

EXECUTIVE COUNCIL

CONFIDENTIAL

Title of Report: Learning Support Assistants (LSA) Terms and Conditions of Service
Paper No: 187/11
Date: 26 October 2011
Report of: Director of Health and Education

1.0 Purpose

To provide the information requested by Members to enable them to consider the Terms and Conditions for Learning Support Assistants (LSAs) and their working hours and funding.

2.0 Recommendations

That Honourable Members:

- (a) Reaffirm the previous decisions made in ExCo in Oct 10 (228/10) and July (179/10) that all new LSAs should be paid on the basis of a 37.5 hour week for term time only (Option A)

3.0 Summary of Financial Implications

None, if Option A is approved

4.0 Background

- 4.1** In the Education Department there are currently 20 Learning Support Assistants, (this figure excludes the current 2.5 vacant posts currently being advertised). These staff are employed on two main types of contract.
- 4.2** The first type of contract is that which historically reflected the terms and conditions of teachers, in that whilst only working term time (39 weeks a year as opposed to 52), they receive the equivalent of a year's salary as if they were working for the whole year.
- 4.3** Unlike teachers however, those on such contracts are a) not expected to work undirected in school holidays and b) do not work during any non contact hours and so normally work only a 5.5 hour day (even where they are contacted as full time staff), rather than a full 7.5 hour day ie full time LSA staff on the old style contract in the main actually now only work a 27.5 hour week as opposed to a 37.5 hour week. There are currently 12 members of staff working on this type of contract.
- 4.4** The second type of contract has staff working for 39 weeks a year and being paid only for those 39 weeks, (not for 52). They are also contracted to work 7.5 hours a week and work these full hours. There are currently 8 members of staff working on this type of contract and FIG is currently advertising for a further 2.5 staff.

- 4.5** As a result of the above, this means that those on the old style contract receive the same salary per annum for working 1072.5 hours over the year as their Grade G colleagues across FIG who work 1950 hours for the same income. In other words they get the same pay for working 45% less hours per annum.
- 4.6** It was considered that this was an unsustainable position and was deeply unfair on their Grade G peer group who work considerably more hours each year for the same take home pay.
- 4.7** The actual duties provided by the staff members can also vary depending on the expertise of the individual LSA,
- 4.8** To help provide a more operationally effective service provision and allow those LSA's who wish to develop their skills more opportunities for career development Exco (228/10) approved a new career structure, in principle, for the LSA's. The new job descriptions and accompanying person specifications proposed for the LSA revised positions within the new career structure have now been through the evaluation process and the essential training required at each level has also been specified and agreed. This provides progression within the existing structure with three different levels of LSA; Main Grade LSAs (G), Senior Learning Support Assistants (F) and Higher Skills Learning Support Assistants (E). Further details of which can be seen in Exco Paper 228/10 that is attached at Appendix A.
- 4.9** The Exco Paper (228/10) also identified that if all such staff worked 37.5 hours a week during term time this would be of extreme benefit to the schools, pupils and the teaching staff and also provide equity in payment rates across FIG ie LSA's would be paid for the 39 weeks when there is an actual work need and not for the remaining 13 weeks when there is not (plus they would then not be getting 5 weeks more leave than those on Grade G who only get 6 weeks leave in total).
- 4.10** The proposed conditions of service that were agreed and standardised were:
- Working Day: 0800 – 1630 (7.5 hours - standard FIG hours).
 - Working Week: 37.5 hours (standard FIG hours).
 - Term time only i.e. 39 weeks per annum including 5 days In-Service Training.
 - Two year contracts.
- 4.11** The Education Department has already started the process of introducing consistency by placing LSA terms on a like for like footing with all other similarly graded staff in FIG by applying new working arrangements to new entrants.
- 4.12** It was recognised at the time that this would introduce another level of inequality because new staff will be working standard FIG hours as opposed to their longer served colleagues who work less than the expected 7.5 hours per day, but receive the same pay as their counterparts working those hours, (and that they would be receiving pro rated pay over the course of the year reflecting their term time employment rather than working for 39 weeks but being paid for a full year for the same pay).
- 4.13** As a result of such concerns Exco (228/10) stated that the Education Department would:
- (a) submit the required paper work so that proposed levels and salaries can be effectively evaluated. – *done and Job Evaluations (JE) completed by HR.*
- (b) circulate proposals to staff – *done. A variety of discussions were had with the LSAs, with HR attendance. The LSAs actively identified the training requirements needed to*

undertake the LSA role to meet the needs of the Falkland Islands and these were incorporated in to the Job Descriptions and JE.

