

**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, 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**

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**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.
- 2 To seek authority for a revised proposal in relation to changes to teaching assistant terms and conditions of employment to be made.

**Background**

- 3 Over 2,000 teaching assistants in County Durham schools are currently employed on a variety of terms and conditions of employment, generally as a consequence of the date they commenced employment, but also to reflect the needs of individual schools. The majority are contracted to work 32.5 hours during term-time, but are paid for working 37 hours per week whole-time (i.e. 52 weeks of the year).
- 4 The vast majority of local authorities across the region and nationally employ and pay teaching assistants on a 37 hours per week, term-time only basis. Since June 2016, all new teaching assistants in County Durham schools have been recruited to work 37 hours per week and paid term time only.
- 5 As set out in previous reports to Council, the current arrangements create an equal pay risk.
- 6 To mitigate this risk, a position needs to be reached whereby teaching assistants work and are paid for 37 hours per week and for the actual number of weeks they work during the year. Teaching assistants who wish to work less than 37 hours a week would be able to enter into a part time contractual arrangement with pay aligned to their working hours on a pro rata basis in line with other Council employees.

- 7 Initial consultation with teaching assistants and trade unions commenced in October 2015, with a view to reaching agreement to standardise teaching assistant's contracts of employment to 37 hours per week on a term time basis. As a consequence of the consultation feedback, the original proposal by the Council was revised and a further consultation exercise commenced in February 2016.
- 8 Attempts to reach a collective agreement with teaching assistants and trade unions were unsuccessful. The risks of not making changes to the terms and conditions of teaching assistants were set out for Council on the advice of the Head of Paid Service, Section 151 Officer and Monitoring Officer, after full and careful consideration of the contractual position and associated risk.
- 9 Without changes being made to teaching assistant contracts, the Council is vulnerable to a potential successful challenge for acting unlawfully and without financial probity and therefore Council agreed in May 2016 to the termination and re-engagement of teaching assistants on the basis of revised terms and conditions with one years' compensatory payment.
- 10 Officers continued to work with local and regional trade union representatives with a view to settling the ongoing dispute and engaged ACAS in July 2016 to mediate. This resulted in a revised offer being made by the Council which improved the amount of compensation offered to two years and delayed implementation by a term to April 2017 while retaining the proposal of term time only working and a 37 hours per week contract.
- 11 Following trade union consultative ballots on this improved offer, agreement was reached with GMB and Unite to settle the dispute and vary the contracts of teaching assistants as the Council proposed. Agreement was not reached however with Unison and this resulted in a Unison ballot for industrial action - the outcome of which supported strike action in our schools.
- 12 GMB and Unite members were advised that the offer they had accepted would be implemented with effect from April 2017. All other teaching assistants were issued with notices of dismissal and re-engagement with effect from January 2017, with non-union employees being offered the opportunity to voluntarily vary their contract of employment to take advantage of the improved offer.
- 13 In December 2016, the Council agreed to suspend the notices of dismissal and re-engagement and undertake a joint review of the roles and responsibilities of teaching assistants with recognised trade union input, which resulted in planned industrial action being suspended. This agreement also delayed the implementation of any change in terms and conditions for GMB and Unite members, and for individual employees who voluntarily agreed to vary their contract of employment whilst the review was undertaken.

### **Review of Roles and Responsibilities**

- 14 A project board was set up by the Council with trade union representation to oversee the agreed review of roles and responsibilities. A project team was established by the project board to undertake the detailed work and included representation from the Council, recognised trade unions, teaching assistants

and head teachers. The project team developed revised job descriptions and job record documents appropriate to the roles within the different school settings. Two workstreams were created to support the team:

- (a) a teaching assistant workstream with 15 members;
- (b) a head teacher workstream with 12 members.

15 The updated job record documents were evaluated to assign a grade for each job description. Head teachers met with HR officers and trade union representatives between 24 April 2017 and 26 May 2017 to align each teaching assistant to the new grading structure.

