

Introduction

The aim of the national Remodelling Agenda is to raise standards and tackle workloads.

This presents to us an exciting opportunity to utilise the skills and develop the potential in all of our employees. This becomes achievable through opportunities to undertake extended roles, to receive relevant training and to access a more coherent career structure.

There are many Headteachers who recognise the valuable contribution that support staff currently make and many of our support staff, given appropriate opportunities, could offer much more.

The initiative also gives the opportunity to review remuneration promoting equality and consistency for support staff in schools.

The initiative has been a springboard for areas of innovation from which we can learn. Some examples of this are as follows:

- *A caretaker who is a qualified teacher is used to cover non-planned absences.*
- *A consistently high supply budget is used to fund a full time teacher for cover.*
- *Existing support staff are paid as unqualified teachers and cover short term planned absence. Note that legislation places some restrictions on this type of arrangement.*
- *The combining of classes to deliver lessons using one teacher and a number of support staff, thereby releasing other class teachers for planning, preparation and assessment work.*

Each school will be different and will need to design and drive their own change programme.

Those who gain the most from the initiative is those who '*go back to basics*' and '*think outside of the existing boxes*' and whilst these are often considered to be clichés with little substance, there is genuine merit in taking this opportunity to carry out a whole scale review.

Review outcomes will vary greatly between establishments, with solutions ranging from the appointment of an additional member of staff to a total reorganisation. The important factor is that the outcome is an informed decision as opposed to a knee jerk reaction to the Remodelling Agreement.

Key to the success of Remodelling is the appropriate involvement of and contribution from all staff within the organisation.

Principles of Assimilation

Introduction

Colleagues will by now be aware that the National Agreement relating to Remodelling of the School Workforce will result in a review of remuneration for all support staff in schools.

Unlike the pay, terms and conditions of teachers which are set out in legislation, the same for support staff are negotiated and agreed nationally by recognised trade unions.

However, the points at which our support staff are paid within the nationally agreed pay spine is a matter for local negotiation.

The current pay points recommended for schools support staff are within the national pay scale and have been agreed with Union Secretaries for Dudley staff. These can be found in the Administrative Procedure D-7a and this is the information which is subject to renegotiation. The Dudley Agreement under Transforming the Working will therefore replace Administrative Procedure D-7a.

What is assimilation?

Existing staff receive a rate of pay for the work that they do. This may be a spot point or a range with incremental progression. Current negotiations may lead to different pay rates and a change in the pay structure (e.g. spot points or pay ranges) for support staff, again, all within the national pay scale.

The process of assimilation is the determination of which pay point or where within an incremental range existing members of staff will move to in any newly agreed pay structure.

What is not covered by the assimilation process?

It should be noted that the assimilation process must not be used to attempt to address issues relating to hours of work, other terms and conditions of employment or performance.

The need for Principles

Prior to the commencement of an assimilation process, it is usual to have a set of agreed principles which will be adhered to in all but the most exceptional circumstances.

Adhering to such principles will promote fairness and consistency and will avoid some of the potential anxiety and confusion surrounding what is a very emotive issue.

The following are the principles which have been agreed with trade unions in Dudley.

Any deviation from these principles will usually be by agreement and in any case must be fully explained and justified.

Principles of Assimilation

1. At the point at which assimilation takes place, there will be no detrimental effect on pay i.e. the individual will see no reduction in pay.
2. The assimilation process will recognise the current role carried out and responsibilities held by the employee even where duties are not in the current job description as job descriptions can be out of date.

