



School Support Staff

The way forward

NATIONAL JOINT COUNCIL FOR LOCAL GOVERNMENT SERVICES

The National Joint Council (NJC) for Local Government Services is a national negotiating body for local government. Based on Whitley principles the two Sides, the employers and the main local government trade unions: the GMB, T&G and Unison, aim to reach agreement on matters of pay and conditions of employment. The NJC's national collective agreement, the Green Book, provides basic terms and conditions for employees in Local Government Services. It is a voluntary process, but the majority of local government employees are employed on Green Book terms

Local Government Services covers 1.3 million employees, working in a very wide range of local government jobs. It includes professionals, such as architects and lawyers, and employees previously referred to as manual workers, such as cleaners and school meals staff.

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SCHOOL SUPPORT STAFF - THE WAY FORWARD

GUIDANCE NOTES

1. *Introduction*

- 1.1 An NJC working group was set up in 2001 to consider issues related to support staff working in schools. Extensive consultations have taken place on training and development, the use of fixed-term contracts and the development of local career structures that allow the changing roles of support staff to be recognised. The National Agreement – *Raising Standards-Tackling Workloads* – presents new challenges to the way that many support staff are deployed, supervised and managed. This guidance seeks to encourage LEAs to continue to support the development of support staff in schools.
- 1.2 LEAs have a key role to play in developing local frameworks to assist schools to recruit, retain and develop a skilled and committed workforce. This guidance has been developed to help employers work with schools locally to develop local strategies. LEAs will be at different stages in addressing the national agenda. Authorities that have undertaken grading reviews are likely to have already addressed most of the issues covered by this guidance. Advice on fixed term contracts may need to be revised to take account of this guidance.
- 1.3 An important starting point will be local discussions with recognised unions on guidance for schools. Early involvement of schools in those local discussions will ensure that their views are taken into account. Maintained schools where the LEA is not the employer should be invited to join the local discussions together with the trade unions.

2. *Employment and working time*

- 2.1 As has been demonstrated by recent developments, support staff are willing to play their part in meeting new demands in schools. Implementation of the workload agreement will lead to changes in many support staff roles and responsibilities but any changes to contracts should be negotiated. For example, extra hours of work will need to be agreed; any additional responsibilities will need to be assessed against the grading system.
- 2.2 Under the terms of the Education Act 2002, staff in community schools are employees of the LEA, although head teachers and school governors have delegated management responsibility. Unlike teachers, working time for support staff is based on an individual contract within the national framework, which needs to cover all expectations for managed time. This means that staff should be paid for all hours worked whether in or outside the pupils' day.

3. *Guidance on fixed-term employment and training and development*

- 3.1 New Regulations on fixed-term employment came into force on 1 October 2002. The attached guidance reflects the application of this legislation to school support staff.
- 3.2 Guidance on training and development is also attached. The NJC is keen to promote inclusiveness and equality of access for school-based staff to support appropriate career development opportunities.
- 3.3 Many schools are relatively small units and this may restrict the development of careers. Career development will need to be matched by opportunities for training that may be difficult for individual schools to meet by themselves. Authorities will be well placed to support schools in developing opportunities that cannot initially be met because of comparatively limited resources in many schools.

4. *Grading structures and Job Profiles*

- 4.1 The NJC for Local Government Services national agreement is known as the "Green Book". It contains the national framework of key terms and conditions of employment for the overwhelming majority of school support staff. The NJC's framework on pay and grading provides a national pay spine as the basis for locally determined grading structures. The Pay Commission, established by the NJC, is currently assessing that framework.
- 4.2 An important part of the 1997' Single Status' Agreement requires authorities to undertake local pay reviews. These will often be based on job evaluation.
- 4.3 The LGA's HR executive has reinforced that local reviews should include support staff in schools, as required by the NJC's agreement. The distinctive responsibilities of schools in HR decision making will continue to be an important factor in devising and implementing those local pay reviews.
- 4.4 Distinctive features of schools can only be effectively dealt with by local decisions. It is impossible for a national review to cover all the types of schools ranging from nursery schools through primary, secondary and special schools as well as PRUs and other dedicated units.
- 4.5 The job profiles that are part of this guidance are not designed to cover the level of detail that would be expected in a job description. LEAs will want to reflect local priorities and ways of working by using the profiles to develop detailed job descriptions that can be evaluated in accordance with local grading schemes.

5. **Job Profiles**

5.1 The job profiles take account of a number of factors, including existing practice in schools and the National Workload Agreement. The signatories to the Workload Agreement suggest ¹ that:

“schools should deploy more support staff in extended roles, including personal administrative assistants for teachers, additional technical support, new managers from outside education, cover supervisors and higher-level teaching assistants”.

5.2 The attached draft job profiles cover three “families” of support staff roles, broadly grouped as Teaching Assistants, Curriculum/Resource Support and Administration and Organisation. The Teaching Assistant role is split into two further streams, one covering classroom-based activity (“supporting and delivering learning”) and the other behaviour guidance and support. The roles are set against a four-part structure based on increasing skills levels.

5.3 The profiles have been kept at a broad level for a number of reasons:

- The NJC’s agreement is based on local assessments of the relative value of duties, responsibilities and recruitment factors
- Jobs and roles are developing in schools to meet new demands and are best assessed in local frameworks.
- LEAs and schools are at different stages of development

5.4 Implementing changes will require a number of local decisions on training to support the development of skills and allow for equality of access, as well as to meet national standards, such as the Higher Level Teaching Assistant (HLTA) standards. These standards have been developed by the Teacher Training Agency and are based on the standards for qualified teachers.

5.5 The national approach of providing job profiles sets a starting point to encourage a structured approach to job and career development and to clarify the increasing levels of responsibility and autonomy that staff can expect to take on if they progress through the four levels of the model. In respect of levels of managerial supervision, it may be helpful to refer to the structure chart at the beginning. It is important to read the profiles in conjunction with the Section 133 regulations entitled *The Education (Specified Work and Registration) (England) Regulations 2003* and

¹Raising Standards and Tackling Workload - a national Agreement”
Joint Statement from the Signatories

guidance, agreed by the Workforce Agreement Monitoring Group (WAMG). This explores the system of supervision that is required for support staff undertaking specified work in schools.

- 5.6 There has been a wide- ranging national debate about the respective roles and responsibilities of teachers and teaching assistants. The national agreement “Raising Standards and Tackling Workload” makes it clear that teachers and HLTAs are not interchangeable and goes on to state:

“qualified teachers make the leading contribution to teaching and learning, reflecting their training and experience. Each class/group for timetabled core/foundation subjects must be assigned a qualified teacher to teach them (subject to the existing qualified teacher provisions). Accountability for the overall learning outcomes of particular pupils must rest with that pupil’s qualified classroom/subject teacher.”

- 5.7 There has been particular concern over supervision and levels of autonomy for teaching assistants and other classroom-based support staff. New standards have been developed for HLTAs and this guidance has taken account of these. In developing local job descriptions, employers will need to reflect the fact that the level of supervision required from the assigned qualified teacher will vary according to the skills, expertise and experience of the support worker.
- 5.8 At skill level 1, the profiles suggest that staff will be working “under direction/instruction”. The national guidance says, “an inexperienced teaching assistant would require direct supervision and should not be left alone with a class”.
- 5.9 At skill level 2, the profiles show that staff will be working “under instruction/guidance”. The guidance says, “as the member of support staff gains experience, develops new skills or acquires additional qualifications, the role they undertake may need to be reviewed together with the system of supervision required”.
- 5.10 At skill level 3, the profiles suggest that staff will work “under guidance”. The national guidance points out “the nature of the supervision may vary according to the level of ‘specified’ work undertaken”
- 5.11 At skill level 4, the profile states that staff will work “under an agreed system of supervision/management”. The WAMG guidance says, “experienced support staff with appropriate training and qualifications, may be given greater autonomy...within the framework set by the teacher.”
- 5.12 Local discussions involving recognised unions, employers and schools to develop the NJC’s guidance will help to ensure that the arrangements in

schools for supervision and guidance in classrooms fully reflect the guidance related to the new regulations.

- 5.13 The Welsh Assembly Government will consider the equivalent regulations for Wales in due course.

6. *Conclusions*

- 6.1 The commitment of support staff to the work of schools is a key factor in achieving success. That commitment needs to be matched by continued investment in developing structures at LEA and school level, which cover all aspects of career development. Local frameworks and grading structures need to allow for new demands and recognise that change is more effectively delivered in partnership with all parties.