(c) identify the most effective means of implementation – *done. It was identified that this would be by natural replacement and not through redundancy/re-employment as that could have added considerably to costs.*

(d) submit a costed plan with risk assessment to Members – *only done within the original Exco paper.*

5.0 Current Situation

5.1 The Job Description and evaluation processes have been more protracted than originally anticipated. The job evaluation process was completed in April 2011, and supported the proposed responsibilities of the 3 levels of LSA and it is generally agreed that the LSAs now have a clear potential career progression with defined training opportunities.

5.2 It should be noted that the career structure, which has been broadly welcomed by LSAs and teachers alike, has only been able to be agreed at no additional cost due to the change to term-time only working.

5.3 If all LSA's recruited on the new terms were placed on to the older terms, there would be significant add on costs to the department which would make the proposed career development structure unworkable, as it can only be achieved by the savings gained by the move to term time only payment.

5.4 The original terms and conditions of service would also increase the base line salary costs of the service provision as a whole. With an increasing number of children coming up through the system who may need similar support such additional costs per new appointment would significantly impact the ability to deliver the service effectively and meet these needs.

5.5 Since the new structure has been implemented there has been no noticeable changes in FIG's ability to recruit LSA's. With Members recent agreement to reducing the IJS age limit for recruitment, this will help expand the recruitment pool and so it is expected that this will continue to be the case.

5.6 The LSA's will now receive training to better meet their sometimes challenging role and parents should have more confidence that the needs of their children are better managed.

5.7 In summary, with continuing numbers of pupils coming on stream requiring such support it will be likely that there will be a need for additional LSA's. By not moving to the new terms and career structure, the Service could face significant additional costs in order to service those needs.

6.0 Financial Implications

6.1 Members essentially have the four options open to them;

Option A. Maintaining term-time only payments with the agreed career structure.

Option B. Revert to the original situation, before ExCo decisions, with all LSAs being paid full-time (including school holidays), on Grade G with no career structure. This option will result in back pay of an estimated £21,000.

- Option C. Revert to the original situation on payments i.e. all LSAs being paid full-time (including school holidays) but with the agreed career structure. This option will result in back pay of an estimated £21,000.
- Option D. Maintain term-time only payments with all LSAs on Grade G with no career structure.

The financial implications of the above options are shown below.

6.2 The costs below set out the original costings as detailed in 228/10 increased to take into account the 3% FIG pay award from 1st July 2011.

	11/12	12/13	13/14	14/15	15/16	16/17
Original Costs/(Savings)						
Career Structure	48,870	48,870	48,870	48,870	48,870	48,870
Term time only	(30,000)	(45,010)	(60,020)	(75,010)	(75,010)	(75,010)
Cost/(Saving)	18,870	3,860	(11,150)	(26,140)	(26,140)	(26,140)
Impact on existing budgets of above Options						
A) term time, career structure	0	0	0	0	0	0
B) full time, no career structure	2,130	(3,860)	11,150	26,140	26,140	26,140
C)full time, career structure	51,000	45,010	60,020	75,010	75,010	75,010
D) term time, no career structure	(48,870)	(48,870)	(48,870)	(48,870)	(48,870)	(48,870)

7.0 Legal Implications

None

8.0 Human Resources Implications

If the recommendations are approved this will allow parity of payment across FIG for Grade G staff ensuring 'like payment' for 'like hours of work' and at the same time should also ensure a better service for the pupils by having better trained staff supporting them. It also opens up more career development opportunities for LSA's themselves. If the new term-time employment is not continued HR will need to review the staff contracts and terms of service already in place and there may be a need to reconsider the numbers of LSA's as there may be insufficient budget to continue to support them. Any reduction would need to be achieved through natural wastage such as resignations and non renewal of fixed term appointments.