### **Revised Offer**

16 In addition to the review of roles and responsibilities set out above, discussions have been ongoing with trade unions in relation to the broader terms and conditions of teaching assistants – i.e. the number of hours and weeks they work. The following offer is therefore proposed:

- (a) the Council withdraw the currently suspended notices of dismissal and re-engagement;
- (b) the revised roles and responsibilities will replace the existing job descriptions;
- (c) teaching assistants are aligned to the new grading structure as agreed by head teachers;
- (d) the standard hours worked by teaching assistants each week will be 37, with any reduced hours contracts being paid on a pro rata basis;
- (e) the standard number of weeks worked by teaching assistants will be 40;
- (f) if any teaching assistant experiences a financial loss, compensation equivalent to the loss of salary associated with the move from whole time to term time, or a change in grade will be paid during the term of employment for a maximum of two years from the date of implementation;
- (g) the revised arrangements will be implemented from 1 September 2017.

### **Impact of Offer**

17 The financial impact of the offer upon individual teaching assistants will vary dependent upon a range of factors. The table overleaf sets out the forecast impact upon teaching assistants at the end of the two year compensation period, assuming that teaching assistants are awarded the anticipated public sector pay award of 1% in each of the next two financial years. The comparison is based upon the following:

- (a) if teaching assistants had worked 37 hours, term time only (39 weeks) at their current grade;
- (b) implementation of the revised offer with teaching assistants working 37 hours a week for 40 weeks at their revised grades.

<b>Increase or Decrease</b>	<b>37 Hours, 39 Weeks and Current Grades</b>	<b>37 Hours, 40 Weeks and Revised Grades</b>
Increase	262	1,696
Decrease	1,906	472
<b>TOTAL</b>	<b>2,168</b>	<b>2,168</b>

- 18 The table above highlights that 78% of the 2,168 teaching assistant cohort are forecast to receive an increase in pay at the end of the compensation period. There will be 22% of the teaching assistant cohort who would experience a reduction in pay. Of this cohort 27 teaching assistants will experience a reduction of more than 10% in pay. The Council will work with trade unions and head teachers during the two years following implementation to minimise the impact upon those that are adversely affected.
- 19 The full detail of the forecast impact upon teaching assistants is set out in Appendix 2.
- 20 Teaching assistants will individually be able to agree with head teachers how the revised working arrangements will be practically accommodated in each school. The Council will issue guidance to head teachers with regard to this.
- 21 An Equalities Impact Assessment of the revised offer has been undertaken with support from the Equalities Team and is attached at Appendix 3.
- 22 In progressing the review every effort has been made to identify a solution to the ongoing equal pay risk that is as fair as possible to teaching assistants. Whilst the review has now been completed, the Council will continue to work with trade unions and head teachers to consider the impact of implementation and future workforce development across the teaching assistant workforce.

### **Recommendations and reasons**

- 23 It is recommended that Council:
- (a) withdraw the suspended notices of dismissal and re-engagement issued in October 2016 with immediate effect;
  - (b) note with thanks the work of the project board and project team in reviewing the roles and responsibilities of teaching assistants;
  - (c) authorise the Corporate Director Resources to communicate the offer set out at paragraph 16 of the report to teaching assistants and relevant recognised trade unions;

- (d) authorise the Corporate Director Resources to conclude the changes to teaching assistant terms and conditions of employment by agreement upon acceptance of the offer by all of the relevant recognised trade unions.

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## **Appendix 1: Implications**

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**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.

The forecast impact upon teaching assistants is detailed in the report and in Appendix 2.

**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. The Council is on notice of in excess of 170 grievances from non-teaching assistant employees which are expected to be progressed in the event that this issue is not resolved.

**Equality and Diversity / Public Sector Equality Duty** - equality impact assessments have been undertaken throughout this process, and the final assessment is set out in full at Appendix 3.

**Accommodation** - None

**Crime and Disorder** - None

**Human Rights** – None

**Procurement** - None

**Disability Issues** – Disability issues are discussed within the equality impact assessment attached at Appendix 3

**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.

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## Appendix 2: Modelling of impact upon Teaching Assistants

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Assumptions:

- 1 Teaching Assistants flexibly work 37 hours and 40 weeks.
- 2 Position is based upon the period September 2019 to August 2020 at the end of the two year compensation period.
- 3 Annual pay awards of 1% are assumed.