EXPECTED SKILL LEVEL/ EQUIVALENT	INDUCTION/BASIC SKILLS	NVQ 2	NVQ 3 SPECIALIST KNOWLEDGE/SKILLS	NVQ 4 SPECIALISM/HIGHER LEVEL TA MGT RESPONSIBILITEIS
TA SUPPORTING & DELIVERING LEARNING	Working under direction/instruction Supporting access to learning <ul style="list-style-type: none"> welfare/personal care small groups/one to one general clerical/organisational support for teacher 	Working under instruction/ guidance Enabling access to learning <ul style="list-style-type: none"> welfare/personal support – SEN delivery of pre-determined learning/care/support programmes implement literacy/numeracy programmes assist with planning cycle clerical/admin support for teacher/department 	Working under guidance Delivering learning <ul style="list-style-type: none"> involved in whole planning cycle implement work programmes evaluation & record keeping cover supervisor specialist SEN/subject/other support 	Working under an agreed system of supervision / Management Delivering learning Specialist knowledge resource <ul style="list-style-type: none"> lead planning cycle under supervision delivering lessons to groups/whole class management of other staff
TA BEHAVIOUR/ GUIDANCE/ SUPPORT			Working under guidance Delivering learning <ul style="list-style-type: none"> pastoral support learning mentors behaviour support exclusions, attendance 	Working under an agreed system of supervision Manage systems/procedures/policy: <ul style="list-style-type: none"> pastoral support mentoring/counselling behaviour exclusions/attendance
CURRICULUM RESOURCE SUPPORT	Working under direction/instruction <ul style="list-style-type: none"> preparation/routine maintenance/operation of materials/equipment organisational support for teaching staff support/supervision of pupils in lessons general clerical/admin/ technical support 	Working under instructions/ guidance <ul style="list-style-type: none"> preparation and maintenance of resources support for pupils and staff specialist equipment/resources routine invigilation/markings general admin/technical support where some technical/specialist knowledge required. 	Working under guidance <ul style="list-style-type: none"> specific support in technical/specialist area preparation/maintenance of. Resources/equipment implementing specific work programmes including assessment demonstrations/operation of specialist equipment 	Working under supervision/management Specialist knowledge resource <ul style="list-style-type: none"> management team management of budget/resources staff management lead specialist delivering lessons in subject specialism under supervision support special projects advise teaching staff on specialist area/equip/resources
ADMIN & ORGANISATION	Working under direction/instruction <ul style="list-style-type: none"> general clerical /admin procedures typing, photocopying etc. maintenance records/data collect/record finance organisational support for staff/schools 	Working under instruction/guidance <ul style="list-style-type: none"> some skilled work e.g. WP/ secretarial routine financial administration regular interface with public specific curriculum/dept. support record keeping/production data/information 	Working under guidance <ul style="list-style-type: none"> complex finance operate complex tasks/systems management/analysis of resources/data/information advice/information/training/supervision of other staff skilled PA/WP etc. 	Level 4 Manage: <ul style="list-style-type: none"> Budget, resource/systems, people, business, premises <hr/> Level 4+ Responsibility for: <ul style="list-style-type: none"> Budget, resource/systems, people, business, premises

TEACHING ASSISTANTS - GENERAL

<p>LEVEL 1 - To work under the direct instruction of teaching/senior staff, usually in the classroom with the teacher, to support access to learning for pupils and provide general support to the teacher in the management of pupils and the classroom.</p>	
<p>SUPPORT FOR PUPILS</p> <ul style="list-style-type: none"> • Attend to the pupils' personal needs, and implement related personal programmes, including social, health, physical, hygiene, first aid and welfare matters • Supervise and support pupils ensuring their safety and access to learning • Establish good relationships with pupils, acting as a role model and being aware of and responding appropriately to individual needs • Promote the inclusion and acceptance of all pupils • Encourage pupils to interact with others and engage in activities led by the teacher • Encourage pupils to act independently as appropriate 	
<p>SUPPORT FOR THE TEACHER</p> <ul style="list-style-type: none"> • Prepare classroom as directed for lessons and clear afterwards and assist with the display of pupils work • Be aware of pupil problems/progress/achievements and report to the teacher as agreed • Undertake pupil record keeping as requested • Support the teacher in managing pupil behaviour, reporting difficulties as appropriate • Gather/report information from/to parents/carers as directed • Provide clerical/admin. support e.g. photocopying, typing, filing, collecting money etc. 	
<p>SUPPORT FOR THE CURRICULUM</p> <ul style="list-style-type: none"> • Support pupils to understand instructions • Support pupils in respect of local and national learning strategies e.g. literacy, numeracy, KS3, early years, as directed by the teacher • Support pupils in using basic ICT as directed • Prepare and maintain equipment/resources as directed by the teacher and assist pupils in their use 	
<p>SUPPORT FOR THE SCHOOL</p> <ul style="list-style-type: none"> • Be aware of and comply with policies and procedures relating to child protection, health, safety and security, confidentiality and data protection, reporting all concerns to an appropriate person • Be aware of and support difference and ensure all pupils have equal access to opportunities to learn and develop • Contribute to the overall ethos/work/aims of the school • Appreciate and support the role of other professionals • Attend relevant meetings as required • Participate in training and other learning activities and performance development as required • Assist with the supervision of pupils out of lesson times, including before and after school and at lunchtimes • Accompany teaching staff and pupils on visits, trips and out of school activities as required 	

<p>Experience</p>	<ul style="list-style-type: none"> • Working with or caring for children of relevant age
<p>Qualifications</p>	<ul style="list-style-type: none"> • Good numeracy/literacy skills • Completion of DfES Teacher Assistant Induction Programme • Participate in development and training opportunities
<p>Knowledge/Skills</p>	<ul style="list-style-type: none"> • Appropriate knowledge of first aid • Use basic technology – computer, video, photocopier • Ability to relate well to children and adults • Work constructively as part of a team, understanding classroom roles and responsibilities and your own position within these

TEACHING ASSISTANTS - GENERAL

LEVEL 2 - To work under the instruction/guidance of teaching/senior staff to undertake work/care/support programmes, to enable access to learning for pupils and to assist the teacher in the management of pupils and the classroom. Work may be carried out in the classroom or outside the main teaching area.

SUPPORT FOR PUPILS

- Supervise and provide particular support for pupils, including those with special needs, ensuring their safety and access to learning activities
- Assist with the development and implementation of Individual Education/Behaviour Plans and Personal Care programmes
- Establish constructive relationships with pupils and interact with them according to individual needs
- Promote the inclusion and acceptance of all pupils
- Encourage pupils to interact with others and engage in activities led by the teacher
- Set challenging and demanding expectations and promote self-esteem and independence
- Provide feedback to pupils in relation to progress and achievement under guidance of the teacher

SUPPORT FOR TEACHERS

- Create and maintain a purposeful, orderly and supportive environment, in accordance with lesson plans and assist with the display of pupils' work
- Use strategies, in liaison with the teacher, to support pupils to achieve learning goals
- Assist with the planning of learning activities
- Monitor pupils' responses to learning activities and accurately record achievement/progress as directed
- Provide detailed and regular feedback to teachers on pupils achievement, progress, problems etc.
- Promote good pupil behaviour, dealing promptly with conflict and incidents in line with established policy and encourage pupils to take responsibility for their own behaviour
- Establish constructive relationships with parents/carers
- Administer routine tests and invigilate exams and undertake routine marking of pupils' work
- Provide clerical/admin. support e.g. photocopying, typing, filing, money, administer coursework etc.

SUPPORT FOR THE CURRICULUM

- Undertake structured and agreed learning activities/teaching programmes, adjusting activities according to pupil responses
- Undertake programmes linked to local and national learning strategies e.g. literacy, numeracy, KS3, early years recording achievement and progress and feeding back to the teacher
- Support the use of ICT in learning activities and develop pupils' competence and independence in its use
- Prepare, maintain and use equipment/resources required to meet the lesson plans/relevant learning activity and assist pupils in their use

SUPPORT FOR THE SCHOOL

- Be aware of and comply with policies and procedures relating to child protection, health, safety and security, confidentiality and data protection, reporting all concerns to an appropriate person
- Be aware of and support difference and ensure all pupils have equal access to opportunities to learn and develop
- Contribute to the overall ethos/work/aims of the school
- Appreciate and support the role of other professionals
- Attend and participate in relevant meetings as required
- Participate in training and other learning activities and performance development as required
- Assist with the supervision of pupils out of lesson times, including before and after school and at lunchtime
- Accompany teaching staff and pupils on visits, trips and out of school activities as required and take responsibility for a group under the supervision of the teacher

Experience	<ul style="list-style-type: none"> • Working with or caring for children of relevant age
Qualifications	<ul style="list-style-type: none"> • Good numeracy/literacy skills • Completion of DfES Teacher Assistant Induction Programme • NVQ 2 for Teaching Assistants or equivalent qualifications or experience • Training in the relevant learning strategies e.g. literacy • First aid training/training as appropriate
Knowledge & Skills	<ul style="list-style-type: none"> • Effective use of ICT to support learning • Use of other equipment technology – video, photocopier • Understanding of relevant policies/codes of practice and awareness of relevant legislation • General understanding of national/foundation stage curriculum and other basic learning programmes/strategies • Basic understanding of child development and learning • Ability to self-evaluate learning needs and actively seek learning opportunities • Ability to relate well to children and adults • Work constructively as part of a team, understanding classroom roles and responsibilities and your own position within these

TEACHING ASSISTANTS – SUPPORTING & DELIVERING LEARNING

LEVEL 3 - To work under the guidance of teaching/senior staff and within an agreed system of supervision, to implement agreed work programmes with individuals/groups, in or out of the classroom. This could include those requiring detailed and specialist knowledge in particular areas and will involve assisting the teacher in the whole planning cycle and the management/preparation of resources. Staff may also supervise whole classes occasionally during the short-term absence of teachers. The primary focus will be to maintain good order and to keep pupils on task. Cover Supervisors will need to respond to questions and generally assist pupils to undertake set activities.

SUPPORT FOR PUPILS

- Use specialist (curricular/learning) skills/training/experience to support pupils
- Assist with the development and implementation of IEPs
- Establish productive working relationships with pupils, acting as a role model and setting high expectations
- Promote the inclusion and acceptance of all pupils within the classroom
- Support pupils consistently whilst recognising and responding to their individual needs
- Encourage pupils to interact and work co-operatively with others and engage all pupils in activities
- Promote independence and employ strategies to recognise and reward achievement of self-reliance
- Provide feedback to pupils in relation to progress and achievement

SUPPORT FOR THE TEACHER

- Work with the teacher to establish an appropriate learning environment
- Work with the teacher in lesson planning, evaluating and adjusting lessons/work plans as appropriate
- Monitor and evaluate pupils' responses to learning activities through observation and planned recording of achievement against pre-determined learning objectives
- Provide objective and accurate feedback and reports as required, to the teacher on pupil achievement, progress and other matters, ensuring the availability of appropriate evidence
- Be responsible for keeping and updating records as agreed with the teacher, contributing to reviews of systems/records as requested
- Undertake marking of pupils' work and accurately record achievement/progress
- Promote positive values, attitudes and good pupil behaviour, dealing promptly with conflict and incidents in line with established policy and encourage pupils to take responsibility for their own behaviour
- Liaise sensitively and effectively with parents/carers as agreed with the teacher within your role/responsibility and participate in feedback sessions/meetings with parents with, or as directed
- Administer and assess routine tests and invigilate exams/tests
- Provide general clerical/admin. support e.g. administer coursework, produce worksheets for agreed activities etc.

