall be inserted the following definitions—

““EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(a) as adjusted by the Protocol signed at Brussels on 17th March 1993(b);”;

“European Economic Area” means the European Community and subject to the conditions laid down in the EEA Agreement the area comprising the Republic of Iceland, the Kingdom of Norway and the Principality of Leichtenstein;”;

“primary specialist” means a teacher in a school providing primary education who is employed to teach one or more shortage subjects to classes or groups other than his own;”;

“returners’ course” means a training course designed to help qualified teachers refresh their skills before returning to teaching;”;

“shortage subject” means mathematics, science, any modern language, Welsh, design and technology, information and communications technology or English (including drama);”.

5. After paragraph 46 there shall be inserted the following—

“Welcome Back Bonus

46A.1 A relevant body may make a payment to a teacher to whom paragraph 46A.2 applies in accordance with paragraph 46A.3 and 46A.4.

46A.2 This paragraph applies to a teacher who—

- (a) immediately before 30th April 2000 was a qualified teacher or is a person mentioned in paragraph 6 of Schedule 3 to the Teachers’ Qualifications and Health Standards Regulations who has at any time received notification from the Secretary of State that he is a qualified teacher;
- (b) at any time before 30th April 2000 was employed as a teacher in any school maintained by an authority, non-maintained special school, independent school, city technology college or city college for the technology of the arts in England or Wales or employed as a teacher at a school in any other part of the European Economic Area;
- (c) in the period starting with 30th April 2000 up to and including 31st March 2001 was not employed as a teacher or a lecturer on more than 15 days in any school maintained by an authority, non-maintained special school, independent school, city technology college, city college for the technology of the arts, sixth form college, or in the provision of higher education or further education in England or Wales or in a capacity in another part of the European Economic Area or elsewhere which in the opinion of the relevant body is equivalent to one or more of those mentioned in this sub-paragraph;
- (d) is employed as a teacher in England or Wales as a permanent member of staff or on a fixed term contract where the fixed term is a period of at least one school term or in the opinion of the relevant body is a period at least equivalent to one school term and takes up his appointment—
 - (i) on or after 17th April 2001 but before 1st January 2002; or
 - (ii) in the case of a teacher who has attended a returners’ course starting on or after 1st September 2001 for at least six weeks, on or after 17th April 2001 but before 1st March 2002;
- (e) has applied for such a payment before 1st March 2002 or in the case of a teacher who has attended a returners’ course starting on or after 1st September 2001 for at least six weeks, before 1st May 2002; and
- (f) has not previously applied for such a payment in respect of his current appointment or any other appointment as a teacher.

46A.3.1 This sub-paragraph applies to a teacher who is employed—

- (i) wholly or mainly to teach one or more of the shortage subjects at a secondary school; or
- (ii) as a primary specialist; or

(a) Cmnd 2073.
(b) Cmnd 2183.

(iii) as a head teacher,
at the time of the first payment under paragraph 46A.3.2(a) or at the time of the second payment under paragraph 46A.3.2.(b) or at the time of both payments under that paragraph.

46A.3.2 Subject to paragraphs 46A.3.3 and 46A.3.4 any payments under paragraph 46A.1 to a teacher to whom this sub-paragraph applies shall be paid by the relevant body of the school at which the teacher is employed when he becomes eligible for each payment as follows:

- (a) a first payment of £1000 as soon as possible after he takes up his appointment or in the case of a teacher who takes up his appointment before 18th October 2001 as soon as possible after that date; and
- (b) where the teacher has been in continuous service as a teacher in any school maintained by an authority or non-maintained special school in England and Wales, a second payment of £3000, or £3500 in the case of a teacher who received his first payment in accordance with paragraph 46A.4, on the anniversary of his taking up the appointment for which he received his first payment.

46A.3.3.1 A relevant body shall make the payment under paragraph 46A.3.2(b) if the teacher is employed as a teacher at the same school on the anniversary of his taking up the appointment for which he received his first payment.

46A.3.3.2 A relevant body may make a payment under paragraph 46A.3.2(b) if the teacher

- (i) received a first payment under paragraph 46A.3.2(a) in relation to an appointment at a different school from that where he is currently employed or received a first payment under corresponding arrangements made by a non-maintained special school;
- (ii) has been in continuous service as a teacher in any school maintained by an authority or non-maintained special school in England or Wales and remains in such service on the anniversary of taking up the appointment for which he received his first payment; and
- (iii) has applied for such a payment not later than 60 days after the anniversary of taking up the appointment for which he received his first payment.

