

**County Council**

**25 January 2017**

**Teaching Assistants – Review of Terms  
and Conditions**



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**Report of Corporate Management Team  
Joint Report of John Hewitt, Corporate Director Resources and  
Margaret Whellans, Interim Corporate Director of Children and  
Young People Services  
Cllr Ossie Johnson, Cabinet Portfolio Holder for Children and  
Young People Services  
Cllr Jane Brown, Cabinet Portfolio Holder for Corporate Services**

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**Purpose of the Report**

- 1 The purpose of the report is to ask Council to note a decision made by Chief Officers under urgency provisions contained in the Council Constitution.

**Background**

- 2 On 16 May 2016, the County Council agreed to proposed arrangements to implement changes to Teaching Assistants' terms and conditions. This was in order to reduce the risk of equal pay challenges to the Council, caused by differing terms and conditions related to term time working and hours worked amongst the cohort of Teaching Assistants. On 16 May 2016, Council agreed to the termination and re-engagement of Teaching Assistants on the revised terms and conditions outlined in the report to Council.
- 3 On 14 September 2016, Council agreed, subject to a Trade Union consultative ballot process, to extend the amount of compensation associated with the move to term time working, to two years, with changes to be implemented from 1 April 2017, while continuing to implement the Council decision of 16 May 2016 within the agreed time scales.
- 4 Whilst agreement was reached with GMB and Unite, Unison and ATL rejected the improved offer. Industrial action has followed with disruption to education as a result of the closure of some schools.
- 5 Council Officers and relevant Cabinet Portfolio Holders had made it clear that they were willing to meet with representatives of the unions to explore ways of resolving the dispute and avoiding further damaging disruption to schools.
- 6 On 29 November 2016, the Corporate Director Resources and the Interim Corporate Director Children and Young People Services, with the following Cabinet Portfolio Holders held meetings with representatives of Unison:-

- Councillor Simon Henig, Leader
- Councillor Alan Napier, Deputy Leader
- Councillor Jane Brown, Cabinet Portfolio Holder, Corporate Services
- Councillor Ossie Johnson, Cabinet Portfolio Holder, Children and Young Peoples Services

7 A provisional agreement was reached on the following terms:-

- The formal notices of termination of employment previously issued to teaching assistants will be suspended whilst the Council, along with recognised trades unions, carries out a joint review of the role, functions, job descriptions and activity of the Teaching Assistants within the breadth of school activities that are undertaken. This is in order to establish whether current job descriptions adequately reflect the role being undertaken by Teaching Assistants.
- This joint review will be within the parameters of not reopening the single status agreement.
- The time scale for the completion of this review is by the commencement of the 2017/18 academic year.

8 Unison representatives later advised that the future strike action scheduled for December 2016 would no longer take place on the basis of the agreement. ATL subsequently also withdrew strike action that had been planned to coincide with that of Unison.

9 These negotiations took place against a backdrop of industrial action and an imperative to prevent escalating disruption in schools. Given that the timescales prevented any further reference to Council, the Corporate Director Resources and the Interim Corporate Director of Children and Young People Services, in consultation with the Cabinet Portfolio Holders and the Chairman of the Council, agreed to use the emergency provisions set out in paragraph 12 of the general delegation to all Chief Officers, pending the provision of a full report to the next Council. This report fulfils this requirement.

### **Update of events since the decision was made**

10 Chief Officers have held further discussions with relevant trade unions on 8 and 15 December 2016. As a result of these discussions, progress has been made with regard to the management and planning of the joint review outlined above. Work on the review itself commenced early in the New Year.

### **Recommendations and reasons**

11 Council is asked to:

- Note the decision of Chief Officers;
- Note the developments following the taking of the decision.

**Background papers**

**Reports to Council dated 16 May 2016 and 14 September 2016 entitled  
“Teaching Assistants – Review of Terms and Conditions”**

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## **Appendix 1: Implications**

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**Finance** – Any financial implications of the review of Terms and Conditions will be considered as part of the school budget setting process

**Staffing** – The report details the suspension of strike action whilst the Council and Trade Unions carry out a joint review into the role, functions, job descriptions and activity of Teaching Assistants.

**Risk** – The risks associated with the process are continually assessed especially in relation to the Equal Pay risk.

**Equality and Diversity / Public Sector Equality Duty** - There was an equality impact assessment as appended to the Council Report of 14 September 2016.

**Accommodation** – None

**Crime and Disorder** - None

**Human Rights** - None

**Consultation** - None

**Procurement** – None

**Disability Issues** - None

**Legal Implications** – None