SUPPORT FOR THE CURRICULUM

- Implement agreed learning activities/teaching programmes, adjusting activities according to pupil responses/needs
- Implement local and national learning strategies e.g. literacy, numeracy, KS3, early years and make effective use of opportunities provided by other learning activities to support the development of relevant skills
- Support the use of ICT in learning activities and develop pupils' competence and independence in its use
- Help pupils to access learning activities through specialist support
- Determine the need for, prepare and maintain general and specialist equipment and resources

SUPPORT FOR THE SCHOOL

- Be aware of and comply with policies and procedures relating to child protection, health, safety and security, confidentiality and data protection, reporting all concerns to an appropriate person
- Be aware of and support difference and ensure all pupils have equal access to opportunities to learn and develop
- Contribute to the overall ethos/work/aims of the school
- Establish constructive relationships and communicate with other agencies/professionals, in liaison with the teacher, to support achievement and progress of pupils
- Attend and participate in regular meetings
- Participate in training and other learning activities as required
- Recognise own strengths and areas of expertise and use these to advise and support others
- Provide appropriate guidance and supervision and assist in the training and development of staff as appropriate
- Undertake planned supervision of pupils' out of school hours learning activities
- Supervise pupils on visits, trips and out of school activities as required

Experience	<ul style="list-style-type: none"> • Experience working with children of relevant age
Qualifications/Training	<ul style="list-style-type: none"> • Very good numeracy/literacy skills • NVQ 3 for Teaching Assistants or equivalent qualification or experience • Training in the relevant strategies e.g. literacy and/or in particular curriculum or learning area e.g. bi-lingual, sign language, dyslexia, ICT, maths, English, CACHE etc. • Appropriate first aid training
Knowledge/Skills	<ul style="list-style-type: none"> • Can use ICT effectively to support learning • Use of other equipment technology – video, photocopier • Full working knowledge of relevant polices/codes of practice and awareness of relevant legislation • Working knowledge of national/foundation stage curriculum and other relevant learning programmes/strategies • Understanding of principles of child development and learning processes • Ability to self-evaluate learning needs and actively seek learning opportunities • Ability to relate well to children and adults • Work constructively as part of a team, understanding classroom roles and responsibilities and your own position within these

TEACHING ASSISTANTS – SUPPORTING AND DELIVERING LEARNING (LEVEL 4)

LEVEL 4 - To complement the professional work of teachers by taking responsibility for agreed learning activities under an agreed system of supervision. This may involve planning, preparing and delivering learning activities for individuals/groups or short term for whole classes and monitoring pupils and assessing, recording and reporting on pupils achievement, progress and development.
Responsible for the management and development of a specialist area within the school and/or management of other teaching assistants including allocation and monitoring of work, appraisal and training

SUPPORT FOR PUPILS

- Assess the needs of pupils and use detailed knowledge and specialist skills to support pupils' learning
- Establish productive working relationships with pupils, acting as a role model and setting high expectations
- Develop and implement IEPs
- Promote the inclusion and acceptance of all pupils within the classroom
- Support pupils consistently whilst recognising and responding to their individual needs
- Encourage pupils to interact and work co-operatively with others and engage all pupils in activities
- Promote independence and employ strategies to recognise and reward achievement of self-reliance
- Provide feedback to pupils in relation to progress and achievement

SUPPORT FOR TEACHERS

- Organise and manage appropriate learning environment and resources
- Within an agreed system of supervision, plan challenging teaching and learning objectives to evaluate and adjust lessons/work plans as appropriate
- Monitor and evaluate pupil responses to learning activities through a range of assessment and monitoring strategies against pre-determined learning objectives
- Provide objective and accurate feedback and reports as required on pupil achievement, progress and other matters, ensuring the availability of appropriate evidence
- Record progress and achievement in lessons/activities systematically and providing evidence of range and level of progress and attainment
- Work within an established discipline policy to anticipate and manage behaviour constructively, promoting self control and independence
- Supporting the role of parents in pupils' learning and contribute to/lead meetings with parents to provide constructive feedback on pupil progress/achievement etc.
- Administer and assess/mark tests and invigilate exams/tests
- Production of lesson plans, worksheet, plans etc.

SUPPORT FOR THE CURRICULUM

- Deliver learning activities to pupils within agreed system of supervision, adjusting activities according to pupil responses/needs
- Deliver local and national learning strategies e.g. literacy, numeracy, KS3, early years and make effective use of opportunities provided by other learning activities to support the development of pupils' skills
- Use ICT effectively to support learning activities and develop pupils' competence and independence in its use
- Select and prepare resources necessary to lead learning activities, taking account of pupils' interests and language and cultural backgrounds
- Advise on appropriate deployment and use of specialist aid/resources/equipment

SUPPORT FOR THE SCHOOL

- Comply with and assist with the development of policies and procedures relating to child protection, health, safety and security, confidentiality and data protection, reporting concerns to an appropriate person
- Be aware of and support difference and ensure all pupils have equal access to opportunities to learn and develop
- Contribute to the overall ethos/work/aims of the school
- Establish constructive relationships and communicate with other agencies/professionals, in liaison with the teacher, to support achievement and progress of pupils
- Take the initiative as appropriate to develop appropriate multi-agency approaches to supporting pupils
- Recognise own strengths and areas of specialist expertise and use these to lead, advise and support others
- Deliver out of school learning activities within guidelines established by the school
- Contribute to the identification and execution of appropriate out of school learning activities which consolidate and extend work carried out in class

LINE MANAGEMENT RESPONSIBILITIES WHERE APPROPRIATE

- Manage other teaching assistants
- Liaise between managers/teaching staff and teaching assistants
- Hold regular team meetings with managed staff
- Represent teaching assistants at teaching staff/management/other appropriate meetings
- Undertake recruitment/induction/appraisal/training/mentoring for other teaching assistants

Experience	<ul style="list-style-type: none">• Experience working with children of relevant age in a learning environment
Qualifications/Training	<ul style="list-style-type: none">• Meet Higher Level Teaching Assistant standards or equivalent qualification or experience• Excellent numeracy/literacy skills – equivalent to NVQ Level 2 in English and Maths• Training in relevant learning strategies e.g. literacy• Specialist skills/training in curriculum or learning area e.g. bi-lingual, sign language, ICT
Knowledge/Skills	<ul style="list-style-type: none">• Can use ICT effectively to support learning• Full working knowledge of relevant polices/codes of practice/legislation• Working knowledge and experience of implementing national/foundation stage curriculum and other relevant learning programmes/strategies• Good understanding of child development and learning processes• Understanding of statutory frameworks relating to teaching• Ability to organise, lead and motivate a team• Constantly improve own practice/knowledge through self-evaluation and learning from others• Ability to relate well to children and adults• Work constructively as part of a team, understanding classroom roles and responsibilities and your own position within these

TEACHING ASSISTANTS – BEHAVIOUR/GUIDANCE/SUPPORT (LEVEL 3)

LEVEL 3 - Working under guidance: provide support in addressing the needs of pupils who need particular help to overcome barriers to learning.

SUPPORT FOR PUPILS

- Provide pastoral support to pupils
- Receive and supervise pupils excluded from, or otherwise not working to, a normal timetable
- Attend to pupils' personal needs and provide advice to assist in their social, health & hygiene development
- Participate in comprehensive assessment of pupils to determine those in need of particular help
- Assist the teacher with the development and implementation of Individual Education/Behaviour/Support/Mentoring plans
- Support provision for pupils with special needs
- Establish productive working relationships with pupils, acting as a role model
- Develop 1:1 mentoring arrangements with pupils and provide support for distressed pupils
- Promote the speedy/effective transfer of pupils across phases/integration of those who have been absent
- Provide information and advice to enable pupils to make choices about their own learning/behaviour/attendance
- Challenge and motivate pupils, promote and reinforce self-esteem
- Provide feedback to pupils in relation to progress, achievement, behaviour, attendance etc.

SUPPORT FOR TEACHERS

- Liaise with feeder schools and other relevant bodies to gather pupil information
- Support pupils' access to learning using appropriate strategies, resources etc.
- Work with other staff in planning, evaluating and adjusting learning activities as appropriate
- Monitor and evaluate pupils' responses and progress against action plans through observation and planned recording
- Provide objective and accurate feedback and reports as required, to other staff on pupils achievement, progress and other matters, ensuring the availability of appropriate evidence
- Be responsible for keeping and updating records as agreed with other staff, contributing to reviews of systems/records as requested
- Assist in the development and implementation of appropriate behaviour management strategies
- Establish constructive relationships with parents/carers, exchanging information, facilitating their support for their child's attendance, access and learning and supporting home to school and community links
- Assist in the development, implementation and monitoring of systems relating to attendance and integration
- Clerical/admin support e.g. dealing with correspondence, compilation/ analysis/reporting on attendance, exclusions etc., making phone calls etc.

SUPPORT FOR THE CURRICULUM

- Implement agreed learning activities/teaching programmes, adjusting activities according to pupil responses/needs
- Be aware of and appreciate a range of activities, courses, organisations and individuals to provide support for pupils to broaden and enrich their learning
- Determine the need for, prepare and use specialist equipment, plans and resources to support pupils

SUPPORT FOR THE SCHOOL

- Be aware of and comply with policies and procedures relating to child protection, health, safety and security, confidentiality and data protection, reporting all concerns to an appropriate person
- Be aware of and support difference and ensure all pupils have equal access to opportunities to learn and develop
- Contribute to the overall ethos/work/aims of the school
- Establish constructive relationships and communicate with other agencies/professionals, in liaison with the teacher, to support achievement and progress of pupils
- Attend and participate in regular meetings
- Participate in training and other learning activities as required
- Recognise own strengths and areas of expertise and use these to advise and support others
- Assist in the supervision, training and development of staff
- Implement planned supervision of pupils out of school hours
- Supervise pupils on visits, trips and out of school activities as required

Experience	<ul style="list-style-type: none">• Experience working with children of relevant age• Experience of working with pupils with additional needs
Qualifications/Training	<ul style="list-style-type: none">• Very good numeracy/literacy skills• NVQ 3 for Teaching Assistants or equivalent qualification or experience
Knowledge/Skills	<ul style="list-style-type: none">• Full working knowledge of relevant policies/codes of practice and awareness of relevant legislation• Working knowledge of national curriculum and other relevant learning programmes• Understanding of principles of child development and learning processes and in particular, barriers to learning• Ability to plan effective actions for pupils at risk of underachieving• Full understanding of the range of support services/providers• Ability to self-evaluate learning needs and actively seek learning opportunities• Ability to relate well to children and adults• Work constructively as part of a team, understanding classroom roles and responsibilities and your own position within these

TEACHING ASSISTANTS – BEHAVIOUR/GUIDANCE/SUPPORT (LEVEL 4)

LEVEL 4 - Under an agreed system of supervision: take a lead role within the school to address the needs of pupils who need particular help to overcome barriers to learning.

