



# **NEWSLETTER SINGLE STATUS**

## **IMPORTANT UPDATE**

December 2009

The GMB know that this is a busy time for School Support Staff; however, it is vitally important that you give your full consideration to this Newsletter and a number of important documents enclosed for your attention.

### **Single Status**

The GMB held a number of mass meetings to brief GMB School Support Staff on Single Status. Because there have been some important developments and in case you were unable to attend those meetings enclosed is a questionnaire [A] that GMB strongly recommend you complete and return in the pre-paid envelope provided **by no later than Monday, 4<sup>th</sup> January 2010.**

As part of your decision making process in determining how you fill in the questionnaire you need to consider the following:-

### ***Whether you wish to sign or reject the Single Status Contract***

It is important you are made aware of recent bullying tactics that the LEA has introduced. GMB has consistently recommended that you do not sign the new Contract but instead to submit a letter (a draft copy of which is enclosed – [B] – as I have backed this you will need to take singular copies) objecting to the Contract, because even if you don't sign the Contract silence is often deemed as being in agreement. The LEA is so desperate for you to sign the new Single Status Contract that they have written to Schools advising them to cut back pay and slow down the speed of your progression incremental payments if you do not agree to sign this Contract.

The GMB believe this action is totally unacceptable and as such we have told the LEA to rethink their position as a matter of urgency. If they do not change their hostile approach, which is another example of you being treated differently to other Birmingham City Council employees, then we have made it clear to the LEA that we will consider carefully with our Solicitors all legal options to challenge them. This very important issue will be the subject of further communications to you as and when there are further developments. In the meantime, our advice is still **that you do not sign the new Contract; as if you sign the new Contract we will not have the ability to challenge the Contract through the normal process on your behalf.**

As you will be aware there will be winners and losers when Single Status is implemented, GMB believes that the City should have a robust process for losers on top of the protection period, this is normally called job redesign and is a process to give more responsibility resulting in no loss of wages. Although the City has given the Schools this option they have left the School to decide when and if they implement this - clearly this is not a fair process.

Cont/.....



# SINGLE STATUS VOTE

**NAME:** .....

**SCHOOL:** .....

**I WISH TO ACCEPT/REJECT THE SINGLE STATUS PACKAGE**

ACCEPT

REJECT

**I WISH THE GMB TO BALLOT FOR INDUSTRIAL ACTION**

YES

NO

**I WISH TO APPEAL AGAINST THE GRADE ALLOCATED TO ME**

YES

NO

**I WISH THE GMB TO PURSUE AN EMPLOYMENT TRIBUNAL CLAIM IN RELATION TO THE FOLLOWING AREAS:-**

- Unfair deductions/discrimination (because the Council has not used the same date to implement single status in Schools as the rest of the Council)

YES

NO

- Unlawful/unfair dismissal (this would be as a result of the Employer enforcing the Contract even though our members do not want it)

YES

NO

Mr. A. Albon  
Director of Equalities and  
Human Resources  
Birmingham City Council  
The Council House  
Victoria Square  
Birmingham. B1 1BB

Dear Mr. Albon,

**Re: Termination of Contract**

I refer to your proposed termination of my current Contract of Employment.

Please note I do not agree with your decision to terminate my existing Contract of Employment. I shall continue to work as instructed, however, I wish to make it clear that I am working under protest; that I continue to work under any less favourable terms and conditions should not be construed by you as any intention on my part to accept the imposed Contract and Conditions which you are proposing.

I would ask that you enter into proper negotiations with my Trade Union, GMB, to resolve this issue.

Finally, I also wish to make it clear that I reserve my full legal rights in this matter.

Name:

.....

Address:

.....

Workplace:

.....

Date:

.....

TO: THE HEADTEACHER

Dear

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Name:

.....

Address:

.....

Workplace:

.....

Date:

.....

*This to be sent to Tony Hughes for information only*

Mr. T. Hughes  
Branch Secretary  
B49/Birmingham CYP&F Branch  
The Martineau Education Centre  
74 Balden Road  
Harborne  
Birmingham. B32 2EH

Dear Mr. Hughes

**Re: Termination of Contract**

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I would ask that you enter into proper negotiations with my Trade Union, GMB, to resolve this issue.

Finally, I also wish to make it clear that I reserve my full legal rights in this matter.

Name:

.....

Address:

.....

Workplace:

.....

Date:

.....

[C]

Our Ref: AL/wb

Dear Colleague,

Attached for your assistance is information that will help you draft an Appeal letter.

Your letter of Appeal should be:-

- Dated
- Sent to your Headteacher
- Copied to Mr. Andy Albon -  
(Director of Equalities and Human Resources, Birmingham City Council,  
The Council House, Victoria Square, Birmingham. B1 1BB)
- A copy to be kept by yourself

The different numbered points contained within the attached are various reasons that you can base your Appeal upon dependent upon your circumstances. **You can only use one of the points numbered 1 to 7**, but in addition to that you can use all of the other points 8 to 11.

Yours faithfully,

*Ann Lafferty*  
**ORGANISER**

Dear Headteacher

I wish to formally lodge an Appeal against the grade that I have been allocated under the recent implementation of the Single Status package.

