



**To: Chief Executives in England  
Directors of Children's Services/Chief Education Officers in England  
Diocesan Directors of Education  
Directors of HR  
Chairs of Governing Bodies of all Maintained Schools in England  
Head Teachers of all Maintained Schools in England  
Trade Union National Secretaries**

October 2009

Dear Sir/Madam

## **UPDATE ON SCHOOL SUPPORT STAFF NEGOTIATING BODY**

We are writing to update you on developments in the new School Support Staff Negotiating Body (SSSNB).

A joint circular was issued on 21st April which set out the legislative background to the establishment of the new Body and looked ahead to how it might operate. This circular builds on that information. Only the main points are covered here but further detailed information can be found in the School Support Staff Negotiating Body section of the Office of Manpower Economics' website at: <http://www.ome.uk.com/>

### **Scope and status of the SSSNB and its agreements**

The SSSNB will formally be established as a Statutory Body under the Apprenticeships, Children, Skills and Learning Bill, which is expected to receive Royal Assent in November 2009. In the interim a non-statutory "shadow" Body is operating under the Secretary of State's prerogative powers.

The SSSNB will agree a pay and conditions framework for support staff in the maintained sector. Subject to ratification by the Secretary of State, agreements will apply to all maintained schools in England.

Under the terms of the bill the SSSNB will cover:

Any person employed under a contract of employment:

(a) by the governing body of a school maintained by a local authority in England;

*[this is intended to cover support staff in foundation and voluntary aided schools where the governing body is the employer]*

or

(b) by a local authority in England to work wholly in a school or schools maintained by a local authority in England.

*[this is intended to cover all community and voluntary controlled schools, maintained nursery schools, and pupil referral units (short stay schools)]*

Teachers will not be covered, nor will support staff employed under contracts incorporating the agreements of any of the following: the JNC for Youth and Community Workers, the Soulbury Committee and the JNC for Local Authority Craft and Associated Employees. Any other employee whose contract of employment provides for them to work wholly in schools, including those employed by the local authority's DSO/DLO, would be included. There will be a facility for the parties locally to refer jointly to the SSSNB any questions or differences of interpretation concerning the inclusion or otherwise of particular employees.

### **Membership of the SSSNB**

The Employers' Side comprises representatives from the Local Government Employers, the Foundation and Aided Schools National Association (FASNA), the Church of England Education Division and the Catholic Education Service for England and Wales. The recognised Trade Unions are UNISON, GMB and Unite. The Department for Children, Schools and Families (DCSF) and the Training and Development Agency (TDA) are non-voting members.

The Secretary of State has appointed Philip Ashmore, who has considerable experience of industrial relations and is a member of the NHS Pay Review Body, as Independent Chair. His role is to receive and manage delivery of the matters referred to the SSSNB by the Secretary of State, chair meetings of the SSSNB, facilitate formal and informal discussions between the parties, act as a conduit to the Secretary of State, and ensure that the SSSNB has regard to government policy and considerations of the wider social partnership.

The full Body meets every three months. A smaller Executive Group meets monthly while much of the detailed work takes place in working groups. However, the power to reach agreements (which will in turn be subject to ratification by the Secretary of State) lies with the full Body.

## **Secretary of State's referral letter**

The SSSNB is required to negotiate and seek to reach agreement on matters referred to it by the Secretary of State though the Employers' and Trade Union Sides are also free to bring other matters to the negotiating table. The Secretary of State's first referral letter was issued on 29th July and can be found at <http://www.ome.uk.com/>

The referral letter asks the SSSNB to focus on the following initially:

- The production of a core contract of employment to cover remuneration, duties and working time.
- The design of national job role profiles to cover core school support staff roles.
- The development and production of a method for converting those role profiles into a salary structure.
- A strategy that will effectively implement the national pay and conditions framework in all schools maintained by local authorities in England including a methodology to manage both transition and steady state.

The Secretary of State has asked the SSSNB to submit to him any agreements on these matters that it has reached by 28th May 2010. There would then be a period when the Secretary of State would consider the agreements before deciding whether to endorse them or refer them back to the SSSNB for reconsideration. In any event the earliest that any agreement could realistically be required to be implemented at local level (bearing in mind the likely need to give contractual notice of variation of contract) would be 1st September 2010, and even this seems ambitious.

Both the SSSNB and the Employers' Side will give local authorities adequate notice of the likely implementation timetable but at this stage, apart from keeping governing bodies, head teachers and support staff aware of developments, there is no specific action required locally in preparation for implementation.

## **Working Groups**

In the light of the Secretary of State's referral letter the following two SSSNB Working Groups have been established and are meeting frequently:

- Core Contract and Working Year Working Group
- Role Profiles and Job Measurement Working Group

The detailed terms of reference for each Working Group can be found at <http://www.ome.uk.com/>. The Working Groups will draw on the work of consultants who were appointed by DCSF at an earlier stage to investigate and present some preliminary views and options on a pay and conditions framework for support staff. They visited a number of schools and local authorities during their research work. Their findings will provide a useful resource for the Working Groups.

## **Pay and grading reviews**

The joint circular issued in April included advice to the effect that local authorities should continue to include school support staff in local pay and grading reviews until advised otherwise. That remains the position.

## **Further advice**

For anything not covered by this circular or available on the OME or LGE website local authorities are welcome to seek advice from David Algie (Principal Negotiating Officer) or Debbie Carvalho (Negotiating Officer) at [schoolsupport@lge.gov.uk](mailto:schoolsupport@lge.gov.uk). Governing bodies and head teachers of community and voluntary controlled schools should contact their local authority HR department in the first instance