



Changing the world
of work for good

Proposals on the School Support Staff Negotiating Body

**TUC response to the government
consultation**

July 2025

Introduction

The Trades Union Congress (TUC) exists to make the working world a better place for everyone. We bring together more than 5.5 million working people who make up our 48 member unions. We support unions to grow and thrive, and we stand up for everyone who works for a living.

The TUC fully supports the government's ambition to establish a dedicated negotiating body for school support staff to improve employment conditions within the sector. We welcome the opportunity to respond to this consultation.

The School Support Staff Negotiation Body (SSSNB) will empower school support staff to negotiate their pay, terms, conditions and professional development so that they are fairly-rewarded for their work.

We welcome the government's commitment that all support staff in state-funded schools in England will benefit. While we recognise that there will still be scope for local bargaining arrangements to negotiate above the SSSNB rate, we believe that the SSSNB should seek to negotiate an ambitious national agreement for school support staff. Similarly, we advocate for the extension of the SSSNB to agency and other outsourced workers, so that all those doing equivalent roles are paid the collectively-agreed rate for the job.

Questions on bringing agency workers into the SSSNB

General questions – for all respondents

42. Do you think agency workers should be included in the SSSNB in the future?

Yes. The SSSNB has been established so that school support staff can collectively negotiate and agree the pay, terms and conditions for their roles. Excluding colleagues doing the same job would risk undermining the principle behind the SSSNB that there is a collectively-agreed rate for the job. Extending SSSNB coverage to agency workers would close loopholes, lift standards for the most vulnerable workers and strengthen the collective position of all school support staff.

Compared to workers in general, agency workers are at greater risk of low pay, poor working conditions and poor job security – conditions that the government recognises have been holding our economy back.¹ The Resolution Foundation calculated the

¹ Department for Business & Trade (2024), *Next Steps to Make Work Pay*, www.gov.uk/government/publications/next-steps-to-make-work-pay/next-steps-to-make-work-pay-web-accessible-version

agency worker pay penalty as £400 a year, and found widespread experiences of poor and sometimes unlawful practices.²

Agency workers are not eligible for many key employment rights. For example, rights to the same pay as a permanent colleague doing the same job, automatic pension enrolment and paid annual leave only kick in after 12 weeks. This qualifying period starts again if the worker gets a new job at a different workplace, has a gap of more than six weeks between jobs at the same workplace, or takes on a 'substantively different' role. Agency workers can struggle to enforce those they do have. Many agency workers are drawn from groups of workers that are vulnerable to exploitation in the labour market. For example, temporary agency workers tend to be young, are more likely to be from an ethnic minority background, and tend to be slightly less qualified than the workforce overall.³ Without this extension, a significant number of workers would not benefit from the overall policy intent of the SSSNB.

Excluding agency workers from the SSSNB would therefore create a loophole which is likely to negatively impact many of the more than 52,000 workers identified as third party support staff in the School Workforce Census.

If agency staff are left outside the SSSNB's bargaining framework, collectively-agreed standards could be circumvented simply by re-routing vacancies through agencies. That would undercut directly-employed colleagues and drag conditions down across the board.

While the Agency Worker Regulations provide a legal basis for equal treatment after 12 weeks in the same job, which should in theory result in harmonisation of basic pay rates and some other terms and conditions, we do not believe this would be the case in practice. These regulations are currently poorly enforced and where they are followed create a strong incentive for employers to use agency workers for support staff roles for <12 week placements. This could leave many school support staff on poorer terms and conditions than their directly employed counterparts.

Even with a properly enforced right to equal treatment after 12 weeks, many agency workers in equivalent roles to directly employed staff could still be left without an entitlement to some of the terms and conditions their counterparts benefit from. This

² Resolution Foundation (2018), *The good, the bad and the ugly: the experience of agency workers and the policy response*, www.resolutionfoundation.org/publications/the-good-the-bad-and-the-ugly-the-experience-of-agency-workers-and-the-policy-response/

³ Trades Union Congress (2007). *Agency Workers: Counting the cost of flexibility* www.tuc.org.uk/sites/default/files/extras/sectorreport.pdf

could include access to the Local Government Pension Scheme, enhanced sick pay rates and career progression.