The grounds on which I base my Appeal are detailed below:-

1. The job you have graded me for does not match the job I undertake.
2. I am a unique and/or distinct post holder and as such I should be subject of an individual job evaluation exercise.
3. The grade I have been allocated does not match the recommended grade contained within the Single Status package.
4. The job that I undertake has been subject to considerable change since I was originally evaluated and, therefore, the grade is inappropriate.
5. Whilst the grade I have been allocated matches my job title, this job is inappropriate.
6. Despite the fact that my new grade is a lower rate and I will be subject to a drop in pay I have seen no evidence of my Employer exploring the opportunity to re-design my post.
7. I am a Level 2 Teaching Assistant and I undertake the same duties as a Level 3 Teaching Assistant and, therefore, it is inappropriate for the Authority to put so much emphasis on the NVQ Level 3 resulting in my experiencing a reduction in payment.
8. The job that I have been allocated a grade for was not subject of an appropriate job evaluation. Due to the unacceptably low number of job holders questionnaires evaluated, the evaluation was based on incomplete information.
9. The information which I have been provided is insufficient. In the absence of you providing me with:-
  - i) my exact score
  - ii) my job overview and/or job description
  - iii) the entire Single Status package (with a full explanation)

I am unable to accept as accurate the grade I have been allocated.

10. I am being treated less favourably than other Birmingham City Council employees subject to the Single Status package, as I am not receiving back pay from 2007 and I am not being afforded a totally independent Appeal system.
11. The Single Status package is discriminatory given the policy of assimilating losers to the top of the grade and winners to the bottom.

Yours faithfully,

## **EQUAL PAY IN LOCAL GOVERNMENT AND IN THE NHS**

[D]

Throughout local government and the NHS the GMB has been fighting to achieve equal pay. Whether by single status pay and grading deals in Councils or by Agenda for Change in the NHS the low paid, mainly women, workers who have been undervalued for so long now have a real chance to improve their pay and career prospects.

But the legacy of past inequality and the failure of some Councils to fund equal pay mean that many thousands of workers may be entitled to make compensation claims under the Equal Pay Act. The GMB would prefer to deal with this by negotiation to arrive at fair, sensible resolutions without the need for uncertain and lengthy litigation. But where negotiations fail we are quite prepared to use the law.

That is why GMB has set up an Equal Pay Unit specifically to handle claims on behalf of members. The Unit will be run by professional lawyers to assess cases and, where strong enough, pursue those that cannot be resolved through negotiation.

### What is an equal pay claim?

Speaking generally, if you have been paid less than someone of the opposite sex doing the same or a similar job or one of equal value then you may have a claim. A claim arises under the Equal Pay Act and is lodged with an Employment Tribunal after registering a grievance. The Equal Pay Unit will do all this.

In the NHS, Agenda for Change represents a good deal for underpaid GMB members. The Unit will not therefore be making any claim in relation to the new Agenda for Change terms. What is however outstanding is issues of back pay in respect of past pay inequality. It is this that the Unit will be looking at.

### What do I have to do?

If you think you might have a claim simply fill in the attached form and send it to the address shown on it. We will let you know of your case has merit and if so the Equal Pay Unit will send you a detailed questionnaire for a thorough evaluation.

### Are there time limits?

Yes and the simple rule of thumb is to register your potential claim using the form as soon as possible.

The time limit is that a claim must be at an Employment Tribunal within six months of either leaving employment or where a contract of employment is terminated, whichever is earlier.

Note that there is a risk (though GMB does not share this view) that being assimilated on to Agenda for Change or possibly even having a new local authority single status structure will constitute a new contract, starting the six month time limit clock ticking. If you are already nearing the end of the time limit we will do our best but it is the individual's responsibility to urgently submit a grievance and a claim to Tribunal so contact the GMB for help immediately.

#### What will it cost?

There will be no charge to GMB members for the lodging of grievances and tribunal applications and carrying out assessments of the equal pay cases. However, it should be noted that equal pay claims are difficult and the GMB cannot give guarantees of success nor that the union will be able to guarantee funding claims to a full tribunal hearing.

The GMB wants all members who might have an equal pay claim to complete the registration form. We will then try to negotiate collective settlements but if we can't we will have prepared the ground to use litigation. Through the Equal Pay Unit GMB can ensure that no stone is left unturned in the campaign to win pay equality for all.

April 2008

## REGISTRATION OF POTENTIAL EQUAL PAY CLAIM

<b>Your full name</b>	
<b>Are you male or female?</b>	
<b>Date of Birth</b>	
<b>Your home address</b>	
<b>Your GMB Membership number (if known)</b>	
<b>Your daytime telephone number</b>	
<b>The name and address of your place of work</b>	
<b>The name and address of your employer</b>	
<b>National Insurance Number (see payslip)</b>	
<b>Payroll Number (see payslip or HR Dept)</b>	

The title of the job you did or are doing which you think may entitle you to claim equal pay	
Commencement date?	
The pay grade of that job	
Have you been doing that job in the last 6 years?	
The pay grade of a male manual worker who gets paid a bonus and title of the job you think compares to yours but is (or was in the last 6 years) better paid because of gender	
<b>Have you been:</b>	
(i) assimilated onto Agenda for Change (NHS employees only)	
(ii) assimilated onto a new local authority pay and grading scheme	
(iii) left employment. If so, when?	

Signature.....Date.....

**Please complete this form with as much information as you can. Any missing information may delay or even jeopardize your claim.**

**PLEASE RETURN THIS FORM TO JOE MORGAN, REGIONAL SECRETARY, GMB BIRMINGHAM AND WEST MIDLANDS REGION, WILL THORNE HOUSE, 2 BIRMINGHAM ROAD, HALESOWEN, WEST MIDLANDS B63 3HP.**

**If you do not receive an acknowledgement from the GMB Birmingham and West Midlands Region within 14 days of you returning this form please contact our Legal Department on (0121) 550 4888, to enquire as to why.**