SUPPORT FOR PUPILS

- Take a lead role in managing and delivering pastoral support to pupils
- Manage the supervision of pupils excluded from, or otherwise not working to, a normal timetable
- Attend to pupils' personal needs and provide advice to assist in their social, health & hygiene development
- Undertake comprehensive assessments of pupils to determine those in need of particular help
- Assist the teacher with the development and implementation of Individual Education/Behaviour/Support/Mentoring plans
- Take a lead role in the provision of support for pupils with special needs
- Establish productive working relationships with pupils, acting as a role model
- Arrange and develop 1:1 mentoring arrangements with pupils and provide support for distressed pupils
- Take a lead role in managing the speedy/effective transfer of pupils across phases/integration of those who have been absent
- Provide information and advice to enable pupils to make choices about their own learning/behaviour/attendance
- Challenge and motivate pupils, promote and reinforce self-esteem
- Provide feedback to pupils in relation to progress, achievement, behaviour, attendance etc.

SUPPORT FOR TEACHERS

- Manage liaison with feeder schools and other relevant bodies to gather pupil information
- Support pupils' access to learning using appropriate strategies, resources etc.
- Work with other staff in planning, evaluating and adjusting learning activities as appropriate
- Monitor and evaluate pupils' responses and progress against action plans through observation and planned recording
- Provide objective and accurate feedback and reports as required, to other staff on pupils achievement, progress and other matters, ensuring the availability of appropriate evidence
- Manage record keeping systems and processes
- Take lead role in the development and implementation of appropriate behaviour management strategies
- Establish constructive relationships with parents/carers, exchanging information, facilitating their support for their child's attendance, access and learning and supporting home to school and community links
- Take lead role in the development, implementation and monitoring of systems relating to attendance and integration e.g. registration, truancy, pastoral systems etc.
- Administrative support e.g. dealing with correspondence, compilation/ analysis/reporting on attendance, exclusions etc., making phone calls etc.

SUPPORT FOR THE CURRICULUM

- Implement agreed learning activities/teaching programmes, adjusting activities according to pupil responses/needs
- Actively seek information regarding, and utilise, the range of activities, courses, organisations and individuals to provide support for pupils to broaden and enrich their learning
- Determine the need for, prepare and use specialist equipment, plans and resources to support pupils

SUPPORT FOR THE SCHOOL

- Comply with and assist with the development of policies and procedures relating to child protection, health, safety and security, confidentiality and data protection, reporting all concerns to an appropriate person
- Be aware of and support difference and ensure all pupils have equal access to opportunities to learn and develop
- Contribute to the overall ethos/work/aims of the school
- Establish constructive relationships and communicate with other agencies/professionals, in liaison with the teacher, to support achievement and progress of pupils
- Attend and participate in regular meetings
- Participate in training and other learning activities as required
- Recognise own strengths and areas of expertise and use these to advise and support others
- Be responsible for the provision of out of school learning activities within guidelines established by the school
- Contribute to the identification and execution of appropriate out of school learning activities which consolidate and extend work carried out in class

LINE MANAGEMENT RESPONSIBILITIES WHERE APPROPRIATE

- Manage other teaching assistants
- Liaise between managers/teaching staff and teaching assistants
- Hold regular team meetings with managed staff
- Represent teaching assistants at teaching staff/management/other appropriate meetings
- Undertake recruitment/induction/appraisal/training/mentoring for other teaching assistants

Experience	<ul style="list-style-type: none">• Experience working with children of relevant age• Experience of working with pupils with additional needs
Qualifications/Training	<ul style="list-style-type: none">• Meet Higher Level Teaching Assistant standards or equivalent qualification or experience• Excellent numeracy/literacy skills – equivalent to NVQ Level 2 in English and Maths
Knowledge/Skills	<ul style="list-style-type: none">• Full working knowledge of relevant policies/codes of practice/legislation• Working knowledge of national curriculum and other relevant learning programmes• Understanding of principles of child development and learning processes and in particular, barriers to learning• Ability to plan effective actions for pupils at risk of underachieving• Understand range of support services/providers• Ability to self-evaluate learning needs and actively seek learning opportunities• Ability to relate well to children and adults• Work constructively as part of a team, understanding classroom roles and responsibilities and your own position within these

CURRICULUM/RESOURCE SUPPORT

<p>LEVEL 1 - Under the direction/instruction of senior staff: provide general support to staff and pupils, including preparation, and routine maintenance of resources/equipment.</p>	
<p>SUPPORT FOR PUPILS</p>	
<ul style="list-style-type: none"> • Support pupils in accessing learning activities as directed by the teacher 	
<p>SUPPORT FOR THE TEACHER</p>	
<ul style="list-style-type: none"> • Ensure the maintenance of a clean and orderly working environment • Timely and accurate preparation of routine equipment/resources/materials as set out in instructions • Undertake basic record keeping as directed • Assist the teacher with learning activities ensuring health and safety and good behaviour of pupils • Provide clerical/admin. support e.g. photocopying, printing, display, collection and recording of money etc. 	
<p>SUPPORT FOR THE CURRICULUM</p>	
<ul style="list-style-type: none"> • Monitor and arrange orderly and secure storage of supplies • Maintenance of every day equipment, check for quality/safety • Undertake simple repairs and report other damages • Operation of every day equipment in accordance with instructions 	
<p>SUPPORT FOR THE SCHOOL</p>	
<ul style="list-style-type: none"> • Be aware of and comply with policies and procedures relating to child protection, health, safety and security and confidentiality, reporting all concerns to an appropriate person • Be aware of and support difference and ensure all pupils have equal access to opportunities to learn and develop • Contribute to the overall ethos/work/aims of the school • Appreciate and support the role of other professionals • Attend relevant meetings as required • Participate in training and other learning activities and performance development as required • Assist with the supervision of pupils out of lesson times e.g. clubs, extra-curricular activities 	

<p>Experience</p>	<ul style="list-style-type: none"> • General technical/resource support
<p>Qualifications/ Training</p>	<ul style="list-style-type: none"> • Good numeracy/literacy skills
<p>Knowledge/ Skills</p>	<ul style="list-style-type: none"> • Ability to use relevant technology e.g. computer, video, photocopier • Participate in development and training opportunities • Ability to relate well to children and adults • Basic first aid knowledge as appropriate

CURRICULUM/RESOURCE SUPPORT

LEVEL 2 - Under the instruction/guidance of senior staff: Provide general support in a specific curricula/resource area, including preparation, and maintenance of resources and support to staff and pupils
SUPPORT FOR PUPILS
<ul style="list-style-type: none"> • Support pupils in accessing learning activities under the guidance of the teacher • Provide feedback to pupils in relation to progress and achievement
SUPPORT FOR THE TEACHER
<ul style="list-style-type: none"> • Create and maintain a purposeful, orderly and productive working environment • Timely and accurate preparation and use of specialist equipment/resources/materials as required by staff/curriculum/lesson plans etc. • Maintain records as requested • Ensure the health and safety and good behaviour of pupils at all times • Administer routine tests and invigilate exams and undertake routine marking of pupils' work • Provide clerical/admin support
SUPPORT FOR THE CURRICULUM
<ul style="list-style-type: none"> • Monitor and manage stock and supplies, cataloguing as required • Maintenance of specialist equipment, check for quality/safety, undertake repairs/modifications within own capabilities and report other damages/needs • Demonstrate and assist others in safe and effective use of specialist equipment/materials • Undertake structured and agreed learning activities/teaching programmes
SUPPORT FOR THE SCHOOL
<ul style="list-style-type: none"> • Be aware of and comply with policies and procedures relating to child protection, health, safety and security and confidentiality, reporting all concerns to an appropriate person • Be aware of and support difference and ensure all pupils have equal access to opportunities to learn and develop • Contribute to the overall ethos/work/aims of the school • Appreciate and support the role of other professionals • Attend and participate in relevant meetings as required • Participate in training and other learning activities and performance management as required • Assist with the supervision of pupils out of lesson times e.g. clubs, extra-curricular activities

Experience	<ul style="list-style-type: none"> • General technical/resource support
Qualifications/ Training	<ul style="list-style-type: none"> • NVQ 2 or equivalent qualification or experience in relevant discipline • Good numeracy/literacy skills
Knowledge/ Skills	<ul style="list-style-type: none"> • Effective use of ICT • Use of relevant equipment/resources • Knowledge of particular subject/technical area • Knowledge of relevant polices/codes of practice and awareness of relevant legislation • Ability to identify own training and development needs and co-operate with means to address these • Ability to relate well to children and adults • Relevant knowledge of first aid

CURRICULUM/RESOURCE SUPPORT

LEVEL 3 - Under the guidance of senior staff: Provide specialist support in a specific curricula/resource area, including preparation, and maintenance of resources and support to staff and pupils.