Bringing agency workers in scope of the SSSNB would therefore address the risks that the existing agency worker regulations remain poorly enforced, that agency staff are employed on placements of less than 12 weeks and that their wider terms and conditions remain poorer than directly employed colleagues.

Although not directly addressed by the consultation question, the risks set out above would also apply to non-agency workers who are employed by private contractors, rather than directly by the school or academy trust, unless these non-agency workers are also brought into scope. This is likely to include many people working in lower-paid roles, including cleaning and catering staff. Excluding this group from scope also risks undermining the overall policy objective of establishing the SSSNB and creating an incentive to further outsource work, exacerbating issues of inequalities between directly-employed and outsourced workers.

Extending the SSSNB so that it includes outsourced workers as well as directly-employed staff is therefore necessary to fulfil the policy objective of improving working conditions for all school support staff.

43. If agency workers were included in the SSSNB, do you think they would need to have contracts to work only in school settings?

No, although their contract for their work within a school setting would need to comply with the SSSNB agreement.

44. Are there any other conditions you think would need to be met for agency workers to be included in the SSSNB?

No.

45. What impact do you think including agency workers in the remit SSSNB would have on the following groups?

a) Agency workers

Bringing agency workers into the scope of the SSSNB would have a positive impact as it would give them a right to the same collectively-agreed pay, terms and conditions as their directly-employed counterparts. While data is limited with regard to school support staff, we know that agency workers in general are at greater risk of lower pay and insecurity, so are very likely to benefit from being brought into scope.

b) Employment agencies

Employment agencies would benefit from a level playing field if agency workers were brought into the SSSNB. It would provide clarity to all sides – the agency, school and worker – about national rates of pay, terms and conditions and address a 'race to the bottom' culture between employment agencies. It could also improve retention rates for employment agencies and result in longer-term placements, as workers will be less likely to leave because of low pay, poor terms and conditions, or a lack of access to progression.

c) School employers

Including agency workers in the SSSNB would benefit employers by bringing greater consistency to pay and employment standards across their workforce. Aligning the terms of agency and directly-employed workers would strengthen team cohesion and morale, and reduce administrative complications.

It would also help curb the overuse of agency staff as a low-cost alternative to direct employment, promoting more strategic, long-term workforce planning. This approach would support stronger recruitment and retention, which is a major challenge for some support staff roles such as teaching assistants.

d) Permanent or fixed-term employees

Bringing agency workers into the scope of the SSSNB would have a positive impact on the wider workforce, as it would increase the bargaining power of school support staff (by bringing agency staff into the same bargaining unit as directly-employed staff), and remove an incentive to use agency staff rather than permanent or fixed-term employees to cover vacancies on lower pay rates and/or poorer terms and conditions.

e) The functioning of the SSSNB

It would have a positive impact. The inclusion of agency workers in scope would provide clarity to all sides of the SSSNB with regard to employment conditions within the sector, reducing the likelihood that some workers would not benefit from improvements stemming from the SSSNB. It would also reduce the risk of industrial tensions arising from a loophole that enabled unscrupulous employers to employ support staff below collectively-agreed rates by using an employment agency.

Question on equalities

52. Could any of the proposals have an impact – positive or negative – on people with any of the following protected characteristics?

Most school support staff are women, and we anticipate that they will significantly benefit from the creation of the SSSNB as this will determine fairer pay, terms and conditions, address gender pay gaps and establish clearer progression opportunities.

We strongly support the government's ambitions to establish the SSSNB because it creates a dedicated negotiating body for these workers to collectively-agree their pay, terms, conditions, continuous professional development (CPD) and progression routes. We believe that a maximalist approach to scope – including agency workers – will bring the greatest benefit by removing loopholes and improving the working conditions of those at greater risk of lower pay and insecurity. It is vital that all school support staff workers can benefit from the improved practices the SSSNB can deliver.