

ANGUS COUNCIL

RESOURCES & CENTRAL SERVICES COMMITTEE

6 MAY 2004

NURSERY NURSES DISPUTE

REPORT BY PERSONNEL SERVICES MANAGER

ABSTRACT

This report provides an update to elected members on the nursery nurses dispute.

1. RECOMMENDATION

The Committee note the terms of this report.

2. BACKGROUND

The following gives members a brief synopsis of the nursery nurses pay dispute leading up to the latest offer which was made to Angus Council nursery nurses.

Members are asked to note that while the dispute covers Education Nursery Nurses and Early Intervention Assistants and Social Work Family Support Team Assistants, for the purposes of clarity in this report the generic term nursery nurses will be used.

UNISON submitted a national pay claim on behalf of nursery nurses in September 2001. This was rejected at a national level under the terms of the single status agreement, to which UNISON are a signatory and under which it is for individual councils to determine grades.

Separate grading appeals were subsequently submitted to each council and as a compromise the Scottish Joint Council agreed to convene a working party to consider the issue at a national level.

At a meeting of the working party in January 2003 the Employers' Side of the SJC proposed that the working party jointly put together a benchmark job outline, with an indicative grade, together with a framework for a career structure which would then be issued to councils as guidance for use in determining local requirements and solutions.

In May 2003 the trade unions formally rejected this proposal. In the interim UNISON had balloted members on industrial action and had received a majority vote in favour of action.

A series of one day strikes across Scotland started at the end of May 2003 together with continuous action in the form of a 'work to rule'.

A further meeting of the working group took place in June 2003 at which the Employers' Side proposed that the guidance for councils be completed by the end of August with councils encouraged to adopt the indicative grade with retrospective effect from 1 April 2003.

UNISON stated that this was unacceptable since it provided 'no immediate cash for nursery nurses'.

Guidance from the working party was subsequently released to councils at the end of August and presented to the trade unions in early September 2003. The proposals were rejected and UNISON called a further one day strike later that month.

The grounds for UNISON's rejection were that the proposals did not give a nationally prescribed grade, career structure and job description and the proposed salaries were insufficient.

Despite UNISON's national stance discussions took place with the Angus Council UNISON Branch and an offer, based on the national employers' proposals, was made in November 2003. This was rejected by the nursery nurses.

A five day strike in selected schools in Angus followed in December 2003 accompanied by a one day strike covering all Angus schools. Further one day strikes followed in February 2004

and in that same month, following a further ballot, UNISON nursery nurses voted to take all out indefinite strike action across Scotland, commencing on 1 March 2004.

During the intervening period since the rejection of the November 2003 offer, the Angus Council UNISON Branch had supported the demands for a national grade and no further local discussion had taken place. In an effort to avoid all out strike action in Angus however a further offer was made to the union in late February 2004. UNISON suspended industrial action in Angus to enable that offer to be considered by members.

That offer indicated that if there were to be a national settlement that was more favourable than the council offer, the council would honour that national settlement.

Despite that commitment and following a ballot of members the offer was rejected and all out strike action commenced in Angus on 16 March 2004.

In April UNISON nationally dropped their pursuit of a national grade and authorised local branches to negotiate with individual councils.

Following discussion with UNISON a third and the latest offer was made to nursery nurses.

3. PRESENT SITUATION

The offer which was made to the nursery nurses is enclosed as [Appendix 1](#).

As members will note the main points to that offer are:

Education Nursery Nurses

- A change in the salary scale from £11106-£13896 per annum to £12868-£14779 per annum
- An immediate average salary increase of £1038 per employee
- No increase to the contractual working week of 32 ½ hours or working year of 39 weeks ie 195 days
- Payment for 35 hours per week in recognition that nursery nurses do work additional hours throughout the year to accommodate planned activities eg parents evenings and continuous professional development
- A one off ex-gratia payment of £800, pro rated for those who work less than 32 ½ hours

Social Work Family Support Team Assistants

- A change in the salary scale from £13416-£15204 per annum to £15582-£17895 per annum
- An immediate average salary increase of £1520 per employee with the ability to progress to a salary maximum which is £2691 higher than the current salary maximum
- A one off ex-gratia payment of £1000, pro rated for those who work less than 36 ¼ hours

Members are asked to note that the proposed scale for education nursery nurses is the same as that offered to those in Social Work. The difference in actual salary reflects the reduced working week and working year of education nursery nurses compared with their social work counterparts who work full year and 36 ¼ hours per week

On 5 May UNISON advised that following a ballot of members the offer was rejected and that nursery nurses would remain on strike.

The written offer had been submitted to UNISON following lengthy discussions with their negotiating team to discuss and clarify the terms of a verbal offer and to put the offer in written terms which were understandable and acceptable to the union.

Subsequent media coverage has clearly indicated that, for whatever reason, the offer as it related to education nursery nurses has been misinterpreted by some parties.

This manifested itself in two important areas:

- 1 It was claimed that the hourly rate for education nursery nurses at the top of the scale would reduce from £9.24 to £9.12 under the offer

In fact the existing hourly rate for a nursery nurse at the top of the scale is £9.41 not £9.24 and under the offer on the basis of their contracted working week the hourly rate for a nursery nurse at the top of the scale would increase to £9.90 per hour

2 It was claimed that there would be an increase in the working week for education nursery nurses

There was no proposal to change the current 32 ½ hour working week. What was included in the offer was a recognition that nursery nurses do work additional hours throughout the year and accordingly their amended salary included pay for an additional 197.5 hours in recognition of this and which averages out at a paid 35 hour week

Despite an attempt to redress the balance of media coverage it is believed that education nursery nurses may well have rejected the offer on the basis of these misconceptions.

The committee may be interested to note that the latest offer, which was apparently rejected by 42 votes, represented an improvement on the previous offer which was only rejected by 8 votes. In particular:

- The ex-gratia payments of £800 / £1000 were increased from £600 / £850
- The salary scale of £12868-£14779 for education nursery nurses was increased from £11854-£14396
- The salary scale of £15582-£17895 for social work family support team assistants was increased from £14353-£17431

It has been claimed that the offer made to Angus nursery nurses was one of the lowest in Scotland and perhaps this perception accounts for the apparent hardening of attitude on the part of those on strike.

However based on the current understanding of the situation throughout Scotland, in salary terms the offer was equal to or better than 15 councils (based on offers and settlements). Twelve councils have made a better offer/settlement. Many of these councils have however settled on the basis of a contractual 35 hour week which makes comparison more difficult and similarly there are differences in the type of nursery provision which similarly makes comparison difficult. For example some councils provide full year provision and others have longer nursery opening hours (in Angus pupil contact time is 25 hours per week).

The effects of the ongoing dispute on families, parents and pupils are fully appreciated and officers are anxious to see an early resolution.

Given the apparent misinterpretation put on the terms of the offer it is now proposed to keep that offer on the table for a further period and

- Write to all nursery nurses outlining the exact terms of the offer, and
- Write to all parents outlining the terms of the offer

4. FINANCIAL IMPLICATIONS

Acceptance of the offer by the nursery nurses would have resulted in an additional cost of £119,392 within the 2003/04 financial year, £130,246 in a full financial year (at present day costs) and a one off additional cost of £99,571 in respect of the ex-gratia payments.

5. HUMAN RIGHTS IMPLICATIONS

There are no human rights implications associated with this report.

6. CONSULTATION

The Director of Education, Director of Social Work and Health, Chief Executive, Director of Finance and Director of Law & Administration have been consulted on the terms of this report.

Hugh Robertson
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HR/PerServMan

NOTE No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.