SUPPORT FOR PUPILS

- Use specialist skills/training/experience to support pupils
- Provide feedback to pupils in relation to progress and achievement

SUPPORT FOR THE TEACHER

- Create and maintain a purposeful, orderly and productive working environment
- Ensure timely and accurate design, preparation and use of specialist equipment/resources/materials
- Assist in the development of lesson/work plans, administration of coursework, work sheets etc.
- Contribute to planning, development and organisation of systems/procedures/policies
- Be responsible for maintaining records, information and data, producing analysis and reports as required
- Promote and ensure the health and safety and good behaviour of pupils at all times
- Undertake marking of pupils work with specialist area and accurately record achievement/progress
- Administer and assess routine tests and invigilate exams/tests

SUPPORT FOR THE CURRICULUM

- Monitor and manage stock within an agreed budget, cataloguing resources and undertaking audits as required
- Maintenance of specialist equipment, check for quality/safety, undertake specialist repairs/modifications within own capabilities and arrange for other repairs/modifications to be carried out by others
- Demonstrate and assist in the safe and effective use of specialist equipment/materials
- Provide specialist advice and guidance as required
- Implement agreed work programmes/practical lessons under the guidance of the teacher

SUPPORT FOR THE SCHOOL

- Be aware of and comply with policies and procedures relating to child protection, health, safety and security and confidentiality, reporting all concerns to an appropriate person
- Be aware of and support difference and ensure all pupils have equal access to opportunities to learn and develop
- Contribute to the overall ethos/work/aims of the school
- Establish constructive relationships and communicate with other agencies/professionals, in liaison with the teacher, to support achievement and progress of pupils
- Attend and participate in regular meetings
- Participate in training and other learning activities and performance development as required
- Recognise own strengths and areas of expertise and use these to advise and support others
- Line management of support staff as appropriate within guidelines developed by the school
- Implement planned supervision of pupils out of lesson times e.g. clubs/extra-curricular activities

Experience	<ul style="list-style-type: none">• Experience in specific area in a learning environment
Qualifications/ Training	<ul style="list-style-type: none">• NVQ 3 or equivalent qualification or experience in relevant discipline• Very good numeracy/literacy skills• Specific training in specialist area
Knowledge/ Skills	<ul style="list-style-type: none">• Effective use of ICT and other specialist equipment/resources• Full working knowledge of relevant polices/codes of practice and awareness of relevant legislation• Ability to self-evaluate learning needs and actively seek learning opportunities• Ability to relate well to children and adults• Relevant first aid knowledge

CURRICULUM/RESOURCE SUPPORT

LEVEL 4 - Manage specialist curriculum/resource function:

- allocation and monitoring of work
 - line management, training and appraisal of support staff
 - part of management team, involved in planning, budget responsibilities
- Lead on discrete areas – responsible for design and delivery of support requiring advanced level of knowledge.

SUPPORT FOR PUPILS

- Use specialist skills/training/experience to support pupils
- Provide feedback to pupils in relation to progress and achievement

SUPPORT FOR THE TEACHER

- Be responsible for creation and maintenance of purposeful, orderly and productive working environment
- Be responsible for timely and accurate preparation and use of specialist equipment/resources/materials
- Production of lesson/work plans, worksheets, plans etc. within an agreed system of supervision
- Take a lead role in planning, development and organisation of systems/procedures/policies
- Manage records, information and data, producing analysis and reports
- Promote and ensure the health and safety and good behaviour of pupils at all times
- Undertake marking of pupils work with specialist area and accurately record achievement/progress
- Administer and assess/mark tests and invigilate exams/tests related to specialist subject

SUPPORT FOR THE CURRICULUM

- Be responsible for the management of stock levels, including management of a budget and regular audit of resources
- Be responsible for maintenance/quality/safety of specialist equipment
- Demonstrate and assist in the safe and effective use of specialist equipment/materials
- Provide highly specialist advice and guidance as required
- Deliver learning activities to pupils within an agreed system of supervision in specialist area

SUPPORT FOR THE SCHOOL

- Be aware of and comply with policies and procedures relating to child protection, health, safety and security and confidentiality, reporting all concerns to an appropriate person
- Be aware of and support difference and ensure all pupils have equal access to opportunities to learn and develop
- Contribute to the overall ethos/work/aims of the school
- Establish constructive relationships and communicate with other agencies/professionals, in liaison with the teacher, to support achievement and progress of pupils
- Lead for whole school in specialist area and share expertise and skills with others
- Recognise own strengths and areas of expertise and use these to advise and support others
- Participate in training and other learning activities and performance development as required
- Be responsible for the provision of out of school learning activities e.g. clubs, extra-curricular activities within guidelines established by the school

Management responsibilities

- Manage a team of support staff
- Liaise between managers/teaching staff and support staff
- Hold regular team meetings with managed staff
- Represent support staff at teaching staff/management/other appropriate meetings
- Undertake recruitment/induction/appraisal/training/mentoring of other support staff

Experience	<ul style="list-style-type: none"> • Several years experience working in a relevant discipline in a learning environment
Qualifications/ Training	<ul style="list-style-type: none"> • NVQ Level 4 or equivalent qualification or experience in relevant discipline • Excellent numeracy/literacy skills
Knowledge/ Skills	<ul style="list-style-type: none"> • Effective use of ICT to support learning • Use of specialist equipment/resources • Full working knowledge of relevant policies/codes of practice/legislation • Working knowledge of national curriculum in specialist area, according to particulars of the post • Understanding of statutory frameworks relating to teaching, according to particulars of the post • Ability to organise, lead and motivate a team • Ability to self-evaluate learning needs and actively seek learning opportunities • Ability to relate well to children and adults • Relevant knowledge of first aid

ADMINISTRATION & ORGANISATION

LEVEL 1 - Under the direction/instruction of senior staff: provide routine general clerical, administrative, financial support to the school.

TASKS

Organisation

- Undertake reception duties, answering routine telephone and face to face enquiries and signing in visitors
- Assist with pupil first aid/welfare duties, looking after sick pupils, liaising with parents/staff etc.
- Assisting with arrangements for visits by school nurse, photographer etc.

Administration

- Provide routine clerical support e.g. photocopying, filing, faxing, emailing, complete routine forms
- Maintain manual and computerised records/management information systems
- Undertake typing, word-processing and other IT based tasks
- Sort and distribute mail
- Undertake routine administration e.g. registers/school meals

Resources

- Operate office equipment e.g. photocopier, computer
- Arrange orderly and secure storage of supplies
- Undertake routine financial administration e.g. collect and record dinner money

RESPONSIBILITIES

- Be aware of and comply with policies and procedures relating to child protection, health, safety and security, confidentiality and data protection, reporting all concerns to an appropriate person
- Be aware of and support difference and ensure equal opportunities for all
- Contribute to the overall ethos/work/aims of the school
- Appreciate and support the role of other professionals
- Attend and participate in relevant meetings as required
- Participate in training and other learning activities and performance development as required

Experience	<ul style="list-style-type: none">• General clerical/administrative work
Qualifications/ Training	<ul style="list-style-type: none">• Induction/basic skills• Good numeracy/literacy skills
Knowledge/Skills	<ul style="list-style-type: none">• Appropriate knowledge of first aid• Good understanding and ability to use relevant technology e.g. photocopier• Keyboard/computer skills• Participate in development and training opportunities• Ability to relate well to children and adults• Work constructively as part of a team, understanding school roles and responsibilities and your own position within these

ADMINISTRATION & ORGANISATION

LEVEL 2 - Under the instruction/guidance of senior staff: provide general administrative/financial support to the school.

TASKS

Organisation

- Undertake reception duties, answering general telephone and face to face enquiries and signing in visitors
- Assist with pupil first aid/welfare duties, looking after sick pupils, liaising with parents/staff etc.
- Assist in arrangements for schools trips, events etc.

Administration

- Provide general clerical/admin. support e.g. photocopying, filing, faxing, complete standard forms, respond to routine correspondence
- Maintain manual and computerised records/management information systems
- Produce lists/information/data as required e.g. pupils data
- Undertake typing and word-processing and other IT based tasks
- Take notes at meetings
- Sort and distribute mail
- Undertake administrative procedures
- Maintain and collate pupil reports
- Undertake routine administration of school lettings and other uses of school premises

Resources

- Operate relevant equipment/ICT packages (e.g. word, excel, databases, spreadsheets, Internet)
- Maintain stock and supplies, cataloguing and distributing as required
- Operate uniform/snack/other 'shops' within the school
- Provide general advice and guidance to staff, pupils and others
- Undertake general financial administration e.g. processing orders

RESPONSIBILITIES

- Be aware of and comply with policies and procedures relating to child protection, health, safety and security, confidentiality and data protection, reporting all concerns to an appropriate person
- Be aware of and support difference and ensure equal opportunities for all
- Contribute to the overall ethos/work/aims of the school
- Appreciate and support the role of other professionals
- Attend and participate in relevant meetings as required
- Participate in training and other learning activities and performance development as required

Experience	<ul style="list-style-type: none"> • General clerical/administrative/financial work
Qualifications/ Training	<ul style="list-style-type: none"> • NVQ 2 or equivalent qualification or experience in relevant discipline • Good numeracy/literacy skills
Knowledge/Skills	<ul style="list-style-type: none"> • Appropriate knowledge of first aid • Effective use of ICT packages • Use of relevant equipment/resources • Good keyboard skills • Knowledge of relevant polices/codes of practice & awareness of relevant legislation • Ability to relate well to children and adults • Work constructively as part of a team, understanding school roles & responsibilities and your own position within these • Ability to identify own training & development needs & cooperate with means to address these

ADMINISTRATION & ORGANISATION

LEVEL 3 - Under the guidance of senior staff: be responsible for undertaking administrative, financial, organisational processes within the school. Assist with the planning and development of support services.