46A.3.4.1 Subject to paragraph 46A.3.4.2, in the case of a teacher employed part-time, the amount of payment in paragraph 46A.3.2(b) shall be the amount of payment, if any, required to provide a total payment (taking into account the payment under paragraph 46A.3.2(a)) which is a proportion of the total amount payable to a full time teacher under paragraph 46A.3.2. The proportion shall correspond to the proportion of the school week for which the part-time teacher is employed.

46A.3.4.2 Where the first payment under paragraph 46A.3.2(a) exceeds the proportion of the full amount payable calculated in accordance with paragraph 46A.3.4.1 that payment shall be the total payment.

46A.4.1 This sub-paragraph applies to a teacher to whom sub-paragraph 46A.3 does not apply.

46A.4.2 Subject to paragraphs 46A.4.3 and 46A.4.4 any payments under paragraph 46A.1 to a teacher to whom this sub-paragraph applies shall be paid by the relevant body of the school at which the teacher is employed when he becomes eligible for each payment as follows:

- (a) a first payment of £500 as soon as possible after he takes up his appointment or in the case of a teacher who takes up his appointment before 18th October 2001 as soon as possible after that date; and
- (b) where the teacher has been in continuous service as a teacher in any school maintained by an authority or non-maintained special school in England or Wales a second payment of £1500 on the anniversary of taking up the appointment for which he received his first payment.

46A.4.3.1 A relevant body shall make the payment under paragraph 46A.4.2(b) if the teacher is employed as a teacher at the same school on the anniversary of taking up the appointment for which he received his first payment.

46A.4.3.2 A relevant body may make a payment under paragraph 46A.4.2(b) if the teacher—

- (i) received a first payment under paragraph 46A.4.2(a) in relation to an appointment at a different school to that where he is currently employed or received a first payment under corresponding arrangements made by a non-maintained special school;
- (ii) has been in continuous service as a teacher in any school maintained by an authority or a non-maintained special school in England or Wales and remains in such service on the anniversary of his taking up the appointment for which he received his first payment; and
- (iii) has applied for such a payment not later than 60 days after the anniversary of taking up the appointment for which he received his first payment.

46A.4.4.1 Subject to paragraph 46A.4.4.2, in the case of a teacher employed part-time, the amount of payment in paragraph 46A.4.2(b) shall be the amount of payment, if any, required to provide a total payment (taking into account the payment under paragraph 46A.4.2(a)) which is a proportion of the total amount payable to a full time teacher under paragraph 46A.4.2. The proportion shall correspond to the proportion of the school week for which the part-time teacher is employed.

46A.4.4.2 Where the first payment under paragraph 46A.4.2(a) exceeds the proportion of the full amount payable calculated in accordance with paragraph 46A.4.4.1 that payment shall be the total payment.

46A.5 For the purposes of this paragraph—

- (a) “continuous service as a teacher” includes service under consecutive fixed term contracts separated only by an interval occurring outside term-time but does not include a period where the teacher is suspended from teaching pending disciplinary or competence procedures and those procedures result in the teacher’s dismissal; and
- (b) “continuous service” is not broken by a change of employer.”.

Stephen Timms
Minister of State,

Department for Education and Skills

25th September 2001

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the School Teachers' Pay and Conditions Document (the Document) to provide for the discretionary payment of recruitment incentives to teachers who have previously taught in schools in the European Economic Area (EEA) but who were not employed to teach on more than 15 days between 30th April 2000 and 31st March 2001 and who return to teach in the maintained sector between 17th April 2001 and 31st December 2001 (or between 17th April 2001 and 28th February 2002 if the teacher has attended a returners' course starting on or after 1st September 2001 for at least six weeks). (*Paragraph 46A.2*)

Teachers returning as head teachers or to teach "shortage subjects" may receive £1000 on appointment and a further £3000 if they remain employed in the maintained sector on the anniversary of their taking up the first appointment following continuous service in the maintained sector or at non-maintained special schools.

Teachers returning to teach other subjects may receive £500 upon appointment and a further £1500 if they remain employed in the maintained sector on the anniversary of their taking up the first appointment following continuous service in the maintained sector or at non-maintained special schools unless within that time they move to a post as a head teacher or to teach shortage subjects in which case they will receive a further £3500. (*Paragraphs 46A.3 and 46A.4*)

Teachers returning to teach part-time may receive the relevant initial payment but the further payment, if any, is calculated so as to ensure the total amount paid is proportionate to the proportion of the school week for which they are employed. (*Paragraphs 46A.3.4 and 46A.4.4*)

The Order inserts definitions of EEA, EEA Agreement, primary specialist, returners' course and shortage subject to the interpretation paragraph of the Document.

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