Change	37 Hours, 40 Weeks and Revised Grades
	<b>No.</b>
<b>INCREASES</b>	
20% and above	130
17.5% to 20%	48
15% to 17.5%	21
12.5% to 15%	60
10% to 12.5%	46
7.5% to 10%	116
5% to 7.5%	144
2.5% to 5%	1,036
0 to 2.5%	95
<b>DECREASES</b>	
0 to 2.5%	112
2.5% to 5%	92
5% to 7.5%	223
7.5% to 10%	18
10% to 12.5%	12
12.5% to 15%	7
15% to 17.5%	7
17.5% to 20%	0
20% and above	1
<b>TOTAL</b>	<b>2,168</b>

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**Appendix 3: Equality Impact Assessment**

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**Durham County Council Equality Impact Assessment**

**NB:** The Public Sector Equality Duty (Equality Act 2010) requires Durham County Council to have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people from different groups. Assessing impact on equality and recording this is one of the key ways in which we can show due regard.

**Section One: Description and Screening**

<b>Service/Team or Section</b>	Resources - HR
<b>Lead Officer</b>	Corporate Director Resources
<b>Title</b>	Teaching Assistants – Review of Terms and Conditions
<b>MTFP Reference (if relevant)</b>	Not applicable
<b>Cabinet / Council Date (if relevant)</b>	21 June 2017
<b>Start Date</b>	June 2017
<b>Review Date</b>	September 2017

**Subject of the Impact Assessment**

Please give a brief description of the policy, proposal or practice as appropriate (a copy of the subject can be attached or insert a web-link):

As a result of a collective agreement made in 2004, the majority of teaching assistants (TAs) are being paid full time (37 hours per week) whole time (52 weeks a year) but are actually working 32.5 hours, term time only which is in line with the agreement. The current position in Durham is not sustainable in the long term, given that there are a wide variety of contracts in place leaving the Council open to challenges in relation to equality and fairness.

A review of the position with an aim of resolving the equal pay issue has been ongoing since Autumn 2015. This impact assessment relates to the review of roles and responsibilities for teaching assistants and a revised proposal in relation to changes to TAs' terms and conditions of employment.

**Current position**

In December 2016 the Council agreed to undertake a joint review with recognised trade unions of the roles and responsibilities of Teaching Assistants. As a result of this UNISON and ATL agreed to suspend industrial action, although the dispute remained in place.

A project board was set up with council and trade union representation to oversee the review of roles and responsibilities of teaching assistants. A project team with



representation from the council, recognised trade unions, teaching assistants and head teachers was also established to develop a new grading structure for teaching assistants and new job descriptions and job record documents.

The job record documents were evaluated under the council's recognised job evaluation process. Meetings were held between 24<sup>th</sup> April 2017 – 26<sup>th</sup> May 2017 with head teachers, a representative from human resources and trade unions to align posts to the new grading structure and job descriptions.

Broader discussions have been ongoing with trade unions regarding the terms and conditions of teaching assistants which has resulted in the following proposed offer effective from 1<sup>st</sup> September 2017:

- (a) the Council withdraw the currently suspended notices of dismissal and re-engagement;
- (b) the revised roles and responsibilities will replace the existing job descriptions;
- (c) Teaching assistants are aligned to the new grading structure as agreed by head teachers;
- (d) the standard hours worked by teaching assistants each week will be 37, with any reduced hours contracts being paid on a pro rata basis;
- (e) the standard number of weeks worked by teaching assistants will be 40;
- (f) if any teaching assistant experiences a financial loss, compensation equivalent to the loss of salary associated with the move from whole time to term time, or a change in grade will be paid during the term of employment for a maximum of two years from the date of implementation;
- (g) the revised arrangements will be implemented from 1 September 2017.

The revised contract will be flexible to take into account work carried out by teaching assistants out of normal working hours such as parents' evenings, residential trips and after school events and weekend events.

Pending Council agreement to proceed with the proposals, letters will be issued to teaching assistants by 23 June 2017, outlining the revised offer and any subsequent personal financial impact. UNISON and Unite will ballot their members from 22 June 2017 the results of which will be known week commencing 10 July 2017.

Who are the main stakeholders? (e.g. general public, staff, members, specific clients/service users):

Employees/Schools/Elected Members/Trade Unions

## Screening

Is there any actual or potential negative or positive impact on the following protected characteristics?		
Protected Characteristic	Negative Impact Indicate: Y = Yes, N = No, ? = unsure	Positive Impact Indicate: Y = Yes, N = No, ? = unsure
Age	N	N
Disability	Y	N
Marriage and civil partnership (workplace only)	N	N
Pregnancy and maternity	N	N
Race (ethnicity)	N	N
Religion or Belief	N	N
Sex (gender)	Y	Y
Sexual orientation	N	N
Transgender	N	N

Please provide **brief** details of any potential to cause adverse impact. Record full details and analysis in the following section of this assessment.