TASKS

Organisation

- Deal with complex reception/visitor etc. matters
- Contribute to the planning, development and organisation of support service systems/procedures/policies
- Organise school trips/events etc.
- Supervise, train and develop staff as appropriate

Administration

- Manage manual and computerised record/information systems
- Analyse and evaluate data/information and produce reports/information/data as required
- Undertake typing and word-processing and complex IT based tasks
- Provide personal, administrative and organisational support to other staff
- Provide administrative and organisational support to the Governing Body
- Undertake administration of complex procedures
- Complete and submit complex forms, returns etc., including those to outside agencies e.g. DfES
- Undertake the administration of Payroll systems

Resources

- Operate relevant equipment/complex ICT packages
- Monitor and manage stock within an agreed budget, cataloguing resources and undertaking audits as required
- Manage uniform/snack/other 'shops' within the school
- Provide advice and guidance to staff, pupils and others
- Undertake research and obtain information to inform decisions
- Assist with procurement and sponsorship
- Assist with marketing and promotion of the school
- Manage administration of facilities including use of school premises
- Undertake complex financial administration procedures
- Assist with the planning, monitoring and evaluation of budget
- Manage expenditure within an agreed budget

RESPONSIBILITIES

- Comply with and assist with the development of policies and procedures relating to child protection, health, safety and security, confidentiality and data protection, reporting all concerns to an appropriate person
- Be aware of and support difference and ensure equal opportunities for all
- Contribute to the overall ethos/work/aims of the school
- Establish constructive relationships and communicate with other agencies/professionals
- Attend and participate in regular meetings
- Participate in training and other learning activities and performance development as required
- Recognise own strengths and areas of expertise and use these to advise and support others

Experience	<ul style="list-style-type: none">• Experience of development, management and operation of administrative systems
Qualifications/ Training	<ul style="list-style-type: none">• NVQ 3 or equivalent qualification or experience in relevant discipline• Very good numeracy/literacy skills
Knowledge/Skills	<ul style="list-style-type: none">• Effective use of ICT and other specialist equipment/resources• Full working knowledge of relevant polices/codes of practice and awareness of relevant legislation• Very good ICT skills• Ability to relate well to children and adults• Work constructively as part of a team, understanding school roles and responsibilities and your own position within these• Ability to self-evaluate learning needs and actively seek learning opportunities

ADMINISTRATION & ORGANISATION

LEVEL 4 - Organise and supervise administrative systems within the school. Contribute to the planning, development and monitoring of support services and/or Management of support staff, including coordination and delegation of relevant activities

TASKS

Organisation

- Take a lead role in planning, development, design, organisation and monitoring of support systems/procedures/policies
- Line Management responsibilities where appropriate:
- Manage support staff
- Liaise between managers/teaching staff and support staff
- Hold regular team meetings with managed staff
- Undertake recruitment/induction/appraisal/training/mentoring for other staff

Administration

- Take lead role in the development and maintenance of record/information systems
- Provide detailed analysis and evaluation of data/ and produce detailed reports/information as required
- Produce, and respond to, complex correspondence
- Provide organisational and complex advisory personal support to other staff -
- Provide organisational and complex advisory support to the Governing Body
- Manage complex administrative procedures
- Be responsible for completion and submission of complex forms, returns etc., including those to outside agencies e.g. DfES
- Manage the administration of Payroll system

Resources

- Be responsible for the selection and management of resources, including management of a budget and regular audit of resources
- Take a lead role in the recruitment of support staff and in managing associated employment procedures
- Provide advice and guidance to staff and others on complex issues
- Undertake research and obtain information to inform decisions
- Take a lead role in procurement and securing sponsorship/funding
- Manage service contracts
- Manage school licences and insurance
- Take a lead role in marketing and promoting the school
- Manage facilities including premises, lettings and associated income, building and projects etc.
- Manage financial administration procedures
- Take a lead role in planning, monitoring and evaluation of budget
- Be responsible for the management of expenditure within an agreed budget
- Health & Safety management

RESPONSIBILITIES

- Comply with and assist with the development of policies and procedures relating to child protection, health, safety and security, confidentiality and data protection, reporting all concerns to an appropriate person
- Be aware of and support difference and ensure equal opportunities for all
- Contribute to the overall ethos/work/aims of the school
- Develop constructive relationships and communicate with other agencies/professionals
- Share expertise and skills with others
- Participate in training and other learning activities and performance development as required
- Recognise own strengths and areas of expertise and use these to advise and support others

Experience	<ul style="list-style-type: none"> • Several years experience working in office environment at a senior level
Qualifications/ Training	<ul style="list-style-type: none"> • NVQ Level 4 or equivalent qualification or experience in relevant discipline • Excellent numeracy/literacy skills
Knowledge/Skills	<ul style="list-style-type: none"> • Effective use of specialist ICT packages • Use of specialist equipment/resources • Full working knowledge of relevant polices/codes of practice/legislation • Ability to organise, lead and motivate other staff • Ability to plan and development systems • Ability to relate well to children and adults • Work constructively as part of a team, understanding school roles and responsibilities and your own position within these • Ability to self-evaluate learning needs and actively seek learning opportunities

ADMINISTRATION & ORGANISATION

LEVEL 4+ - Be responsible for/manage the operation and delivery of support services within the school.
Be responsible for/manage the planning, development and monitoring of support services.
Management of staff, including commissioning and delegation of relevant activities. Member of the school's management team

TASKS

Organisation

- Be responsible for the planning, development, design, organisation and monitoring of support service and whole school systems/procedures/policies
- Line Management responsibilities:
- Manage support staff
- Be responsible for the creation and implementation of recruitment/induction/appraisal/training/mentoring systems for support staff
- Represent the support staff at relevant meetings

Administration

- Develop and monitor management information systems
- Determine the need for and arrange provision, analysis and evaluation of data and detailed reports/information
- Be responsible for the design and effective operation of administrative procedures
- Be responsible for the submission of relevant information to SMT, the Governing Body and outside agencies e.g. DfES
- Commission appropriate Payroll systems and be responsible for their effective operation

Resources

- Identify the need for, select and manage resources, including management of resource budget
- Be responsible for the appropriate deployment of staff, including recruitment
- Be responsible for the provision of specialist advice and guidance to SMT/Governing Body etc. on national and local guidelines/policy/statue etc.
- Interpret matters of policy/procedure/statute to ensure the school's compliance and initiate appropriate action arising
- Manage procurement and be responsible for securing relevant sponsorship
- Identify the need, and be responsible, for securing appropriate licences and insurance
- Be responsible for devising marketing and promotion strategies for the school
- Be responsible for the management of facilities including use of premises and associated income, and major building works and projects etc. e.g. new development
- Develop work specifications and manage service contracts
- Be responsible for the effective management of financial administration procedures, including responsibility for compliance with financial regulations
- Be responsible for planning, monitoring and evaluation of budget
- Be responsible for the management of expenditure from the school budget
- Be responsible for the management of Health & Safety within the school

RESPONSIBILITIES

- Comply with and assist with the development of policies and procedures relating to child protection, health, safety and security, confidentiality and data protection, reporting all concerns to an appropriate person
- Be aware of and support difference and ensure equal opportunities for all
- Contribute to the development and implementation of the overall ethos/work/aims of the school
- Develop constructive relationships and communicate with other agencies/professionals
- Participate in training and other learning activities and performance development as required
- Recognise own strengths and areas of expertise and use these to advise and support others

Experience	<ul style="list-style-type: none"> • Several years experience working in a business environment at a management level
Qualifications/ Training	<ul style="list-style-type: none"> • NVQ 4 or Degree or equivalent qualification or equivalent in relevant discipline Excellent numeracy/literacy skills
Knowledge/Skills	<ul style="list-style-type: none"> • Full working knowledge of relevant polices/codes of practice/legislation • Ability to interpret advice/statute and to devise policy/practice in the light of these • Ability to management a multi-disciplinary team effectively • Ability to relate well to children and adults • Ability to persuade, motivate, negotiate and influence • Ability to self-evaluate learning needs and actively seek learning opportunities

TRAINING & DEVELOPMENT OF SUPPORT STAFF IN SCHOOLS

JOINT GUIDANCE

1. *Objectives*

- 1.1 The NJC have prepared the following joint guidance to encourage and support the use of effective training and development arrangements for support staff in schools. Both sides are committed to equal opportunities, recognising the value of a diverse employee base reflecting the community, and developing the role of support staff in raising standards in our schools.

2. *Introduction*

- 2.1 More than 200,000 full-time equivalent support staff currently work alongside teachers in schools. It is estimated that this number will increase by at least 50,000 over the lifetime of this Parliament. The school environment is changing rapidly and support staff and teachers alike need to be equipped to face the challenges that lie in the future. In some schools and LEAs, the training and development needs of support staff are considered as an integral part of school development strategy, but in others the link between effective training and deployment of this group of employees and their contribution to raising standards has yet to be made explicit. In recent years, numerous innovations have been introduced to boost effective performance management for teachers: we believe that equivalent systems are required for support staff and that integrated school systems should be introduced.

