



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

JOINT CIRCULAR FROM THE SUPPORT STAFF WORKING GROUP

SCHOOL SUPPORT STAFF NEGOTIATING BODY

We are writing to update you on the latest developments in the establishment of new national negotiating machinery for school support staff.

The Government's decision to establish a new Body was announced formally in September 2007 and a further announcement was made in September 2008. This can be found at:

http://www.dcsf.gov.uk/pns/DisplayPN.cgi?pn_id=2008_0210

The Body will be set up under statutory provisions contained in the Apprenticeships, Skills, Children and Learning Bill (ASCL Bill) which was announced in the Queen's Speech on 3 December. The legislative timetable for the Bill is:

First reading	4 February 2009
Second reading	23 February 2009
Third reading	5 May 2009
Royal Assent	October 2009

What follows reflects the relevant clauses in the ASCL Bill in relation to the establishment and workings of the School Support Staff Negotiating Body as introduced at First Reading. These provisions will be subject to the normal Parliamentary scrutiny before they become law and could, as a result, be subject to change.

The new Body will be known as the School Support Staff Negotiating Body (SSSNB) and its agreements on pay and conditions will, subject to ratification by the Secretary of State, apply to all maintained schools in England. The Welsh Assembly is currently considering the appropriate arrangements for school support staff in Wales.

Which support staff will be covered by the SSSNB?

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; or

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

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

[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, could be affected. There will be a facility for local partners to refer to the SSSNB any questions or differences of interpretation concerning the inclusion or otherwise of particular employees.

How might the SSSNB operate and who will be represented?

The SSSNB will be a Negotiating Body and a Non Departmental Public Body. The Employers' Side will comprise 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 will be UNISON, GMB and Unite. The Department for Children, Schools and Families (DCSF) and the Training and Development Agency (TDA) will also be members of the SSSNB in a non-voting capacity.

The SSSNB will have an Independent Chair. Philip Ashmore, who has considerable experience of industrial relations and is a member of the NHS Pay Review Body, has recently been appointed to this position. His role will be 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 will have regard to government policy and considerations of the wider social partnership.

The Apprenticeships, Skills, Children and Learning Bill

Under the terms of the ASCL Bill, matters may be referred to the SSSNB by the Secretary of State for consideration and the SSSNB itself may raise matters. It is proposed that if agreement is reached, those agreements will be submitted to the Secretary of State. Where agreement has not been reached or the agreement reached does not satisfy the Secretary of State he may ask the body to consider matters further and ultimately when it is considered to be a matter of urgency enforce his own determination.

What is the anticipated timetable now?

Detailed preparatory work is currently being undertaken in the Support Staff Working Group (SSWG), a sub-group of the national Workforce Agreement Monitoring Group (WAMG). The Bill was introduced to Parliament on 4 February and the Secretary of State will now use prerogative powers to establish the SSSNB on a non-statutory basis in the interim. The SSSNB could then start negotiations on a new pay and conditions framework for support staff. Any agreements reached by the SSSNB whilst it is operating on a non-statutory basis will be provisional until Royal Assent, which is expected in October 2009. It is likely that the first agreements will take effect some time during 2010 and staff contracts could be amended to reflect the new negotiating arrangements. Further details on transitional arrangements will be communicated at a later stage.

What will the SSSNB actually be negotiating?

In 2006 the Secretary of State commissioned the SSWG to work on a number of workstreams covering:

- National negotiating arrangements for support staff
- A pay and conditions framework

National negotiating arrangements for support staff

The workstream on negotiating arrangements is now nearing completion with the impending establishment of the SSSNB.

Pay and conditions framework

The Government is expected to ask the SSSNB to negotiate a new pay and conditions framework for support staff that combines the twin objectives of national consistency and local flexibility. The SSSNB is looking at developing:

- A common core contract and conditions of service including a method of calculating pay
- National role profiles for core role and a national pay framework
- A process for assimilating school support staff to the pay framework

DCSF has commissioned consultants to examine current practice in schools then present options and, where appropriate, recommendations for a new pay and conditions framework. These options and recommendations will provide the basis for substantive negotiations in the SSSNB starting in 2009.

It is not intended in pursuit of the general objective of achieving consistency across the maintained sector within a national framework to restrict the flexibilities that allow organisation structures and jobs to be designed to meet local needs.

Areas of Interest

Career progression and development pathways

TDA has responsibilities for the professional development of the children's workforce in schools, including establishing and maintaining frameworks for occupational and professional standards and qualifications. TDA will continue to work in this area; setting strategic direction for professional development; supporting regional and local CPD leadership; and providing practical support and guidance to enable effective development of the workforce. SSSNB will work with TDA so that pay and conditions frameworks complement effective practice in professional development and career progression.

What needs to happen now at local level in preparation for implementation?

There is no need to do anything at this stage but in the meantime we would encourage you to communicate fully with your support staff on developments. We will continue to keep you informed as things progress. However, there will eventually be a number of actions required ahead of final implementation. One such action is that affected employees may need to be given the necessary notice of variation in their contracts, with respect to the responsibility for national negotiations on certain terms and conditions of service moving from the NJC for Local Government Staff to the SSSNB. This action will follow appropriate consultation.

As far as community schools are concerned, local authorities will no doubt want to consider whether they should continue to include school support staff in local pay and grading reviews. The advice of the SSWG and the NJC is that support staff should continue to be included until advised otherwise. It is the intention of all parties involved in the forthcoming national negotiations to make the transition from existing local pay arrangements to the new pay and conditions framework as smooth as possible.

We shall continue to keep you in touch with developments and ensure that you get adequate notice of everything you need to do locally in preparing for implementation.