3. The initial assimilation decision will be that of the Headteacher and Line Manager. Employees will be informed of the decision relating to them and the Governing Body will be informed of the decision taken in respect of each employee.
4. The employee will have the right to appeal.
5. The appeals panel will consist of three Governors who have not previously been involved with the process, one of which should be the Chair of Governors. This Panel will be advised by a Directorate representative, usually a Personnel Officer.
6. Although it is not recommended, if schools decide to involve Governors in the initial decision making process, the Chair of Governors and preferably two further Governors should be excluded in order that impartiality can be maintained for the appeals process.
7. If the employee is dissatisfied with the decision taken by the Governing Body, the matter may be referred to an independent panel comprising the signatories of the agreement. This panel will make a recommendation to the Governing Body.
8. Employees have the right to be accompanied by a colleague or trade union representative both at the initial assimilation meeting and at any appeal.
9. Existing staff will not be subject to the qualification requirements set out under the new agreement. Such staff, who do not hold the qualification required for the level of post to which they are assimilated, will be given the opportunity and will be encouraged to obtain that qualification within a reasonable time frame.
10. Decisions on assimilation must not reflect any shortfall in performance, only the duties currently undertaken by the post holder. Any such a shortfall is not a matter for the assimilation process but should be dealt with through alternative procedures at a later stage.
11. Where the assimilation exercise suggests that the current level of pay exceeds that which they should be receiving, then there are two possible courses of action:
 - The employee voluntarily agrees to continue with their current role but receive a reduced rate of pay. This must be done by agreement only as pay cannot be unilaterally reduced; or
 - The employee can be expected to carry out duties equivalent to the level of the pay that they are currently receiving. However, consideration must be given as to whether additional training/supervision is needed and if so, this need must be met. Where the school is unable to provide those duties, then pay must also be protected at the higher level until such duties become available.
12. Once the internal appeals procedure has been exhausted, any salary dispute may be referred to a panel of the signatories which will make a recommendation to the governing body.

PROCESS FOR THE ASSIMILATION OF EXISTING STAFF

Headteacher meets with employee (and representative if requested by the employee) and discusses the current duties undertaken by that employee.

The employee is informed of the level to which they will be assimilated and of their right of appeal.

The employee indicates their acceptance of the assimilation decision.

The Headteacher informs Education Personnel of any change in pay.

The employee indicates their dissatisfaction with the assimilation decision and an intention to appeal.

The Headteacher informs Education Personnel of the employees intention to appeal and arranges the appeal hearing.

The individual appeals to the Governing Body and the appeal hearing considers evidence from the employee and/or their representative and the Headteacher.

The employee is informed of the decision of the Governing Body.

Once the internal appeals procedure has been exhausted, any salary dispute may be referred to a panel of the signatories which will make a recommendation to the governing body.

Remodelling the Workforce – Classroom Based Support Staff - Pay Framework

Staff working term time only will be contracted to work for 39 weeks per year and salaries will be adjusted to reflect this. The example salaries **shown in bold** are the actual salary ranges that will be paid to an employee with less than 5 years service, working 32.5 hours per week, term time only.

<u>Level</u>	<u>Salary</u>	<u>Comments and Additional Features</u>
Teaching Assistant Level 1 Staff work under direct instruction/supervision	Pts 4-11 (Scale 1) £7,971 - £9,866	<ul style="list-style-type: none"> Assimilation will take place where the current duties most closely match the Level 1 Teaching Assistant Model Job Description.
Teaching Assistant Level 2 Staff work under supervision/guidance	Pts11-13 (scale2) £9,866 - £10,342	<ul style="list-style-type: none"> Assimilation will take place where the current duties most closely match the Level 2 Teaching Assistant Model Job Description.
Teaching Assistant Level 3 Staff work under guidance with a limited degree of autonomy	Pts14-21 (Scale 3/4) £10,532 - £12,808	<ul style="list-style-type: none"> Assimilation will take place where the current duties most closely match the Level 3 Teaching Assistant Model Job Description. To provide cover in genuine emergencies, normally for no more than two 2 occasions per term. Provide cover supervision for no more than 2 sessions per week, in return for an allowance of £1000 per year. This allowance will be reviewed annually. The opportunity to receive the above allowance will be ring-fenced to staff within school until December 2005. The Level 3 Teaching Assistant will not be required to do specified work with whole classes.