Implementation of the proposed new terms and conditions will have a potential detrimental financial impact in terms of an annual reduction in gross salary on a workforce which is predominantly female. Although there is no significant disproportionate gender impact suggested through the pay outcome modelling it should be noted that there is a potential adverse gender impact for women where employees cannot work the additional hours offered as part of these proposals.

Anecdotal evidence also suggests that this proposal could have the potential to disproportionately, adversely affect disabled staff. Reasonable adjustments will be made for disabled staff where required to undertake any additional hours/duties offered.

How will this policy/proposal/practice promote our commitment to our legal responsibilities under the public sector equality duty to:

- ) eliminate discrimination, harassment and victimisation,
- ) advance equality of opportunity, and
- ) foster good relations between people from different groups?

The main driver behind these proposals continues to be one of equity and fairness. The review of roles and responsibilities and grading has ensured that all jobs have been evaluated and graded in a consistent and objective way. It is now essential that all terms and conditions and in particular the principle of paying for actual hours and weeks worked is applied consistently across all schools in order to prevent future equal pay claims.

Although implementation of the proposed new terms and conditions will have a financial impact on a workforce which is predominantly female, not making these changes presents a risk to the council of equal pay claims from other school based employees and/or employees of the wider council.

Overall there is a positive impact with regard to equal pay within the wider TA group, other school based support staff and employees across the Council as a whole.

## Evidence

What evidence do you have to support your findings?

Please **outline** your data sets and/or proposed evidence sources, highlight any gaps and say whether or not you propose to carry out consultation. Record greater detail and analysis in the following section of this assessment.

2,168 staff (excluding casual staff) are affected by the proposals. Of these 78.2% will see an annual increase in gross salary. Just over a fifth of affected staff (21.8%) will have a salary decrease. These figures are based upon the change in annual salary immediately following the end of the two-year compensation period assuming all staff increase their hours to 37 per week (or pro rata for part-time staff) and factoring in 2 years increments and pay awards.

Overall, just under one in ten of all affected staff (9.4%) will lose less than 5% of gross a year. A slightly larger proportion (11.1%) will lose between 5-10% a year. About one in eighty of affected staff (1.2%) will lose over 10%.

	Number of Employees	% staff
<b>Salary increase</b>	<b>1696</b>	<b>78.2%</b>
<b>Salary decrease</b>	<b>472</b>	<b>21.8%</b>
0-5% Decrease	204	9.4%
5-10% Decrease	241	11.1%
10%+ Decrease	27	1.2%
<b>Total affected</b>	<b>2,168</b>	<b>100.0%</b>

Removal of the 2004 local collective agreement and implementation of the stated proposals will potentially have a greater impact on females than males as over 95% of the workforce are female.

The contribution rate the employee pays into the pension scheme will be reassessed as a result of any reduction in pensionable pay and if the employee moves into a lower pensionable pay band the employee may end up paying pension contributions at a lower rate. However an overall reduction in pensionable pay will lead to a lower pension pot. Employees retiring within the next 10 years will be able to use a three year average pensionable pay figure to calculate pension benefits for membership earned before April 2014, looking back up to 13 years before the date the employees leaves/retires and using financial years. This should ensure that an employees who leave/retire within the next 10 years should not have their pension benefits earned before April 2014 adversely affected by the reduction in pay.

## Screening Summary

On the basis of this screening is there:	Confirm which refers (Y/N)
Evidence of actual or potential impact on some/all of the protected characteristics which will proceed to full assessment?	Y
No evidence of actual or potential impact on some/all of the protected characteristics?	N

## Section Two: Data analysis and assessment of impact

Please provide details on impacts for people with different protected characteristics relevant to your screening findings. You need to decide if there is or likely to be a differential impact for some. Highlight the positives e.g. benefits for certain groups, advancing equality, as well as the negatives e.g. barriers for and/or exclusion of particular groups. Record the evidence you have used to support or explain your conclusions. Devise and record mitigating actions where necessary.

