EXPLANATORY MEMORANDUM TO

THE SCHOOL SUPPORT STAFF NEGOTIATING BODY (PRESCRIBED ORGANISATIONS) REGULATIONS 2009

2009 No. 3337

1. This explanatory memorandum has been prepared by the Department for Children Schools and Families and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument names those school support staff organisations and those school support staff employer organisations that the Secretary of State must consult before making or revising the constitutional arrangements for the School Support Staff Negotiating Body (SSSNB) and whose interests must be represented on the SSSNB. Only those members of the SSSNB who represent these interests are entitled to vote in any SSSNB proceedings.

2.2 The prescribed school support staff organisations comprise those trade union organisations which are currently recognised for collective bargaining purposes by the employers of the school support staff whom they represent and that are members of the National Joint Council for Local Government Services, the body which to date determines their pay and conditions of service.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 This is the first use of the power in paragraph 1(2) of Schedule 15 to the Apprenticeship, Skills, Children and Learning Act 2009. By naming these particular organisations in these Regulations, the Secretary of State ensures the interests of school support staff who work in maintained schools in England and the employers of those school support staff, are appropriately and fairly represented during consideration of matters relating to the remuneration, and conditions of employment relating to the duties and working time of those staff.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1

- School support staff have a crucial part to play in maintaining the momentum of school reform. Workforce remodelling has helped teachers to focus on teaching by removing functions that do not require their professional skills. These changes have largely been achieved by employing more support staff in schools who are increasingly taking on new and emerging roles and broadening their range of responsibilities.

- In recognition of their key role, support staff deserve to have fair and more consistent pay and conditions of employment. Sections 227- 241 and Schedule 15 of the Apprenticeships, Skills, Children and Learning Act 2009 provides for the establishment of a an unincorporated body known as the School Support Staff Negotiating Body (the SSSNB), and for the non-statutory body of the same name (which was established by the Secretary of State using his prerogative powers in July 2009) to be treated as the establishment of the statutory body under the 2009 Act. These sections also provide the statutory framework within which the SSSNB must operate and make provision for its constitution and membership. The SSSNB will be responsible for considering and reaching agreement on the remuneration of school support staff and conditions of employment relating to their duties and working time and referring those agreements to the Secretary of State. The Secretary of State will then decide whether to ratify these agreements by order or require schools to have regard to them by order. Those agreements will provide for delivery of a nationally consistent pay and conditions framework whilst allowing an appropriate level of local flexibility for those support staff employed in all schools maintained by local authorities in England.

8. Consultation outcome

8.1 .Before making these Regulations, the Secretary of State consulted members of the Support Staff Working Group (SSWG) (a subgroup of the Workforce Agreement Monitoring Group (WAMG)) established by DCSF Ministers to review and advise them on support staff employment issues).

8.2 WAMG is a unique social partnership of 11 organisations representing school workforce employers, school workforce unions and the Government, which has been at the heart of school workforce reforms since 2003. SSWG consists of representatives of those WAMG organisations that represent school support employers and school support staff, and in that same capacity the Catholic Education Service for England and Wales and the Church of England Education Division, alongside the DCSF and the Training and Development Agency.

8.3 Those consulted were content with the list of organisations to be prescribed.

9. Guidance

9.1 No guidance is to be issued in support of these Regulations.

10. Impact

10.1 An Impact Assessment has not been prepared for this instrument as no impact on business, charities, voluntary bodies or the public sector is foreseen.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The outcome of this Instrument will provide clarity and transparency to the membership of the SSSNB. The requirement in paragraph 1(2) of Schedule 15 requires the Secretary of State to consult those organisations prescribed within this Instrument, before making any revisions to the constitutional arrangements of the SSSNB. This provides a formal route for those named member organisations to comment, should the Secretary of State deem it appropriate to amend any of the constitutional arrangements, including the member organisations of the SSSNB.

13. Contact

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