

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**23 December 2014**

**Joint Report of the Strategic Director of Children and Younger Adults  
and the Director of HR**

**IMPLEMENTATION OF THE NATIONAL SINGLE STATUS AGREEMENT  
WITHIN SCHOOLS – JOB EVALUATION APPEALS (CHILDREN AND  
YOUNG PEOPLE)**

**1. Purpose of the Report**

To inform Cabinet of progress and seek approval of the arrangements for the joint consideration of appeals against the Hay Job evaluation scheme, consequential to the Single Status provisions previously approved by Cabinet.

**2. Information and Analysis**

Following the previous Cabinet approvals on 22 October 2013 and 11<sup>th</sup> February 2014 revised grading, pay and conditions of service arrangements were introduced in all Community and Voluntary Controlled schools effective from 1<sup>st</sup> March 2014. These arrangements affected over 12,000 employees and resulted in an increase in the annual pay bill in excess of £4M. There were a number of employees, approximately 450 whose basic pay reduced as a result of Single Status implementation and these are subject to pay protection until 29<sup>th</sup> February 2016. Community Schools, where the Council is the employer and participating Aided/Foundation schools and Academies have consented to the council administering the process to date.

The process did allow those individuals affected a right of appeal against the grade of the job to which they were assimilated, whilst accepting all other terms. In the event 827 employees initially registered their intention to appeal against the job evaluation outcomes.

Following an initial filter of the registration statements by a joint panel comprising representatives from the Authority and the recognised trade unions it was agreed that 51 of the submissions did not satisfy the jointly agreed appeals criteria and these employees have been formally notified. Of the remaining 799 appellants 318 have subsequently notified the Authority that they no longer wish to proceed with their appeal. This has resulted in a current

total of 482 appeals requiring consideration. A schedule showing their distribution by job family, school type (primary, secondary and special) and levels of pay protection applicable is attached at **Appendix 1**.

Following extensive discussions through the Joint Groups that comprise Council representatives, representatives of the recognised trade unions, together with representatives of Derbyshire Governors and Head Teacher bodies' joint agreement has been reached to allow, with the consent of the schools involved, for the appeals to be heard centrally rather than by individual governing bodies. This will allow for greater consistency of decision making. The proposed JE appeals process and membership of the panel is set out at **Appendix 2**.

The basis of the appeals process is that all submissions will be considered by one of two joint panels that will determine whether:

- an alternative assimilation to another bench mark post / role profile is more appropriate;
- the job is sufficiently different to any existing bench mark / role profile as to require a new / re-evaluation by the Councils central joint job evaluation panel;
- there is insufficient evidence to require a change to existing assimilation.

Panel meetings will commence in early February 2015 following an induction involving all panel members to establish a common understanding and consistency prior to commencement of the formal process. All participating schools and employees will be bound by the decision of the joint appeals panel; inclusion in the process being dependent upon acceptance of this pre-condition.

It is envisaged that the proposed programme will enable completion of the process, including QA by the end of September 2015. This will allow the production of related correspondence confirming the outcomes during October 2015 to schools, which in turn will enable the issue of individual letters confirming the outcomes to all appellants at the same time during the first week of November 2015. It should be noted that this is one month later than was originally intended but is a joint agreement position in order to provide adequate opportunity to support employees with the preparation of their formal submission. A revised project timeline is shown at **Appendix 3**.

The arrangements do represent a significant commitment, over a substantial period of approximately 26 weeks, from the Authority, the recognised trade unions and Governor / Head Teacher bodies. It is therefore proposed that:

- the temporary establishment of a FT Senior HR Consultant, grade 13 and FT HR Consultant, grade 11, within the ISIS team be extended for a period up to 31<sup>st</sup> December 2015, the additional period following issue of letters in November 2015 to respond to subsequent enquiries;
- backfill of a full time HR consultant, grade 11, within the CAYA team for a temporary period up to 31<sup>st</sup> December 2015, to facilitate participation in the appeals panels;
- the joint panel representatives designated by the individual trade unions be afforded release, as required, and approval of the associated full time backfill as necessary, to undertake panel duties up to 30<sup>th</sup> September 2015.

### **3. Financial Considerations**

The cost of the contract arrangements and associated backfill within the CAYA ISIS team for the temporary period up to 31<sup>st</sup> December 2015 is £115K including on costs.

In addition, the cost of the backfill for anticipated TU time for engagement in the JE appeal panel process for the temporary period from 1<sup>st</sup> February up to 30<sup>th</sup> September 2015 is approximately £80K, based on two representatives per panel and an average pay of grade 9. This figure has been estimated pending confirmation from the trade unions as to the identity of the nominated representatives.