Protected Characteristic: <b>Sex (gender)</b>														
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?												
<p>Significantly more females than males who will be impacted on by the proposal as the majority (95.8%) are female.</p> <p>Modelling of the pay outcomes indicates that there is no significant disproportionate impact on either men or women as a result of these proposals.</p>	<p>Gender profile:</p> <table border="1"> <thead> <tr> <th>Gender</th> <th>Number</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Female</td> <td>2,078</td> <td>95.8%</td> </tr> <tr> <td>Male</td> <td>90</td> <td>4.2%</td> </tr> <tr> <td>Total</td> <td>2,168</td> <td></td> </tr> </tbody> </table> <p>Overall, there is very little difference in the proportion of male and female staff subject to an increase (or decrease) in salary as a result of these proposals.</p>	Gender	Number	Percentage	Female	2,078	95.8%	Male	90	4.2%	Total	2,168		<p>Employees will be offered a contract of 37 hours per week (pro rata for part time staff) and term time working based on 40 weeks.</p> <p>A compensatory payment will be payable</p>
Gender	Number	Percentage												
Female	2,078	95.8%												
Male	90	4.2%												
Total	2,168													

However, the pay modelling used to carry out this analysis assumes that all staff will work, where required, the additional hours to mitigate the impacts of these proposals.

There is a further potential adverse impact on part time workers who have care responsibilities and are not able to undertake these additional working hours to mitigate the loss. This may have a greater impact on women.

The standard number of weeks worked on a term time basis will be 40 weeks a revised offer of an additional 1 week. This will also help mitigate against financial loss.

If a collective agreement is reached (subject to UNISON and Unite TU ballot) employees will be offered a contract of 37 hours per week (pro rata for part time staff) and a compensatory payment to the equivalent of 2 years loss in salary.

The compensatory payment is for the change from a whole time to term time contract. It will also compensate the 1.2% of employees aligned to a lower grade.

Implementation of new contractual arrangements is proposed to take effect from 1<sup>st</sup> September 17.

The revised contract will be flexible to take into

78.2% of females (compared to 80.0% of males) will receive a salary increase as a result of these proposals. Correspondingly, just over a fifth of females (21.8% - compared to 20.0%% of males) will receive a salary decrease after the two year compensatory period.

Specifically, slightly more females (20.6%) compare to males (18.9%) receive a salary loss after the two year compensatory period of less than 10%.

However, a similar proportion of females (1.3%) compared to 1.1% of males are anticipated to receive a salary loss of over 10%.

Anecdotal evidence (via previous consultations in 2015 and 2016) indicates that some affected staff may have difficulties in undertaking any additional hours or weeks offered due to care commitments.

National evidence also indicates that women are more likely than men to have caring responsibilities.

equivalent to 2 years loss in salary for the change from a whole time to term time contract and also those employees affected by a reduction in grade.

Pending Council agreement letters will be issued to all TAs outlining the revised offer.

Consideration for flexible working will be considered using existing school procedures for those with care responsibilities – guidance to be issued to head teachers.

Appropriate change management process to be followed in line with employment law to ensure fairness

All affected employees will have the right of appeal in relation to their alignment.

<p>account work carried out by TAs out of normal working hours such as parents' evenings, residential trips and after school events and weekend events. This may be beneficial to some employees in order to undertake the additional weeks/hours.</p> <p>Although implementation of the proposed new terms and conditions will have a potential detrimental financial impact on a workforce which is predominantly female, not making these changes presents a risk to the council of equal pay claims from other school based employees and/or employees of the wider council.</p> <p>Overall, there is a positive impact with regard to equal pay within the Teaching Assistant group, other school based support staff and employees across the wider Council. However, in achieving this, significantly more females than males will be affected by the proposal.</p>		
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Protected Characteristic: <b>Age</b>																				
What is the actual or potential impact on stakeholders?	Record of evidence to support or explain your conclusions on impact.	What further action or mitigation is required?																		
<p>The age range most affected are between the ages of 25 to 64.</p> <p>While some differences are apparent in the pay modelling it should be noted</p>	<p>Age profile</p> <table border="1" data-bbox="630 1787 1091 2020"> <thead> <tr> <th>Age group</th> <th>No.</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>16-24</td> <td>103</td> <td>4.8%</td> </tr> <tr> <td>25-44</td> <td>970</td> <td>44.7%</td> </tr> <tr> <td>45-64</td> <td>1,083</td> <td>50.0%</td> </tr> <tr> <td>65+</td> <td>12</td> <td>0.6%</td> </tr> <tr> <td><b>Total</b></td> <td><b>2,168</b></td> <td><b>100%</b></td> </tr> </tbody> </table>	Age group	No.	%	16-24	103	4.8%	25-44	970	44.7%	45-64	1,083	50.0%	65+	12	0.6%	<b>Total</b>	<b>2,168</b>	<b>100%</b>	<p>Please see above</p>
Age group	No.	%																		
16-24	103	4.8%																		
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45-64	1,083	50.0%																		
65+	12	0.6%																		
<b>Total</b>	<b>2,168</b>	<b>100%</b>																		