<u>Level</u>	<u>Salary</u>	<u>Comments and Additional Features</u>
Cover Supervisor	Pt 18 –21 (Scale 4) £11,492 - £12,808	<ul style="list-style-type: none"> • There will be 10% non-contact time built into this role. • The use of cover supervisors in all sectors will be monitored and reviewed in the light of updated national guidance. • Cover supervisor posts will be ring-fenced to staff within school in the first instance, until December 2005.
Higher Level Teaching Assistant Level 4 Staff work under an agreed system of guidance and management with a greater degree of autonomy	Pts 22-28 (Scale 5/6) Note that this is the salary for 37 hours per week: £14,961 - £18,075	<ul style="list-style-type: none"> • Assimilation will take place where the current duties most closely match the Level 4 Higher Level Teaching Assistant Model Job Description. • Full time post will be 37 hours per week • 4.5 of 37 hours to be dedicated to management tasks and may be taken off site, with prior agreement of the Headteacher • The HLTA can provide up to 5 sessions of PPA cover per week • Where a HLTA does PPA cover, the adult: pupil ratio will be maintained. • Assimilated HLTAs will have 3 years to obtain the HLTS status. If not achieved, the contract will continue and performance will be managed in the usual way. • New HLTA posts will be ring-fenced to staff within school in first instance, until December 2005. • Those who are currently employed as Nursery Nurses, if assimilated to Level 4, will move to spinal column point 26.

Item	Comments
Special Educational Needs allowance in special schools and Pupil Referral Units	<ul style="list-style-type: none"> • NNEBs in post at 1st January 2005 will be protected and will continue to receive the nationally agreed SEN allowance whilst in their current post. • Classroom based support staff appointed after 1st January 2005 will receive a new locally agreed allowance of £1425 (subject to abatement) to classroom based support staff in special schools and pupil referral units. • £1075 is the allowance following abatement to reflect 39 weeks per year, 32.5 hours per week for an employee with less than 5 years service. • Allowances to be uplifted in line with NJC pay agreements.
Special Educational Needs allowance in mainstream schools and special education units other than Pupil Referral Units.	<ul style="list-style-type: none"> • NNEBs in post at 1st January 2005 will be protected and will continue to receive the nationally agreed SEN allowance whilst in their current post. • Where the relevant body believes that an employee makes a contribution to the education of SEN pupils which is significantly above that which can normally be expected an allowance based on 50 % of the local allowance will be paid i.e. 50% of £1425 (subject to abatement) • The allowance will be reviewed annually and may be removed where the employee no longer meets the agreed definition. • The definition of “significantly above” in this context is, dealing <i>with intimate care on a frequent basis and/or managing behavioural problems on a frequent basis. The term frequent may be described as daily or similar nature.</i> • £538 is the allowance following abatement to reflect 39 weeks per year, 32.5 hours per week for an employee with less than 5 years service.
Overtime and TOIL	<ul style="list-style-type: none"> • Payments to be made in accordance with the Green Book • Up to 37 hours will be paid at plain time • Above this, payment will be made, in accordance with green book provisions
Term time working salary calculation	<ul style="list-style-type: none"> • Salaries and allowances to be abated based on no less than 39 weeks which employees will be expected to work. • Simple and transparent calculation required for abatement.
Protection of Nursery Nurses	<ul style="list-style-type: none"> • Protect on existing salary range without abatement i.e. points 6-15 for 32.5 term time working – employees will receive normal pay, increments and percentage increases within that range.
Protection of existing staff	<ul style="list-style-type: none"> • There will be no loss of pay as a result of assimilation.
Date of Agreement	<ul style="list-style-type: none"> • It is expected that assimilations will be done by 1st April 2005 with salary increases being backdated to 1st January 2005.

Item	Comments
Assimilation Disputes	<ul style="list-style-type: none"> Once the internal appeals procedure has been exhausted, any salary dispute may be referred to a panel of the signatories which will make a recommendation to the governing body.
Qualifications	<ul style="list-style-type: none"> Staff assimilating into roles which require a qualification that they do not hold, will be given the opportunity to undertake that qualification. Where they do not succeed, or have genuine reasons for not undertaking the course of study as judged by the Headteacher, then the requirement will be waived and performance managed in the usual way. In future, the qualification requirements for teaching assistant posts will be at the discretion of the school with the exception of Levels 3 and 4. Level 3 will require the employee to hold an NVQ Level 3 for Teaching Assistants or equivalent qualification related to working with children and/or young people. Level 4 will require the employee to hold an NVQ Level 3 for Teaching Assistants or equivalent qualification related to working with children and/or young people plus HLTA status.
Any Other Duties	<ul style="list-style-type: none"> It is accepted that this line is not needed within job descriptions.
Other provisions	<ul style="list-style-type: none"> The payment of SEN Allowances will be reviewed as the Inclusion Strategy (matrix funding) develops The appeals process for the payment of allowances will form part of the assimilation process and the school Pay Policy