

SL(6)401 – The School Teachers’ Incentive Payments (Wales) Order 2023

Background and Purpose

This Order provides that lump sum payments paid to school teachers in Wales under the Welsh in Education Teacher Retention Bursary are not treated as remuneration for the purpose of section 122(1) of the Education Act 2002 and are not subject to the statutory pay framework and are not pensionable.

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

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

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

1. 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 there has been no formal consultation on the Order. In particular, we note the following paragraph in the Explanatory Memorandum:

“No consultation has been undertaken in relation to the making of the Order as it is a procedural matter ensuring the legal effect of the policy is as intended, providing clarity to payroll and pension scheme administrators and mitigating the risk of unfunded pensions contributions being required.”

Welsh Government response

A Welsh Government response is not required.

Committee Consideration

The Committee considered the instrument at its meeting on 13 November 2023 and reports to the Senedd in line with the reporting point above.