<p>that no significantly large disproportionate impacts appear to result between age groups as a result of these proposals.</p> <p>The contribution rate the employee pays into the pension scheme will be reassessed as a result of the reduction in pensionable pay and if the employee moves into a lower pensionable pay band the employee may end up paying pension contributions at a lower rate. However, an overall reduction in pensionable pay will lead to a lower pension pot. Employees who leave/retire within the next ten years should not have their pension benefits earned before April 2014 adversely affected by the reduction in pay.</p> <p>Proposals are not expected to have an adverse impact on students as classroom based support will continue with some staff possibly working longer hours.</p>	<p>The pay modelling shows there is a slightly lower proportion of the 45-64 year old age group (76.8%) receiving a salary increase compared to 16-24 year-olds (79.6%) and 25-44 year olds (79.8%). The 65+ age group also has proportionally fewer staff receiving a salary increase (66.7%) but the small number of staff in this age group means that comparisons can be misleading.</p>	
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Protected Characteristic: <b>Disability</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
<p>There is some limited evidence that indicates proposals could potentially have a disproportionate adverse effect based on disability.</p> <p>Reasonable adjustments will be made for disabled staff where required to undertake any additional hours or duties offered. This will include</p>	<p>Anecdotal evidence (via previous consultations in 2015 and 2016) indicates that some staff may have difficulties in undertaking additional hours or weeks due to disability.</p> <p>Staff profiling data indicates that 1.2% of affected staff have reported a disability. This is relatively low compared to the council overall (where</p>	<p>Ensure reasonable adjustments are made for disabled staff where required.</p> <p>Please see above</p>

consideration for flexible working using existing school procedures to assist disabled employees being able to undertake additional hours/weeks wherever possible.	2.8% of staff reported a disability).  Of these staff who have reported a disability 80.8% will receive an increase in pay, slightly more than proportion who have declared that they do not have a disability.	
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Protected Characteristic: <b>Pregnancy and maternity</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
The gender profile highlights those pregnant / on maternity leave will need to be fully engaged in the process.		Ensure those pregnant / on maternity leave are fully engaged in the process.

Protected Characteristic: <b>Marriage and civil partnership (workplace only)</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
	Staff disclosure rates for Marriage and Civil Partnership are extremely low therefore there is insufficient evidence to ascertain impact	Please see above

Protected Characteristic: <b>Race (ethnicity)</b>																	
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?															
There is no evidence to suggest that the proposals would have a disproportionate adverse effect on the basis of race or ethnicity.	<table border="1"> <thead> <tr> <th>Ethnicity</th> <th>Number of staff</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>Not disclosed</td> <td>240</td> <td>11.1%</td> </tr> <tr> <td>Non-White British</td> <td>33</td> <td>1.5%</td> </tr> <tr> <td>White British</td> <td>1,895</td> <td>87.4%</td> </tr> <tr> <td></td> <td>2,168</td> <td>100%</td> </tr> </tbody> </table>	Ethnicity	Number of staff	%	Not disclosed	240	11.1%	Non-White British	33	1.5%	White British	1,895	87.4%		2,168	100%	Please see above
	Ethnicity	Number of staff	%														
	Not disclosed	240	11.1%														
	Non-White British	33	1.5%														
	White British	1,895	87.4%														
	2,168	100%															
78.1% of white British staff will receive an increase in salary as a result of these proposals. 78.8% of non-white British staff will receive an increase in salary as a result of these proposals. 79.2% of staff who																	



	not disclosed an ethnicity will receive an increase in salary.	
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Protected Characteristic: <b>Religion or belief</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
	Staff disclosure rates for religion or belief are extremely low therefore there is insufficient evidence to ascertain impact	Please see above

Protected Characteristic: <b>Sexual orientation</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
	Staff disclosure rates for sexual orientation are extremely low therefore there is insufficient evidence to ascertain impact	Please see above

Protected Characteristic: <b>Transgender</b>		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
	Staff disclosure rates for Transgender status are extremely low therefore there is insufficient evidence to ascertain impact	Please see above

## Section Three: Conclusion and Review

### Summary

Please provide a brief summary of your findings stating the main impacts, both positive and negative, across the protected characteristics.

