

Support staff pay and conditions

1 Rates and pay awards

The April 2025 pay award for support staff in schools are included in the Support Staff Pay Grades.

2 National agreement and Pay

Local Authorities adopt the National Agreement on pay and conditions of service negotiated by the National Joint Council for Local Government Services (NJC). Under this Agreement individual authorities determine grades within the single national local government pay spine, using job evaluation.

Birmingham has adopted seven salary grades within the single national local government pay spine. **3 Living Wage**

The City Council, along with the majority schools in Birmingham, used to pay the Foundation Living Wage to all its employees, except for apprentices. The Foundation Living Wage is distinct from the Government's National Living Wage. However, the 2019 pay award for support staff saw the hourly rate of the lowest spinal column point of the NJC pay scale increase to a rate more than the Foundation Living Wage. Consequently, currently, the City Council, and those Birmingham Schools who adopted it, no longer need to pay the Foundation Living Wage to its support staff.

Birmingham City Council will continue to review its policy towards the Foundation Living Wage and advise schools of any changes to the current position.

4 National Living Wage

In April 2016, the government introduced a new mandatory National Living Wage for workers aged 21 and above. Currently this is set at £12.21 per hour (01 April 2025).

Changes to the National Living Wage come into force in 1st April of each year.

5 Starting salaries

Candidates, internal and external, should be appointed at the bottom of the relevant pay grade unless there is 'sufficient justification' to start them on a higher point.

Details of 'sufficient justification' and how to make a business case are given in the guidance on the payment of increments on appointment.

(See separate document – 15. Guidance on the payment of increments on appointment)

6 Overpayments of Salary

Any overpayments of salary will be recovered from the next available salary. Wherever possible the employee will be notified of the deduction. **The overpayment will always be recovered regardless of the circumstances/fault.** If an overpayment has occurred over a period of time the school will arrange for the overpayment to be recovered over the same period of time over which it occurred. **Birmingham City Council will not agree to any 'write offs of overpayments** and will always advise the school to recover all money owed. It is extremely important that schools ensure they consult with their employees on recovery of any overpayment. For the full recovery procedure and process please **see separate document – 19. Overpayment Policy.** **7 Incremental progressions**

The change to de-couple pay from performance related increments was negotiated as a part of a collective agreement with the unions effective from April 2022, you will receive automatic incremental progression within your grade, in line with agreed defined criteria effective from 1st April each year. Once the maximum spinal column point has been reached there will be no further increment.

8 Residential accommodation

Some employees in residential special schools live on site for the better performance of their duties. There are special tenancy agreements for such employees.

See separate document – 22. Service Licence Agreement.

There are separate service agreements for building services supervisors in premises owned by the local authority. In voluntary aided and foundation schools' arrangements should be made according to the advice from the governing body's legal advisers responsible for property matters. **9 Injury**

Allowance

There are special provisions to cover absence for medically attested conditions caused by an injury at work, which may include damage to mental health.

When the absence is relatively short and the employee remains on sick pay which is equivalent to full pay no extra payment is made, but if the employee loses financially as a result of a prolonged absence an injury allowance may be payable, depending on the outcome of legal and medical advice.

Any injury allowance would be charged to the school's budget.

See separate document – 14. Guidance on Industrial Injury.

10 Conditions of employment and conditions of service

Conditions of employment such as annual leave are determined under the Birmingham School Workforce Contract (was Brimingham Contract) as applicable.

Conditions of service, such as sick leave and sick pay, maternity leave and pay, are determined by the National Agreement, or, as with maternity support leave for fathers or nominated carers, by local employers. **11 Additional hours and overtime**

Details of the terms and conditions for payment for additional hours and overtime are given below:

Rates of Pay

In all cases the rate of pay must be that appropriate to the job in accordance with the normal terms and conditions for employees in that school. Schools must not devise rates of pay, hourly or otherwise, outside those normal terms and conditions. **Additional Hours - Support staff**

Part-time support staff may be asked to work extra hours as part of their normal job. As with teachers, their normal contracts of employment should be varied by increasing, temporarily or permanently, their proportion of fulltime.

This procedure is limited to work matching the job-evaluated duties of the employee's post. It must not be used when the employee is being asked to undertake different work. For example, if a qualified teaching assistant (GR3) or a senior school secretary (GR3) is invited to work as a lunchtime supervisor (GR2), a separate contract of employment must be offered on the appropriate grade, terms and conditions.

Invigilators

Invigilators are required only at certain times of the year. If existing employees undertake invigilation outside their normal jobs and outside their contracted working hours, they will normally be paid on a casual basis using an hourly rate of pay derived from the minimum point on GR2. It is also open to schools to appoint examination assistants on temporary contracts, because the duties of an examination assistant include invigilation.

