Appendix 1

DURHAM COUNTY COUNCIL
Education Service

Agreement on the grading structure for school classroom support staff

Scope

1. This agreement is between Durham County Council (the Authority) and the trade unions (the Unions) namely UNISON and the GMB that are recognised as representing classroom support staff employed in County and voluntary controlled schools. The agreement will be recommended for implementation in voluntary Aided schools through the Diocesan Authorities.

2. Following extended discussions the Authority agreed to implement the terms of this Agreement effective from 1st April 2004, and in the Revenue Budget settlement for 2004/5 made additional resources available to schools to assist in the implementation of the new grading structure. This was set out in a report to the County Council's Cabinet dated 9th December 2004.

3. The Agreement replaces and updates Section 3 Paragraph 28 of the “Purple Book” on Conditions of Service for APT and C staff for Nursery Staffs in Education Establishments as modified by the National Joint Council’s (NJC) collective agreement, the “Green Book” on Conditions of Service (Part 3 Appendix 2) and is deemed to apply to a range of job titles, including all of the following:-

Nursery Nurse, Nursery Assistant, Classroom Assistant, Teaching Assistant, Non-teaching Assistant, Support Assistant, Special Needs Support Assistant, Learning Support Assistant, Behaviour Support Assistant, Higher Level Teaching Assistant, Teaching Auxiliary. This list is not exhaustive and the duties of any specific job will determine if that post is within the scope of this agreement by reference to the Job Descriptions in the Annex to this agreement.

4. These staff are deployed in nursery, primary, secondary and special schools and in other specialized locations in the Education Service. Under the terms of the Education Act 2002, staff in County, Community and Voluntary
Controlled schools are employed by the Authority. Staff in Voluntary Aided schools are employed by the Governing Body.

5. Classroom Support Staff whose work is wholly or mainly the care and supervision of children and young people with Statements of Special Educational Needs (SEN) will be paid a special allowance in addition to the pay rates set out in this agreement, in accordance with the nationally agreed rates, as from time to time reviewed.

6. Classroom Support Staff employed in educational establishments are to be regarded as full-time employees if regularly employed for ten sessions or more per week for 32.5 hours during the school term. Where additional hours are required by the employer these will be paid at plain time rate (based on 1/32.5 of weekly salary) up to 37 hours, or at overtime rate 1.5/32.5 beyond 37 hours. Staff are entitled to a break in the middle of the day of a minimum of 30 minutes.

7. Classroom Support Staff employed full time should be available for work for 195 days in any year, of which 190 days shall be days on which contact with children and young people will be required. There will be no abatement of salary in respect of days not required to be worked during the school holidays.

8. Classroom Support Assistants are to be graded as follows:-

   Grade 1  (unqualified staff) Spinal Column Points 9-13 (bar)
   Grade 2  qualified to NVQ 3 level or equivalent SCP 14-19 (bar)
   Grade 3  qualified in appropriate NVQ 4 level with Level 2
             Maths/Literacy qualifications or Higher Level Teaching
             Assistant status SCP 20-25

Incremental payments to Classroom Support Assistants in respect of cover for planning, preparation and assessment (PPA) time for teachers will in many cases result in Grade 2 staff being paid above SCP19. Full details are contained in the attached Guidance Note.

9. Attached as an Annex to this Agreement is a Summary of the National Framework of Qualifications on which the appropriate NVQ levels are set out against the revised grading structure. This list of qualifications is meant to be illustrative rather than exhaustive as changes in courses and qualifications occur from time to time.

10. Model Job Descriptions and Person Specifications for all three grades are contained in the Annex to this Agreement. These take account of the provisions of the School Workforce Agreement, "Raising Standards – Tackling Workloads"
including the revised roles of teachers and support staff and in particular the newly devised Higher Level Teaching Assistant. The Agreement has regard to the document ‘School Support Staff – the way forward’ published by the NJC in 2003, and the role of School Support Staff within planning for the PPA cover.

Implementation of the Agreement

11.  (a) All staff covered by this Agreement are to be notified in writing of the changes to their existing grade and salary structure;

(b) Any back-pay to which staff are entitled will be paid during April 2005, or as soon as possible thereafter, notwithstanding any appeal which an employee might make against their designated grade in the revised structure;

(c) Headteachers will be advised by the Authority of the need to review the overall grading structure of classroom support staff in their school in the light of the implementation of this Agreement, within the context of their Governing Body’s Whole School Pay Policy.

(d) Classroom support staff are entitled to proper consultation where any changes/amendments to their job description or working hours are proposed in the context of the implementation of this agreement.

(e) Appeals by individual employees against the designated grade within the new structure should be lodged with the Governing Body of the school;

12. Staff covered by this Agreement can only be appointed to and paid for a post that exists on the school establishment structure. The possession of a qualification at a particular level within the Framework does not automatically imply that an employee is entitled to a post at that level within the school where they are employed;

13. Transitional Arrangements

Some Classroom Support Staff may feel that they are “qualified through experience” as a result of performing the full range of duties of the job over a period of a minimum of four years as at 1 April 2004. The movement to a fully qualified workforce is supported by both the Authority and the trade unions. It has been agreed, therefore:-
(a) That if the headteacher/Governing Body of a school are prepared to state that on 1 April 2004 an employee had been performing the full range of duties for at least 4 years of a new Grade 2 post, then the employee may be paid at Grade 2 with effect from 1 April 2004 provided there is a written undertaking by the employee to become qualified within three years of the implementation of this Agreement, that is by 1st April 2007.

(b) Where staff attain 4 years experience of performing the full range of duties of a new Grade 2 post within no more than 1 year of the above date (i.e. by 31 March 2005) they may be paid at Grade 2 with effect from the date on which their 4 years relevant experience is attained, provided they give an identical written undertaking to attain relevant NVQ3 qualification by 1st April 2007.

(c) Where such staff fail to gain the NVQ3 level within the terms of these transitional arrangements they would then remain barred on the incremental salary point reached by 31st March 2007.

(d) All other staff with qualifications at NVQ2 level or below but with less than four years experience on 1 April 2004 in performing the full range of duties at Grade 2 will be paid at Grade 1. However, they should be encouraged to become qualified at NVQ3 through the provision of appropriate training and/or assessment by portfolio. Headteachers will be informed by the Authority of training courses and resources available to support training of Classroom Support Staff, including those wishing to progress to Higher Level Teaching Assistant (where Standards Fund or its equivalent is available).

(e) Staff who are unqualified and employed and paid at Grade 1 within the revised structure should be afforded opportunities to increase their own skills and qualifications so that they are in turn better able to assist children and young people with their learning. It is recognised that some staff may be able to progress directly to NVQ Level 3.

(f) Where staff are considered for appointment to Grade 3 in accordance with the Person Specification and model Job Description by reason of relevant experience, but who lack HLTA status or the appropriate NVQ4 level qualification, the headteacher (Governing Body) may appoint that person subject to a written undertaking by the employee to become qualified within three years of the implementation of this Agreement, that is by 1st April 2007.

(g) Where staff are currently on a higher salary point than that which would apply under the safeguarding covered by this Agreement then headteachers/Governing Bodies will need to seek advice from the Authority. Consultation with the employee and the appropriate trade union would also be required.