

EXPLANATORY MEMORANDUM TO
THE SCHOOL TEACHERS' INCENTIVE PAYMENTS (ENGLAND)
(AMENDMENT) ORDER 2023

2023 No. 822

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of His Majesty.

2. Purpose of the instrument

2.1 The purpose of this Order is to ensure that any incentive payments to school teachers in England under the International Relocation Payment Scheme are not treated as remuneration under the School Teachers' Pay and Conditions Document (STPCD), which provides the statutory requirements for teachers' pay and conditions for maintained schools in England.

2.2 This is necessary to ensure these incentive payments are not regarded as pensionable nor part of the statutory process for the determination of teachers' pay under section 122(1) of the Education Act 2002.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

6. Legislative Context

6.1 The Secretary of State may make provision for the determination of the remuneration of school teachers under section 122(1) of the Education Act 2002 and does so by reference to the STPCD, which is replaced annually with effect from 1st September each year.

6.2 This Order amends the School Teachers' Incentive Payments (England) Order 2019 to ensure incentive payments to school teachers under the International Relocation Payment Scheme are not to be treated as remuneration for the purpose of section 122(1) and, therefore, are not subject to any of the other provisions in the STPCD.

6.3 The 2019 Order listed a number of schemes which are to be exempt from being treated as remuneration under the STPCD. In 2020, the 2019 Order was amended to reflect a change in name of "the Mathematics Early-Career Payments Pilot" to "the

Early-Career Payments Pilot” by SI 2020/690, with a subsequent amendment of the 2019 Order in 2022 (SI 2022/786), to add “the Levelling Up Premium” scheme.

- 6.4 This Order further amends the 2019 Order to add “the International Relocation Payment” to this list of schemes which are exempt from being treated as remuneration under the STPCD. This is necessary to ensure that the International Relocation Payment Scheme is not treated as pensionable nor part of the statutory process for the determination of teachers’ pay under section 122(1) of the Education Act 2002.

7. Policy background

What is being done and why?

- 7.1 The International Relocation Payment Scheme is designed to support the recruitment of teachers and trainee teachers from overseas by piloting a payment to cover some of the costs of moving to the UK. The International Relocation Payment is a one-off payment of £10,000 which will be made to eligible teachers after they have taken up a teaching post in a state school in England, and to eligible trainee teachers that have started an eligible teacher training course in England.
- 7.2 In this pilot the payment will be available to physics teachers and trainee physics teachers, and to language teachers and trainee language teachers, coming to England in academic year 2023/24. In a competitive labour market some schools can find it difficult to recruit physics and language teachers and the government is taking significant steps to address this. These steps include testing suitable incentives to attract high quality, eligible candidates from overseas.
- 7.3 Teachers and trainee teachers from overseas face additional costs associated with becoming a teacher in England. These include visa costs; payment of the Immigration Health Surcharge to access NHS services; costs to move personal belongings; and the costs of setting up home in England. Department for Education research has shown that costs are dependent on personal circumstances but can be in excess of £25,000 when moving with a family. For those moving without dependents this would be less. The International Relocation Payment has been set at £10,000 for the purposes of this pilot as this provides a significant contribution to the costs associated with moving to the UK, without necessarily covering all the expenses. The International Relocation Payment Scheme is being piloted to test whether offering a single one-off payment to teachers and trainee teachers from overseas will increase the availability of high quality teachers in physics and languages in English state schools.
- 7.4 Our current estimate is that between 300 and 400 payments will be made to teachers and trainee teachers under the scheme in the 2023/24 academic year. A key objective for the evaluation of the pilot is to understand more about how international incentives can help contribute to teacher supply in English state schools.
- 7.5 To be eligible for the payment in 2023/24 teachers will need to have secured and started an eligible teaching role in a state funded secondary school in England, on a contract lasting at least a year. Trainee teachers will need to have a place on an eligible initial teacher training course leading to qualified teacher status. Both teachers and trainee teachers will also need to have recently moved to the UK on a qualifying visa. Applications for teachers to claim the payment will open in September 2023. Trainee teachers will receive the payment automatically via their training providers.

- 7.6 The details of the International Relocation Payment Scheme, including the eligibility criteria, are published here: [International Relocation Payments - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/international-relocation-payments/international-relocation-payments) (https://www.gov.uk/government/publications/international-relocation-payments/international-relocation-payments)
- 7.7 The Department for Education is funding these payments. Local authorities, governing bodies of schools and training providers will not bear the cost.
- 7.8 This Order provides that incentive payments to school teachers under the International Relocation Payment Scheme are not to be treated as remuneration for the purpose of section 122(1) and, therefore, are not subject to any of the other provisions in the School Teachers' Pay and Conditions Document.
- 7.9 This is necessary to ensure these incentive payments are not treated as pensionable nor part of the statutory process for the determination of teachers' pay under section 122(1) of the Education Act 2002. This avoids the teacher and their employer having to make any contribution because of the payments.

8. European Union Withdrawal and Future Relationship

- 8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

- 9.1 No issue arises as to consolidation.

10. Consultation outcome

- 10.1 A relocation payment for international teachers was first announced in the white paper *Opportunity for all: strong schools with great teachers for your child*¹ in March 2022.
- 10.2 A formal public consultation has not been carried out in relation to the contents of this Order as its purpose is to enable the payments to be paid outside of the statutory pay framework and to ensure that the payments are not treated as pensionable. The Order is of a technical nature and is not needed to establish the scheme itself. The Department for Education has and will continue to undertake research with teachers and organisations representing teachers regarding the payments, including how the payments will be administered. This engagement has already included research with teachers regarding the online application process.

11. Guidance

- 11.1 The Department for Education has provided guidance on the International Relocation Payment including the role of the teacher in claiming these payments: [Get an International Relocation Payment | Get Into Teaching GOV.UK \(education.gov.uk\)](https://getintoteaching.education.gov.uk/non-uk-teachers/get-an-international-relocation-payment) (https://getintoteaching.education.gov.uk/non-uk-teachers/get-an-international-relocation-payment)
- 11.2 Eligible teachers will be able to make an application for the International Relocation Payment from September 2023 and further guidance will be made available to them at this point.

¹ [Opportunity for all: strong schools with great teachers for your child - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/opportunity-for-all-strong-schools-with-great-teachers-for-your-child): March 2022 (https://www.gov.uk/government/publications/opportunity-for-all-strong-schools-with-great-teachers-for-your-child)

12. Impact

- 12.1 There is no significant impact on business, charities or voluntary bodies.
- 12.2 There is no significant impact on the public sector.
- 12.3 A full Impact Assessment has not been prepared for this instrument because there is no significant impact on business.

13. Regulating small business

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 Any further payments of the incentive beyond the academic year 2023-24 to further cohorts of teachers and trainee teachers will be subject to an internal Department for Education review.
- 14.2 The regulation does not include a statutory review clause.

15. Contact

- 15.1 Richard Forrest at the Department for Education, email: richard.forrest@education.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Richard Vaughan, Deputy Director for Becoming a Teacher, at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Nick Gibb, Minister of State for Schools at the Department for Education can confirm that this Explanatory Memorandum meets the required standard.