OVERTIME - Support staff

The National Agreement on Pay and Conditions of Service (The Green Book) provides that support staff employed on grades 1, 2 and 3 only are entitled to receive overtime payments if they are required to work in excess of 37 hours in a week. For full-time, all year-round staff, any hours over and above 37 hours a week worked at the request of the school will be paid at time and a half.

Part-time employees are paid plain time for extra hours requested by the school until they reach 37.00 hours in total, after which they too become entitled to time and a half.

Where employees work banked hours, they must complete 37.00 hours plus their normal banked hours for the week before they can be paid overtime.

Overtime is only paid after 37.00 hours has been worked. The 30 minutes between 36.50 and 37.00 hours cannot be paid at the enhanced rate as it is already included in the employee's basic salary.

Employees graded 4 and above who undertake planned overtime can be paid overtime by prior agreement, but only at plain time. Where possible these staff should be encouraged to take time off in lieu rather than being paid overtime.

Overtime should be used only to meet a temporary need and only for extra work matching the job-evaluated duties of the post. Permanent extra hours for a part time employee should be treated as additional hours – see above.

There are special provisions for stand-by and recall to work for support staff and the relevant parts of the employee's contract should be consulted.

Term Time Only Employees

Employees who work term time only and who work additional hours should not be paid overtime for the additional hours but should be paid at plain time. In order to qualify for overtime payments, they must work the total hours of an employee working all year round on a full-time basis before they qualified for enhance payments.

See separate document – 13. Guidance on additional hours and overtime

12 Foreign language assistants

Foreign Language Assistants are selected through the British Council. Schools seeking the services of an assistant should apply directly to the www.britishcouncil.org

There is a special salary scale for Foreign Language Assistants specified by the British Council. In all other respects, foreign language assistants have the same terms and conditions as other support staff and schools should undertake all the necessary procedures for their recruitment having regard to the detailed guidance from the British Council.

Foreign Language Assistants in community, community special and voluntary controlled schools will be employees of the local authority. **13**

Payroll deductions

Taxation and national insurance deductions and pension contributions are arranged by the Payroll Section in accordance with statutory requirements.

For national insurance purposes, employees must inform that Section of marriage or divorce.

14 Employees undertaking outside engagements – fees

Schools are reminded of the need to declare any fees offered to employees for work outside school which uses any of the school's resources, whether these be staff or the school's facilities or equipment. The Government has provided statutory guidance, appended to the Schools Teachers Pay and Conditions document, in respect of head teachers, and the principles set out in that

guidance should apply to all employees and all external work. Examples of the work involved include service on external examining bodies, Ofsted inspections, and training for external organisations. Services provided to other schools should be through a service-level agreement or a contract for service, where the agreement is between the two schools not between the employee and another school. The following arrangements should apply when employees are offered such external work:

- The employee should apply to the governing body (through the appropriate committee) for leave of absence to undertake the work.
- The governing body should consider the request in relation to its policy on leave of absence, having regard to the needs of the school and the career development of the employee, and satisfy itself that the proposal would benefit the school, arrange for any fee to be paid directly to the school, decide whether any remuneration from that fee should be offered to the employee, and formally document what was agreed in the minutes of the meeting at which that decision was made in its correspondence with those involved.
- If the governing body grants paid leave, the employee, or the organisation offering work to the employee, should pay any fees received directly to the school, in recognition of the fact that the employee would otherwise be paid twice for the same period of employment, has been invited to undertake the work because of experience gained in his or her employment, and in order to pay for cover in his or her absence.
- If part of a fee relates to work outside the employee's contract with the school (for example, for preparation undertaken in the employee's own time) the governing body may agree that an appropriate proportion of the fee may be retained by the employee and should set out that agreement in writing.
- If the governing body grants unpaid leave, the governing body should permit the employee to retain all remuneration from the work undertaken whilst on unpaid leave.

- If the work is undertaken entirely outside the employee's contract of employment and working time, any fee will be payable directly to the employee and the governing body will not be involved in any way.
- Fees payable to the governing body should be paid directly either to the school or to the authority for crediting to the school's budget. Fees which the governing body has agreed may be retained by the employee may either be paid directly to the employee by the outside organisation or transferred by the governing body to the employee. In either case the fee will be subject to tax and national insurance deductions, so if it is paid directly by the outside organisation directly to the employee, that employee must ensure that the outside organisation has made the necessary deductions.

Both the governing body and the employee(s) involved should ensure that a proper process is followed, as part of the standards which apply to their conduct.

These arrangements are distinct from those which apply when a governing body asks an employee to work temporarily in another school as part of a service-level agreement. Under service-level agreements a providing school supports a receiving school, and the providing school charges the receiving school for those services. The employee providing the services is not on leave or secondment but is simply working elsewhere at the governing body's direction. No fees are payable to the employee.