3. *Strategies for developing support staff*

- 3.1 Support staff are increasingly expected to take on wider and deeper roles in support of teaching and learning. To help them perform these roles, schools must set clear annual priorities for the training and development of staff at all levels. These should be in line with the cycle of business and budgetary planning and the development of whole school objectives designed to promote continuous improvement. Costed training and development plans should enable clear priorities to be set and decisions to be followed through; clear personal development plans should be created and training recorded systematically. Training can be delivered through a range of media including mentoring, job shadowing, individual learning; conferences or courses and its effectiveness should be reviewed regularly.
- 3.2 Useful general advice on workforce planning and workforce development is available from the EO website:
www.lg-employers.gov.uk/skills/workforce/index.html

- 3.3 LEAs will want to assist schools by establishing steering groups to address the continuing professional development needs of support staff, providing advice and guidance to schools on the development programmes, skills assessments and training opportunities.
- 3.4 Support staff should be included in relevant team meetings and staff briefings as a matter of course; if they take place out of normal working hours, appropriate pay arrangement should be made. To encourage better communications and wider dissemination of specialist expertise and knowledge, some LEAs are now offering annual conferences for different groups of support assistants or circulating information bulletins relating to particular roles and this is recommended as good practice.
- 3.5 Standards for good people management and development such as Investors in People require that every member of staff, full or part time, teacher or support worker, is involved in the process. This will help to develop the cycle of continuous learning and development.
- 3.6 When seeking to recruit support staff with the right skills and knowledge, schools can obtain specialist advice and expertise from Recruitment Strategy Managers, HR experts, trade unions and other advisers based in LEAs. The DfES has developed a comprehensive induction programme for teaching assistants, which is delivered through LEAs. A similar programme for other support staff is now available to LEAs and schools and can be viewed at www.teachernet.gov.uk/supportstaff.
- 3.7 For England, the circumstances in which aspects of teaching roles can be performed by staff with different levels of qualification are set out in regulations made under section 133 of the Education Act 2002 and associated guidance. The Education (Specified Work and Registration) (England) Regulations took effect on 1 August 2003 and are accompanied by guidance devised by the Workforce Agreement Monitoring Group. This describes what constitutes "specified work" and the issues schools need to take into account when deploying staff other than qualified teachers to work with pupils. It covers **all** existing support staff who work with pupils, not just higher level teaching assistants and new staff.
- 3.8 The national agreement "Raising standards and tackling workload" outlines the role of "higher-level teaching assistants" in delivering a wider range of activities in the classroom. A final version of the standards for HLTAs has just been published by the TTA, available at www.tta.gov.uk/hlta. A programme of training is also being developed by the TTA for such roles and should be available in 2004. Head teachers will therefore also need to identify support staff training and development needs in the light of the statutory framework as well as standards of competence and personal aspirations for progression.
- 3.9 LEAs and head teachers must ensure that training opportunities are not limited to teaching assistants. The Workload Agreement emphasises the

need for a broad range of support staff and identifies certain career paths and qualifications such as the Diploma of School Business Management developed by the National College for School Leadership. These must be taken into account when planning training for all support staff. The NJC will continue to monitor changes.

4. Job Profiles and Performance Appraisal

- 4.1 Following implementation of the NJC Local Government Services (Single Status) agreement, Authorities are engaged in considering how best to include school support staff in the process of pay reviews, which will often be based on job evaluation. Regardless of where a school may be in the process of review, every member of staff needs a comprehensive job description reviewed on a regular basis and a clear line management structure. Each person needs to be sure of how their role contributes to raising standards. Advice on the type and ranges of support roles in schools is available from the NJC.
- 4.2 For training and development policies to be effective, every member of staff must receive a rigorous, constructive annual appraisal leading to the development of an individual plan for development. Following the four-stage appraisal cycle for teachers of planning, development, monitoring and review, the process should take account both of the employees' personal objectives and the school's goals. It should be conducted as part of a cycle complementing that for teachers, so that shared learning objectives can be established.
- 4.3 Support staff appraisal should take place during normal working hours but when this is not possible, the time should be paid for.
- 4.4 Whilst all school-based employees should be encouraged to take responsibility for their own learning, ultimately head teachers, governors and line managers all have a role to play in helping individuals to achieve their full potential and fit new and emerging roles in schools.
- 4.5 Head teachers and line managers should look for joint learning opportunities by sharing and coordinating information, not only within the school but among groups of schools with similar identified training needs. Again, LEAs and other training providers will be able to help determine how these needs can be met on the most cost efficient basis.
- 4.6 It is good practice to organise joint training of teaching assistants and teachers as this can greatly benefit joint working and delivery of learning in the classroom.

5. *Training and Career Progression*

- 5.1 The government has said that the greatest task facing head teachers is “the motivation and deployment of their key resource, staff”.¹ Some LEAs have worked with schools to make great strides in developing career frameworks for support staff, enabling those with the right aptitude and abilities to make rapid progress in their careers. In particular, they support those who wish to progress to QTS status, both in practical and other ways.
- 5.2 Many support staff hold no formal qualifications but have become qualified by virtue of long experience. A key factor in identifying training needs has therefore been the ability to accurately identify current skills levels and assess existing qualifications. Some issues have also been identified by schools as a barrier to utilising available training, including funding, release time, cover and, most crucially, managing candidates expectations once qualifications have been obtained.
- 5.3 A whole-school approach to training and development is most effective and as a first step, we believe that relevant INSET training should be available to all staff. The DfES recommends that: “In-service training days (INSET days) should be an important tool for head teachers to help their staff maintain and develop their professional skills and knowledge for whole school development planning” this should apply to all members of a school’s establishment as appropriate. When planning INSET provision for the year, head teachers and governors will need to take account of the training needs of support staff, particularly those involved in the delivery of learning in the classroom and link subsequent decisions to the school development plan.
- 5.4 National Occupational Standards for Teaching Assistants developed by the LGNTO can be accessed via the EO website at: www.lg-employers.gov.uk/skills/teaching/index.html, and are intended for those supporting the learning process in primary, secondary and special schools. These provide guidance on good practice and can be used as a basis for performance management and staff development. Awarding bodies have developed National Vocational Qualifications (NVQs) at levels 2 and 3 based on these National Occupational Standards. These work-based qualifications provide an important stepping-stone for those who wish to accredit their current competence, work towards increased competence or to progress their careers further. Many other qualifications for Teaching Assistants already exist and it can be difficult for head teachers and support staff to evaluate how these relate to each other. Further information on the National Qualifications Framework is available on the QCA website². Guidance on links between the DfES Induction Training and the National Occupational Standards has also been

¹ Education and skills: investment for reform

² www.qca.org.uk

produced, see: www.teachernet.gov.uk/teachingassistants. A question and answer document on organising training for NVOs has also been produced as guidance for head teachers and is available on the teachernet website. The DfES has commissioned a wider mapping exercise to see how qualifications for all support staff interrelate.

- 5.5 Schools will benefit from making available a wide range of learning and development opportunities to reflect employees' varied learning styles and personal circumstances, taking into account what is available nationally and locally. Equality of access is a key factor in delivering this. This is an area where LEAs should be able to provide schools with clear guidance on the range of training available and help schools identify which are the most appropriate, within a structured framework, for the development of particular roles. It is good practice that all job related training should be undertaken in paid time.

FIXED-TERM SUPPORT STAFF IN SCHOOLS

JOINT GUIDANCE

1. *Introduction*

- 1.1 Local Government in general, and schools in particular, employ a high proportion of employees on fixed-term and temporary contracts, tied to the academic cycle. Fluctuations in funding, particularly for pupils with Special Educational Needs or tied to particular grant schemes, has led to the development of a culture whereby large numbers of (mainly female) school-based support staff have not been given “permanent” open-ended contracts of employment.
- 1.2 The NJC have prepared the following joint guidance that re-iterates our position in relation to the use of fixed term contracts for the above group of employees. Both sides recommend the guidelines to their constituent memberships.
- 1.3 The guidance also briefly covers changes to the law arising as a result of the implementation of the Fixed term Employees (Prevention of less favourable treatment) Regulations 2002. This information is set out in Appendix A.

2. *Schools*

- 2.1 Schools have traditionally employed a significant proportion of support staff on fixed term contracts. This pattern of employment has often being led by budgetary uncertainty such as the continuation of Standards Fund grant money.
- 2.2 Governing bodies are responsible for determining the nature of the contract of employment for all staff appointed within a school. Unnecessary reliance on fixed-term contracts creates uncertainty, can make it difficult to maintain stability for pupils and/or to attract staff with suitable experience because of a real or perceived lack of job security.
- 2.3 Whilst schools will need to retain sufficient flexibility to react to changes in funding and pupil demand, we believe that far more staff could be offered “open-ended” contracts. This may require greater management effort to re-deploy staff, and greater risk of redundancy when particular projects or funding comes to an end but this could be offset by improved staff loyalty and commitment and by a reduction in recruitment activity. In any event, following the implementation of the new Regulations, fixed-term employees must now be employed on the same basis as “permanent” employees.

3. *Good practice in managing fixed term contracts*

3.1 *When to use a fixed term contract:*

3.1.1. It is essential that schools demonstrate that there are transparent, necessary and objective reasons for placing a post on a fixed-term contract. LEA's should discuss with the recognised unions the circumstances in which they - in light of their own individual requirements and resources - would recommend use of these contracts.

3.1.2. Necessary and objective reasons or circumstances could include:

- the funding is of short-term duration and longer-term funding is unlikely
- the post is for a specific project or relates to a specific event (e.g. to cover staff absence)
- the contract is to provide a secondment or career development opportunity
- where specific or specialist expertise or recent experience is a necessary element of the job and will only be required for a specified period
- a project is shortly to come to an end
- to cover a period up to the closure of a school
- to cover a vacancy while recruitment for a permanent position is carried out

3.2 *How to use a fixed-term contract*

3.2.1. Whilst there will always be a need for some fixed term contracts in schools, perhaps to cover sick or maternity leave, it will be much harder to end a series of fixed-term contracts without justification. The statement of particulars of employment for a fixed term contract should always include:

- the reason for the appointment being temporary
- the duration/likely duration of the period of employment
- and/or the event that will bring about the termination of the contract.

3.2.2. Fixed-term contracts should not be used to create a "trial period" or because of general anxiety over the possibility of budget problems at an unspecified point in the future: all schools face a degree of uncertainty in terms of pupil numbers and budget from year to year.

3.2.3. A potential challenge under the regulations arises from the use of successive fixed term and temporary contracts. Clearly, if the objective reason for use of such a contract is the short-term nature of the work, this justification must be called into question where the contract is repeatedly renewed and the overall duration of the employment becomes substantial.

3.2.4. Schools advertising a fixed term post should make it clear at each stage of the recruitment process (in adverts, documentation and at interview) that the post is for a fixed term and why this is so.

3.2.5 Employers are therefore advised to consider the following points:

- How many support staff are employed on fixed term contracts?
- Are their terms and conditions of employment, including benefits, less favourable than those enjoyed by permanent employees?
- If less favourable, how can differentials be removed or objectively justified?
- Assess issues available to staff on indefinite contracts, which assist performance such as staff development, training and appraisal.
- Consider redundancy selection and access to redeployment, career breaks, special leave and loans.
- How are internal vacancies publicised?

