

EXPLANATORY MEMORANDUM TO THE EDUCATION (REVIEW OF STAFFING STRUCTURE) (ENGLAND) REGULATIONS 2005

2005 No. 1032

- 1.** This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 The Education (Review of Staffing Structure) (England) Regulations 2005 bring into force on 6 May 2005 the duty for all maintained school governing bodies in England with delegated budgets (“the relevant body”) to review by 31 December 2005 the arrangements for the management and deployment of staff at their school, including their allocation of responsibilities and duties, and to prepare an implementation plan. Where the delegated budget is suspended, and in respect of pupil referral units (PRUs), the relevant body is the local education authority (LEA).

2.3 The regulations also impose a duty on the head teacher, or teacher in charge in the case of pupil referral units, to advise and assist the relevant body in relation to its review of the staffing structure and its preparation of the implementation plan.

2.2 The regulations also provide for the relevant body to have regard to the work/life balance of headteachers.

3. Matters of special interest to the Joint Committee

3.1 The regulations provide for a one-off review of staffing structure and the preparation of a plan (an “implementation plan”) for the implementation of any changes to the staffing structure following such review. The purpose of this is, in particular, to enable the considered introduction of imminent teachers’ pay reforms and the phasing out of certain pay provisions, following a recent report by the School Teachers’ Review Body.

3.2 The introduction of the provision for headteachers’ work/life balance follows the January 2003 National Agreement on Workload signed by the Government, the Welsh Assembly Government and the representatives of a range of associations, and links to similar provisions for all other teachers already contained within the School Teachers’ Pay and Conditions Document since 2003.

4. Legislative Background

4.1 The Education (Review of Staffing Structure) (England) Regulations 2005 are made under powers conferred by section 21(3) of the Education Act 2002 and paragraph 3 of Schedule 1 to the Education Act 1996.

4.2 Amendments to the School Teachers' Pay and Conditions Document 2004 (which was given legal effect by SI 2004/2142) which are included in the pay reforms referred to in paragraph 3.1 above, will be brought into force simultaneously with these regulations by the Education (School Teachers' Pay and Conditions) (No. 2) Order 2005, under section 122 of the Education Act 2002, which provides the Secretary of State with the power to make provision for the pay of teachers and other conditions of employment related to professional duties and working time.

5. Extent

5.1 This instrument applies to England only.

6. European Convention on Human Rights

6.1 Not applicable.

7. Policy background

7.1 The need for reviews of the staffing structure of schools is a consequence of changes to the pay and conditions of teachers to be given effect from 6 May 2005. In particular the ending of management allowances and the introduction of teaching and learning responsibility payments, together with new criteria to justify the award of these payments and significant new flexibilities over payment levels, creates the need for schools to undertake a review of the responsibilities of their staff and the payments they should receive in respect of these. The reviews will also allow schools to refocus their resources to the priorities of excellent teaching and responsibilities that contribute to improvements in teaching and learning.

7.2 Changes to teachers' pay and conditions in England and Wales are determined by the Secretary of State following recommendations made to her by the independent School Teachers' Review Body.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector relates to schools in England maintained by local education authorities to the extent that it provides for governing bodies or local education authorities to conduct a one-off staffing review. This will enable them to consider the use they make of their staffing resources but only has an impact on budgets in respect of discretionary decisions on staffing which the governing body or LEA wish to make in respect of their school or PRU.

9. Contact

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