There is no specific budgetary provision for these costs, therefore, it is proposed that they be met from CAYA's uncommitted underspend from previous years and be held in a specific earmarked reserve..

### **4. Legal Considerations**

Counsel has advised previously on the implementation of Single Status in schools. The equality analysis previously carried out has been refreshed to take account of the proposed appeal arrangements and no adverse impact in relation to protected characteristics has been identified.

### **5. Other Considerations**

In preparing this report the relevance of the following factors has been considered; prevention of crime & disorder, equality of opportunity, environmental, health, property and transport considerations.

### **6. Background Papers**

Cabinet Reports 4 August 2009 and 3 November 2009 Implementation of the National Single Status Agreement (Finance and Management).  
Cabinet Report 13 December 2011 Implementation of Single Status for Support Staff Employed by Schools.  
Cabinet Report 22 October 2013 Implementation of Single Status for Support Staff Employed by Schools.  
Cabinet Report 11<sup>th</sup> February 2014 Implementation of Single Status for Support Staff Employed by Schools.

Other papers contained in files in the Implementation of Single Status in Schools Team Office.

7. **Key Decision**

Yes.

8. **Call in;** waiver of call is not required.

9. **OFFICERS' RECOMMENDATIONS**

That Cabinet:

- Notes the number of JE appeals requiring formal consideration as set out in **Appendix 1**.
- Approves the JE appeals process jointly recommended by the authority and trade unions as attached at **Appendix 2** subject to the agreement of schools.
- Agree the adjusted project timeline shown at **Appendix 3**.
- Agrees to receive a further report on conclusion of the JE Appeals Process.
- Agrees to the establishment of an earmarked reserve to hold the resources required to fund the above activity.

**IAN JOHNSON**  
**ACT. STRATEGIC DIRECTOR FOR CAYA**

**TONI COMPAI**  
**DIRECTOR OF HR**

## Appendix 1

### ANALYSIS OF JOB EVALUATION APPELLANTS WITHIN SCHOOLS INCLUDING BASIC PAY PROTECTION AS AT 2/12/14

<u>Job Family</u>	<u>Numbers</u>	<u>Pay Protection by Job Family</u>	<u>Numbers</u>
BPS	179	BPS	111
CAM	22	CAM	13
CAT	20	CAT	0
SCI	11	SCI	10
STL	149	STL	15
SUS	101	SUS	49
<b>Total No of Appellants</b>	<b>482</b>		<b>198</b>

#### Trade Union Membership (Based on DAS @ 23.10.14)

	<u>Numbers</u>
UNISON	169
GMB	41
ATL Unknown PP Contributions	0
No TU Membership Info	281
	<b>491</b>

#### TU DAS with Pay Protection

<u>Numbers</u>
73
17
0
108
<b>198</b>

#### Basic Pay Protection Based on Information as at 23.10.14

<u>Value</u>	<u>Numbers</u>
£0 -	
£100	20
£101 - £500	38

<u>% of Protection Based on Basic Pay</u>	<u>Numbers</u>
Under	
5%	73
6% -	56

£501 - £1,000	37
£1,001 - £2,000	44
£2,001 - £5,000	45
over £5,000	14
	<b>198</b>

Not in Receipt of Pay Protection	260
Not on DCC Payroll	35

10%	
11% - 15%	31
16% & Above	28
Reliefs no Basic Pay Information	10
	<b>198</b>

23rd December 2014

## **Implementation of Single Status in Schools – 1<sup>st</sup> March 2014**

### **Job Evaluation Appeals Process**

#### **Introduction**

Derbyshire County Council has carried out a job evaluation review of all non-teaching jobs within participating schools as required under the 1997 National Single Status Agreement. All jobs have been evaluated using the HAY Scheme criteria that reflect the knowledge, skills, experience, decision making and accountabilities required and the job's physical demands and working conditions.

The outcomes of the review have now been implemented through a variation to contract process as part of a new pay, grading and conditions of service package effective from 1<sup>st</sup> March 2014. In accepting the new contract offer the employees affected did have the opportunity to register their intention to appeal against the job evaluation outcomes, based on the job requirements evident at the point of introduction on 1<sup>st</sup> March 2014. The jointly agreed grounds of appeal are:

- The job has been “slotted or matched” to an inappropriate Benchmark post and / or has been assimilated against an inappropriate Job Family Role Profile;
- The Hay Evaluation of their job does not fully reflect the job they actually did and / or their job has changed significantly since it was evaluated or “Slotted / Matched” by the Governing Body.

The right of appeal is restricted to the evaluation result only. It does not allow for an appeal against the new pay structure or revised terms and conditions, i.e. introduction of a 37 hour full time equivalent week, standardisation of the payment week's formula, pay protection arrangements or revised pay and non-pay related allowances introduced under the Derbyshire Package.