3.3 *How to deal with fluctuating demand*

3.3.1. Part-time support staff are sometimes appointed on a series of fixed-term contracts, the hours offered each year varying according to pupil needs and numbers. It is generally possible to determine the minimum number of hours below which the requirement will not drop and appoint to a permanent part-time contract at that level, offering additional hours for a fixed term as required.

3.4 *What to do where a contract is due to expire:*

3.4.1. Most LEAs advertise all vacancies. Heads can also bring to the attention of a member of staff whose contract is ending, suitable jobs advertised in relevant publications. For support staff, schools should work together to retain skilled individuals in the workforce.

3.4.2 Good practice would suggest that head teachers remind individuals on fixed-term contracts halfway through the contract of the end date. This discussion must be meaningful (i.e. reasons for the possible ending of the contract should be made clear) and should indicate what actions, if any, are proposed at the end of the contract. Consider the member of staff for suitable alternative employment and discuss opportunities for re-training.

3.5 *Existing Employees*

3.5.1 Schools should be aware that:

- An employee who has for four years service on fixed-term contracts running from 10 July 2002 will be entitled to become a “permanent” member of staff unless a further renewal can be objectively justified.
- Employers will no longer be able to use contractual clauses waiving the right to claim statutory redundancy pay.
- Statistical evidence suggests that a greater proportion of women and ethnic minorities are employed on fixed-term contracts. It is important to bear this in mind and review the use of these contracts overall to ensure that the principle of non-discrimination is applied rigorously.

- Under the Regulations, fixed-term and permanent staff must have the same training opportunities unless less favourable treatment of fixed-term employees can be objectively justified. Whilst access to job-related training is unlikely to be problematic, schools may be reluctant to provide developmental training if employment is for too short a time to justify it.
- Those employed on fixed-term contracts may have particular needs (e.g. career advice) relating to their short-term contracts. There are benefits to the school or LEA in considering the long-term career development of staff in avoiding an unnecessary and excessively extended sequence of fixed-term contracts.

3.6 Renewal and non-renewal of fixed term contracts:

3.6.1 Renewal

If a post covered by an individual employed on a fixed-term contract is to continue unchanged beyond the date of the fixed term, the contract should be renewed. Only if the duties of the post have changed significantly can it be advertised.

3.6.2 Non-renewal

- Non – renewal of fixed-term contracts for reasons of pregnancy or other reasons connected with pregnancy is unlawful.
- Non – renewal of fixed term contracts for reasons of poor/unacceptable performance may amount to unfair dismissal.
- Fixed-term contracts should not be used as a form of probationary contract in order to evaluate suitability for a post. Head teachers should deal with poor/unacceptable performance as they would normally with other staff on permanent contracts, including the effective use of probationary procedures, where applicable.

3.6.3 The non-renewal of a temporary contract to cover for an absent employee – for example, one suffering from long-term illness – does not fall within the definition of redundancy. If the absent colleague does not return, thus creating a vacancy, and the temporary employee is not offered the post, dismissal is not for redundancy but may be for “some other substantial reason”.

3.6.4 A redundancy will occur only where the employer’s requirements for employees to perform work of a particular kind, which the employee is employed to do, cease or diminish or are expected to do so, or if the reason for ending the employment otherwise comes under the definition of redundancy. In those circumstances, consultation with the recognised trade unions may be required as well as with the individual and the employee must be afforded the appropriate contractual rights to representation and appeal.

3.6.5 An employee on a fixed-term contract does not have an automatic right to a post if it is decided that a “permanent” appointment will be made, for example, where a member of staff decides not to return following maternity leave. The employee will be able to apply for the post and should be treated on an equal footing with other candidates. Employees on fixed term contracts should be

informed at the outset of the school's policy in this regard, i.e. where it is the policy to advertise all "permanent" vacancies.

3.7 Continuous service

- 3.7.1 Continuity of employment is not broken when one employment contract follows another with a gap of less than a week (running Sunday to Saturday) with the same employer. A series of contracts at one or more schools within an authority will give employment protection rights irrespective of the length of service at the current school. School holidays are deemed a temporary cessation of work and will not interrupt continuity. The relative length of any gaps in employment and the surrounding length of continuous employment would be taken into account when determining whether a temporary cessation had occurred. Under the redundancy modification order, all service with local authorities counts in the calculation of continuous service for the purpose of calculating redundancy payments.

3.8 Selection for redundancy

- 3.8.1 Where redundancy situations arise, policies may specify that temporary, fixed term workers will be selected in preference to those on "permanent" open-ended contracts. Such a policy may amount to sex discrimination as well as being contrary to the fixed-term employee's regulations. In the case of *Whiffen v Millham Ford Girls' School* (heard before the regulations came into force) the Court of Appeal held that although the employers' redundancy policy applied equally to male and female teachers, the proportion of women who had permanent contracts was considerably smaller than the proportion of men in the pool for redundancy. This operated to the claimant's detriment. Such a policy would therefore need to be justified.

3.9 Work-life balance

- 3.9.1 Finally, we recommend that employers adopt a compassionate view toward employee's work-life balance issues. It may be possible to allow full-time employees with continuing appointments to transfer to part-time employment for a fixed term. Where a temporary transfer to part-time employment is negotiated, the employee can return to their full-time position when the period of the temporary transfer expires.

1. *Introduction*

- 1.1 The EC Directive on fixed term work, which was agreed in June 1999, aims to prevent fixed term employees being treated less favourably than similar permanent employees, and to limit the use of successive fixed term contracts. Implementation in the UK is through the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.
- 1.2 The Regulations came into force on **1 October 2002**. More information about the Regulations can be found on the Employers' Organisation web site at www.lg-employers.gov.uk and in the EO publication "Fixed –term contracts: a guide for employers" - details of how to order can also be found on the website. The DTI has published very useful, comprehensive guidance on the Regulations, available at: www.dti.gov.uk/er/fixed/fixed-pl512.htm

2. *Who is covered by the regulations?*

- 2.1 The Regulations only cover employees, not "workers". Agency staff are specifically excluded. Apprentices and placements students (less than 12 months) are also excluded; together with those participating in publicly funded training schemes.
- 2.2 To be covered by the Regulations, individuals must be employed on a fixed- term contract. Under the Regulations, a fixed term contract is one where the length of the employment contract is determined from the start, either giving a:
- Specific term fixed in advance, or
 - Terminating automatically on the completion of a particular task or upon the occurrence or non-occurrence of any other specific event.
- 2.3 We recommend that employees be given a reminder at suitable intervals that a fixed term contract is due to expire and this will give the opportunity to discuss the availability or otherwise of further work. Unlike a contract simply characterised as "temporary", a fixed term contract does not, however, require notice in order to terminate it. Effectively, the parties have agreed at the outset that it will end on the date or event specified.
- 2.4 A fixed term contract may include a clause giving a notice period, which allows the contract to be concluded by either party at a date prior to the termination date. If a notice clause is not included and the employer terminates the contract early, other than for gross misconduct, it may be possible for the employee to claim damages for unpaid remuneration in respect of the remainder of the contract.

3. *The Regulations*

- 3.1 The Regulations state that a fixed-term employee has the right not to be treated by his/her employer less favourably than the employer treats a comparable permanent employee by virtue of the fixed term contract unless such treatment can be justified objectively.
- 3.2 A comparable employee is one doing the same or similar work for the same employer at the same establishment or, where necessary, at another establishment.
- 3.3 It is also possible to justify less favourable treatment in respect of a particular part of a fixed term contract provided that when taken as a whole, the contract is not less favourable than that of a comparable permanent employee. The crucial point is to consider the overall contract rather than the individual terms. If overall the terms and conditions are comparable in objective monetary terms, it is unlikely to fall foul of the Regulations.

4. *Employees rights*

- 4.1 The Government has been concerned for some time at the practice by some employers of employing staff on successive fixed term contracts in an attempt to avoid the accrual of individual employment rights.
- 4.2 The Regulations restrict the use of successive fixed term contracts:
- In future, successive fixed term contracts will not be allowed to last longer than a combined period of four years unless a further fixed-term contract can be objectively justified.
 - A fixed term employee who has been engaged for four years will be entitled to become a permanent member of staff.
 - The four-year period will not be retrospective and only started running on 10 July 2002.
 - Any fixed term time before this date does not count as part of the four years.
 - The four year limit can also be varied by a collective or workforce agreement that specifies a maximum duration of successive contracts and a maximum number of contracts and/or objective reasons which justify renewals of fixed term contracts. An example might be where there is a relatively short period of time left before a major project is completed.
- 4.3 From 1 October 2002, a contract that expires when a specific task has been completed or a specific event does or does not happen is a dismissal in law. The non-renewal of a fixed-term contract concluded for a specified period of time is already a dismissal in law. Employees on these task contracts of one year or more now have a right to a written statement of reasons for this dismissal and the right not to be unfairly dismissed. If the contract lasts two years or more and the contract is not renewed by reason of redundancy, the employee has a right to a statutory redundancy payment.

- 4.4 Fixed-term employees also have the right to request a written statement giving the reason for any less favourable treatment that they believe has occurred and can complain to an employment tribunal that they have been treated less favourably than a comparable permanent employee.
- 4.5 In addition, the ability to use a redundancy waiver clause in fixed term contracts of two or more years has been removed. Waiver clauses agreed before the implementation date, however, will remain in force. (The unfair dismissal waiver was removed in October 1999). This means that it is no longer possible for a fixed term employee to waive their statutory right in a contract to a redundancy payment.
- 4.6 Fixed term employees now have the right to be informed of available vacancies at their workplace (posting on a public notice board or authority Intranet should suffice in most cases). Other measures include equal rights to receive payments on the grounds of medical suspension and statutory sick pay.
- 4.7 As described above, employees on a fixed-term contract accrue statutory employment rights in the same way as permanent staff. Fixed-term employees who have more than one year's continuous service have the same remedies at law as an employee on a permanent contract for unfair dismissal and a redundancy payment. There is no qualifying period required for an individual to claim sex, race or disability discrimination, discrimination on the grounds of trade union membership or activity or for certain unfair dismissal claims.