

County Council

21 June 2017



Teaching assistants – Review of Terms and Conditions

Report of Corporate Management Team

Joint Report of John Hewitt, Corporate Director Resources and Margaret Whellans, Corporate Director Children and Young People's Services

Councillor Jane Brown, Cabinet Portfolio Holder for Social Inclusion and Councillor Olwyn Gunn, Cabinet Portfolio Holder for Children and Young People's Services

Purpose of the Report

- 1 To provide Council with an update following the review of roles and responsibilities of teaching assistants which has been undertaken with Trade Unions and representatives from Head teachers and Teaching Assistants and also to seek authority for a revised proposal in relation to changes to teaching assistant terms and conditions of employment to be made.
- 2 It was hoped that the final offer would have been included in this report at the point at which papers were dispatched. However there are a small number of issues that require further discussion although it is hoped that these will be resolved in the near future. The detail of the offer will be communicated to Council as soon as it is finalised with the recognised trade unions, and in any event in advance of the Council meeting.
- 3 Whilst it has not been possible to include the full terms of the offer with all other papers for the Council meeting, the recognised trade unions have asked that this report be presented to Council in June instead of July in order that the teaching assistants can be informed of the personal impact of the offer and balloted on acceptance of the same prior to the end of the summer term.
- 4 Equality Impact Assessments have been undertaken at every stage of this process, and an updated assessment, prepared with support from the Equalities Team, will be provided with the details of the final offer.

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Appendix 1: Implications

Finance – the impact from the implementation of the revised offer will be limited to individual school budgets. Head teachers will be notified of the anticipated impact upon their budget if Council approve the offer to be made to the teaching assistants.

Staffing – this exercise has been necessary to mitigate an equal pay risk and update and harmonise teaching assistant roles across the County. There are no proposals within this exercise to reduce the number of teaching assistants employed.

Risk - The equal pay risks are as set out in the Council report of 16 May 2016. There have been no changes to the risks previously identified and the legal advice remains as previously reported.

Equality and Diversity / Public Sector Equality Duty - The updated equality impact assessment will be provided when the final offer is provided to Council.

Accommodation - None

Crime and Disorder - None

Human Rights – None

Procurement - None

Disability Issues - None

Consultation - The proposal has been subject to consultation with trade unions and teaching assistants. If Council approves the offer, it is likely that Unison will consult their members as to whether the proposal is acceptable.

Legal Implications – Acceptance of the offer by the relevant recognised trade unions will enable the variation to terms and conditions of employment of teaching assistants to be achieved by collective agreement and limit claims in respect of section 145B of the Trade Union Labour Relations (Consolidation) Act whereby an employee who is a member of a recognised trade union has the right not to have an offer made by the employer to prohibit terms and conditions being determined by collective agreement. It will also substantially reduce the Council's future exposure to risk of equal pay claims by non teaching assistant employees who currently are required to work the contracted hours they are paid for, barring their holiday entitlement.

In the event the offer is not accepted, the Council will remain exposed to an equal pay risk by from non teaching assistant employees. To date, in excess of 170 grievances have been received from employees aggrieved that they do not benefit from being paid for six weeks whilst not being required to work these weeks.