The proposed appeals process provides an objective and transparent process for employees to appeal against their job evaluation outcome to a joint independent panel and is based primarily on written submissions received from the employee (and their representative) and the designated representatives of the school.

#### **Registration of Appeal**

Following initial filter of the registered appeals by a joint panel, comprising TU and Authority representatives, appellants are informed of those that are closed on the basis that they fail to satisfy the grounds of appeal criteria. All

other appellants are advised that their appeal has progressed through the initial filter and are asked to confirm whether they wish it to proceed for formal consideration by the joint appeals panel.

### **Formal Process**

On confirmation of their wish to proceed all appellants are written to and asked to submit full and further particulars (see template letter AAR2 and accompanying pro-forma attached). On receipt of the appeals submission, details are forwarded to the Head Teacher / Governing Body for comments on the content of the appeal (see template letter MR1 and accompanying pro-forma MR2 attached). The appellant is provided with a copy of the Schools submission for any final observations (see template letter AAR3 attached). The completeness of the appeal bundle is verified with the appellant (see template letter AAR4) prior to consideration by the joint appeals panel.

### **Panel Composition**

All appeal submissions will be considered by a joint panel comprising:-

- 2 Authority reps – 1 x LA evaluation Team, 1 x ISSIS Team (a minimum of 1 HAY trained) and one of whom will Chair the Panel
- 2 recognised TU reps (a minimum of 1 HAY trained)
- 1 Governor / Head Teacher Adviser
- 1 Observer from a non-signatory TU's

Voting rights will be held by the 2 authority and 2 recognised TU representatives only and in the event of a failure to agree the Chair of the appeals panel will have the casting vote. Governor / Head Teacher and non-designated TU representatives attending in an advisory / representational capacity will not hold voting rights.

### **Panel Process and Protocols**

On confirmation of the appeal panel nominees a schedule of 4 half day meetings for each panel each week will be agreed for the period February to July 2015. The lead authority and lead TU representatives will be responsible for ensuring that any respective absences are appropriately covered by their designated substitutes.

Training and familiarisation for all panel members will be provided in advance, during January 2015, by way of a “dry run” process in order to agree a consistent format and approach, provide opportunity for familiarisation with other panel members, respective roles and responsibilities, prior to commencement of the formal panel process in February 2015.

Appeals are to be considered by job family and on a top down basis recognising that the distribution is as detailed below:



### **Generic Authority Job Families within Schools:**

<b>Title</b>	<b>Appellant Numbers</b>
➤ Business & Public Services (BPS)	
➤ Catering (CAT)	
➤ Construction & Maintenance (CAM)	
➤ Social Care & Inclusion (SCI)	

### **Unique Job Families within Schools:**

<b>Title</b>	<b>Appellant Numbers</b>
➤ Support for Teaching & Learning (STL)	
➤ Support for Student Services (SUS)	

The intended approach lends itself to the fair and consistent assessment of all appeals, reflects HAY methodology and supports effective quality assurance and relativity considerations.

Appellants will have the opportunity to withdraw their appeal up to the point at which it is considered by the joint appeals panel, but once considered the outcome will stand.

As a general principle the appeal will be considered on the basis of the written submissions and any additional written evidence received. In exceptional circumstances the appeals panel may request attendance of an appellant or school representative to provide clarification on a particular point. Where this is exercised the general protocol provides for the attendance of both appellant and a school representative. The appeals panel may also call upon legal and job family leads for other advice and clarification as required. Such arrangements are to be agreed in advance by the chair of the appeals panel in consultation with the lead TU representative.

The appeals panel will have the following decision options available to it:

- Agree to a re-slotting / matching against an already evaluated bench mark post (higher, lower, or same grade);
- Determine that a formal evaluation / re-evaluation of the post is required by the Authority's business as usual joint job evaluation panel which may result in one of the following:
  - No change
  - A change to points score but not grade
  - A change to points score and grade (both up or down)
  - Creation of a new bench mark evaluation and post
- No change to existing benchmark slot / match

The decision of the joint appeals panel will be **final** and there will be no further right of appeal.

### **Effective Date of Decision**

If the joint appeals panel improves the grade of the employee's job, the new pay rate will apply from the date of Single Status implementation i.e. 1<sup>st</sup> March 2014 up to the date of any subsequent change in contract or duties. If the job is downgraded as a result of an appeal and the resulting salary is lower than the salary which applied prior to job evaluation, pay protection will apply to the original salary and not the grade and salary offered under the initial evaluation, in accordance with the Authority's existing pay protection policy. In the event of a post being downgraded, the new grade and pay will apply from the date of the appeal notification.