The main driver behind these proposals continues to be one of equity and fairness. The review of roles and responsibilities and grading has ensured that all jobs have been evaluated and graded in a consistent and objective way. It is now essential that all terms and conditions and in particular the principle of paying for actual hours and weeks worked is applied consistently across all schools in order to prevent future equal pay claims.

Overall there is a positive impact with regard to equal pay within the Teaching Assistant group, other school based support staff and employees across the wider Council. Though more female than male staff are affected by these proposals it should be noted there is no large disproportionate impact between male and female staff.

Subject to Council approval employees will be issued with a letter by 23 June 2017 containing their new revised role and grade and the consequent financial impact upon them personally. Unison and Unite will then undertake a consultative ballot on the revised offer, the result of which will be known week commencing 10 July 2017.

The standard number of weeks worked on a term time basis will be 40 weeks - a revised offer of an additional 1 week. This will also help mitigate against financial loss.

If a collective agreement is reached a compensatory payment, the equivalent of two years loss in salary, will be payable. The compensatory payment is the change from whole time to term time. It will also compensate employees aligned to a lower grade. Implementation of new contractual arrangements will take effect from 1<sup>st</sup> September 17.

There is a potential adverse impact on workers who have care responsibilities and are not able to undertake the additional working hours to mitigate the loss. This may have a greater impact on women. Consideration for flexible working will be considered using existing school procedures for those with care responsibilities. In addition the revised contract will be flexible to take into account work carried out by Teaching Assistants out of normal working hours such as parents' evenings, residential trips and after school events and weekend events. This may be beneficial to some employees in order to undertake the additional week/hours.

There is a potential disproportionate impact on those with disabilities who may be unable to undertake additional hours. Reasonable adjustments will be made as well as consideration of flexible working.

Every effort has been made to identify a solution to this specific issue that is as fair as possible to Teaching Assistants whilst recognising and mitigating the risk the Council needs to address.

The Council will continue to work with the Trade Unions and Head Teachers to consider future workforce development across the Teaching Assistant workforce.

Appropriate change management processes will be followed in line with employment law to ensure fairness throughout.

Will this promote positive relationships between different communities? If so how?

### Action Plan

Action	Responsibility	Timescales for implementation	In which plan will the action appear?
Appropriate change management process to be followed in line with	HR Leads	Throughout process	Teaching assistants Project Plan

Action	Responsibility	Timescales for implementation	In which plan will the action appear?
employment law to ensure fairness			
Letters to be issued to employees offering a contract of 37 hours per week (pro rata for part time staff) and 40 hour week term time only.	HR Leads/Head Teachers	June 2017	Teaching assistants Project Plan
A compensatory payment will be payable equivalent to two years loss in salary for the change from a whole time contract to term time only and the 1.4% aligned to a lower grade.	HR Leads	June 2017	Teaching assistants Project Plan
Consideration for flexible working will be considered using existing school procedures for those with care responsibilities – guidance to be issued to head teachers.	HR Leads	June 2017	Teaching assistants Project Plan
All employees will be offered the right of appeal in relation to their alignment onto the new grading structure.	HR Leads	December 2017	Teaching assistants Project Plan
Ensure those pregnant / on maternity leave are fully engaged in the process.	HR Leads	Throughout process	Teaching assistants Project Plan
Reasonable adjustments are made for disabled employees where required	Head Teachers	Throughout process	Teaching assistants Project Plan

## Review

Are there any additional assessments that need to be undertaken? (Y/N)	N
When will this assessment be reviewed? Please also insert this date at the front of the template	July 2017, December 2017 in line with action plan above

## Sign Off

Lead officer sign off: Corporate Director of Resources	Date: 16.06.17
Service equality representative sign off: Head of Strategy	Date: 16.06.17

Please return the completed form to your service equality representative and forward a copy to [equalities@durham.gov.uk](mailto:equalities@durham.gov.uk)