

Industrial Action by Teaching Assistants

Sent on behalf of Caroline O'Neill, Head of Education

Dear Parent/Carer,

I am contacting you to ensure you are aware of the position regarding the current dispute between teaching assistants in the Unison and ATL unions and the County Council. As you may have read in the press, the dispute is in relation to the review of their terms and conditions.

We greatly value the work of teaching assistants and the contribution they make to the education of the children and young people in our schools. The council does however have to address an equal pay issue in relation to the hours and weeks that are worked by our teaching assistants.

The background to this issue is that some teaching assistants are being paid for time when they do not actually work. They are paid for 4.5 hours per week more than they work and for approximately 6.5 weeks per year more than some other support staff. If this continues, then those staff not being paid this extra money could bring an equal pay claim, and the council would be faced with a significant financial liability. The revised conditions will see teaching assistants paid for the time they actually work, 'term time', including an entitlement for annual leave.

Proposals to change the contracts of teaching assistants were agreed by the council following legal advice in relation to the risk of equal pay claims. The council has now received collective grievances from other employees based on comparisons with the teaching assistant's terms and conditions.

The discussions between the council and unions representing teaching assistants have been ongoing for more than a year and culminated in the conciliation service 'ACAS' helping to negotiate an offer of two year's compensation and delaying the implementation of the amended contracts until April 2017. GMB and Unite members voted to accept this offer and Unison and ATL members voted to reject it. You may be aware that some teaching assistants have already taken part in two days of industrial action which impacted on a number of schools across the county recently. The Q and A sheet which follows has been provided by the County Council and provides further information on the dispute.

While the vast majority of pupils across the county were still able to attend classes, 43 schools were closed as a result of the recent industrial action and there was an impact particularly on nursery, reception and special needs provision. This is due to the higher staff to pupil ratio required in these areas.

We have tried hard to minimise the impact by increasing the hours we offer our teaching assistants to reduce the financial burden arising from these changes. We are pleased to say that in the vast majority of cases this has been possible and has been accepted by the majority of teaching assistants. We have also worked with the county council to explore opportunities for regrading individual teaching assistants where it is felt that their responsibilities have increased or there is a requirement to change their roles.

Working with our teachers, governors, wider staff and parents we have also tried hard to ensure there is minimal impact on the education and wellbeing of all our

pupils and we are very grateful for your patience and support during this time. However some families will unfortunately have been impacted upon by the industrial action. We are aware that this disruption may have caused you or your family some inconvenience and the school and the council apologise for this and thank you for your understanding and continued support. Please be assured we are doing all we can and are working with the council to minimise the disruption caused by industrial action.

Why are these changes being made?

Following the lead of all but one council in the North East and many nationally who have already moved to pay teaching assistants on a term time basis, Durham County Council began discussions with unions over the issue of the fairness and equality of teaching assistants' pay in September 2015.

The council has identified a clear risk of equal pay claims arising from differences in terms and conditions between teaching assistants within schools and also between teaching assistants and similarly graded staff in the wider council who do not have 13 weeks paid leave. Such claims could have a significant impact on the council's budget. It could cost the council millions of pounds and impact on service and jobs.

The changes are not being made as a cost cutting exercise by the council. The decision to make the changes is based purely on equality grounds and the unfairness of the current situation which puts the council at risk of equal pay claims. School staffing budgets are delegated to schools and managed by them.

What has the council done to address the equal pay issue?

Consultations over one year's compensation for affected staff began in November 2015. Schools were also asked to offer extra hours to help mitigate any loss. Based on the consultation feedback a revised offer, which would have seen the new terms phased in, was consulted on from February 2016.

With no agreement being reached, councillors agreed in May to employ staff on new contracts, with one year's compensation, from January 2017. The council began employing all new teaching assistants on the new terms from June 2016. The council has seen up to 50 applicants for teaching assistant roles advertised on the new conditions and has had no problem filling these posts.