It is intended that the appeal outcomes will be issued at the same time to all appellants, by individual letter of notification, once all of the appeals have been considered and QA has been completed. It is envisaged that this will be no later than the first week in November 2015, prior to expiry of any pay protection on 29<sup>th</sup> February 2016. Any change to these notification arrangements will be subject to agreement through the Steering and Joint Working group machinery.

### **Administration and House Keeping**

The secretarial support, record keeping and monitoring of panel business will be undertaken by the Authority's designated panel representatives, who will also co-ordinate any back office administrative support requirements.

Papers to be considered will normally be circulated at least 5 working days in advance of the joint appeals panel meetings. As a general rule, panel decisions and related outcome notes for subsequent issue to appellants as part of the formal notification, will be circulated to panel members within 5 working days and will be signed off on agreement at a joint appeals panel meeting the following week.

### Appendix 3

<b><u>DATE</u></b>	<b><u>ACTION</u></b>
21/01/14	Final Appeals Submission Date - <b>COMPLETED</b>
28/01/14	All Appeals Acknowledged - <b>COMPLETED</b>
31/01/14	Finalised relativities and Amended Frameworks issued to School and SSC (HR) This is to include “99” jobs - <b>COMPLETED</b>
28/02/14	Schools to submit any adjustments to previous individual assimilations (through BAU process) the focus on unique jobs and/or more appropriate assimilations resulting from the revised relativities. - <b>COMPLETED</b>
14/03/14	SSC to process any adjustments as above and to maintain a log for cross checking against appeal submissions and any outstanding queries in ISIS Inbox - <b>COMPLETED</b>
w/c14/07/14	Initial filtering of JE Appeals by Joint Panel Recommendations include:-  <ul style="list-style-type: none"> <li>➤ Closed</li> <li>➤ Grounds outside the Appeals criteria</li> <li>➤ Appeal resolved in informal process/adjusted assimilations</li> <li>➤ Further investigation required</li> <li>➤ Progress to Stage 1- consideration by Joint Appeals Panel - <b>COMPLETED</b></li> </ul>
08 /09/14	Agree through ISIS Working Group Appeals Documentation - <b>COMPLETED</b>
12/09/14	CAYA ISIS to write to Appellants to confirm:-  <ul style="list-style-type: none"> <li>➤ Rejected by Joint Panel – Do Not Meet Grounds for Appeal</li> <li>➤ Withdrawn by Appellant – On account of pay/contract variation since registration of appeal</li> <li>➤ Progression to Stage 1 – Does Appellant still wish Appeal to Proceed – YES/NO</li> </ul> - <b>COMPLETED</b>
30/09/14	All Appellants to confirm if they wish their Appeal to proceed to Stage 1 - <b>COMPLETED</b>
01/10/14	Issue revised relativities and amended Job Family Role Profiles to Schools & SSC (HR) - <b>COMPLETED</b>
03/10/14	CAYA ISIS to write to Appellants to request full

	submission to support Appeal (AAR2) - <b>COMPLETED</b>
07/10/14	ISSIS Working Group - to consider Appeals Procedure
08/10/14	ISSIS Steering Group – to consider Appeals Procedure
11/11/14	SPECIAL STEERING GROUP TO AGREE JE APPEALS PROCEDURE REPORT TO CABINET FOR APPROVAL ON 23 <sup>RD</sup> DECEMBER- To Note Numbers and approve the detailed appeals procedure.
05/12/ /14	Deadline for Appellants to submit full and further appeal particulars
w/c 24/11/14	CAYA ISSIS to write to Headteachers/Governors to request their comments on the JE Appeal Submission from Appellants
17/12/2014	Deadline for Headteachers/Governors to submit comments on Appellants submission
With effect from 19/12/14	CAYA ISSIS to write to Appellants to share response from Headteachers/Governors and request any final observations
23/12/14	Report to Cabinet for approval.
Jan 2015	Following Cabinet approval CAYA ISSIS Team to write to Appellants / Headteachers & Governors to confirm details of the agreed Appeals Procedure.  Overview of Panels, outline of roles/responsibilities and mock panels to take place.
23/01/15	Deadline for Appellants to submit final observations
16/02/15	Stage 1 Appeals Process Commences
24/07/15	Completion of scheduled Appeals
Sept 15	Conclusion of final sweep-up and resolution of any residual issues / appeals.
30/09/15	Final QA with joint panel and School(s) and production of final costing analysis.
01/11/15	Individual notifications of Appellants Appeal outcomes
	<b>NO FURTHER RIGHT OF APPEAL</b>
Dec 15	Equalities Analysis