Negotiations continued through the summer and, following a meeting arranged by the council between senior councillors, officers, unions and mediation service ACAS, a final offer was made to delay implementation of the changes until April 2017 and to double the compensation to two years. This effectively meant that the loss of salary associated with aligning pay to term time working would not impact until April 2019.

Members of two unions, the GMB and Unite, voted to accept the offer whilst Unison members voted to reject it. Staff who were not members of a recognised negotiating union, including members of the ATL, were also been given the opportunity to accept this offer.

Unison and ATL subsequently balloted their members for industrial action. Only 40% of the council's teaching assistant workforce voted to take strike action.

What effect would the changes have?

For more than 95% of staff that work the additional hours offered to them, for which they are already paid, any reduction will be less than 12%. This proposed reduction

would not come into effect until April 2019 if the ACAS negotiated position was accepted.

Can the council regrade teaching assistants so they see no loss?

The council cannot automatically regrade all teaching assistants, or indeed any other specific group of staff, to a higher level as it would not be fair to other council employees within schools and across the council. If all council employees were regraded, this would present a significant financial cost to the Council at a time when it is facing severe government grant cuts. These claims could cost millions of pounds and impact on services and jobs across the county.

The council has however been clear that any teaching assistant who can demonstrate an increase in duties and responsibilities should speak to their head teacher on an individual basis about the possibility of regrading. This is in line with the regrading arrangements across the council.

Sent on behalf of Caroline O'Neill, Head of Education
Future Industrial Action by Teaching Assistants

	<u>Mrs Fletcher and Mrs Stephenson's class</u>	<u>Nursery</u>	<u>Reception</u>	<u>Further information</u>
Wednesday 30 th November	Swimming will be on as usual. School will remain open for class.	Open	Open	
Thursday 1 st December	Open as usual	Open	Closed	Nursery is able to stay open on Thursday 1 st December as the Teaching Assistant is on Training, which was planned prior to Industrial Action. Local Authority allows a Supply Teaching Assistant to cover in this situation.
Tuesday 6 December	Open as usual	Closed	Closed	
Wednesday 7 th December	No swimming School will remain open for class.	Closed	Closed.	
Thursday 8 th December	Open as usual	Closed	Closed	
Friday 9 th December	Open as usual	Open	Open Beamish Trip	

Autumn 2 Dates – updates are in red for your convenience.

Event	Who	Date	Time
DECEMBER			
Pantomime Visit	Years 1 and 2	Wednesday 7 th December	During School time.
Christmas Movie Night	Y1 – Y6	Monday 5 th December To be confirmed	3:20 – 4:45 To be confirmed
Christmas Party	Nursery am	Friday 16 th December	
Christmas Party	Nursery pm	Friday 16 th December	
Christmas Party	Reception, Year 1 and Year 2	Thursday 15 th December	
Christmas Jingle Bell Ball	Years 3, 4, 5 and 6.	Thursday 15 th December	3:20 – 4:30
AM Nursery sing-a-long and stay and play.	Nursery and Parents	Tuesday 13 th December	10:15 – 11:45
PM Nursery sing-a-long and stay and play.	Nursery and Parents	Tuesday 13 th December	2pm – 3:30
Nativity	Mrs Bravey/Mrs Baker and Mrs Scott's class.	Friday 9 th December am Monday 12 th December pm	9:00 2:15
Nativity	Mrs Ruddick and Mrs Fletcher/Stephenson's Year 3/4 pm class.	Friday 9 th December pm Monday 12 th December am	2:15 9:00
Christmas Production	Mrs Anderson and Mr Mander's pm classes	Tuesday 13 th December pm Wednesday 14 th December pm	2:00 18:00
Edmondsley's Winter Wonderland. Visit Santa in his grotto, enjoy warm drinks and refreshments whilst listening to our School Choir?	All children.	Wednesday 7 th December TBC	CANCELLED
Christmas Lunch <u>for children</u>		Friday 16 th December	
Christmas Jumper Day		Friday 16 th December	
Last day of term		Friday 16 th December	
School Re-opens		Tuesday 3 rd January 2017	