



Teacher Aide Pay Equity Claim Settlement Implementation

Summary - Operational Guide for Schools

V0.2 – 01 SEPTEMBER 2020

Introduction

On 27 May 2020, the Ministry of Education (the Ministry) and NZEI Te Riu Roa settled the historic teacher aide pay equity claim (the claim). The claim covers 22,000 teacher aides who work in state, state-integrated schools and kura in New Zealand.

The teacher aide pay equity settlement (the settlement) acknowledges the value of the skills, responsibilities and demands of teacher aide work and ensures that value is being remunerated fairly.

This document is a summary of the operations guide for how schools should implement the settlement. It outlines the key actions for schools and boards of trustees as well as outlining the key dates for funding and payment to teacher aides.

For in-depth information about the settlement and how to implement it, please see the comprehensive Operational Guide for Schools. The comprehensive guide includes case studies and examples to help schools understand how to implement the settlement.



For more information or if you have any questions, please visit www.education.govt.nz/teacheraides or talk to your representatives from NZSTA and / or NZEI Te Riu Roa.

If you have general questions or feedback about the information, please email TeacherAide.PayEquity@education.govt.nz

Teacher Aide Pay Equity Settlement

The settlement acknowledges the value of the skills, responsibilities and demands of teacher aide work and ensures this work is being remunerated fairly.

The claim applies to teacher aides and anyone who does the work described in the work matrix – even if the role is called something different, such as “learning assistant.” However, the tasks need to be student-facing and support the learning of a specific student or group of learners. The settlement only applies to people employed in state, state-integrated schools or kura.

The settlement includes:



New pay equity pay rates

The new pay equity pay rates will range from \$21.20 to \$34.86 per hour, and are effective from 12 February 2020. Teacher aides will start receiving the new pay equity pay rates in November.



Increases in Tiaki allowance

Teacher aides who ‘regularly’ perform Tiaki duties (formally ‘dirty work’) will receive an additional \$2.59 per hour on top of their hourly rate. Teacher aides who perform these duties occasionally will receive \$4.81 per day, for days when the work is performed.



Easier access to professional learning and development

The settlement makes professional learning and development opportunities more readily available. The pilot PLD fund will be boosted by \$1.5 million, to \$2.29 million from July 2020 to February 2022.



More certainty in hours

Hours can only be varied by a maximum of 25% in any 12-month period. Any variation greater than 25% require schools to apply the surplus staffing provisions.



Longer-term work

Longer-term joint work includes:

- ▶ a commitment to reviewing the ways schools are funded for teacher aides
- ▶ establishing a working group to explore career pathways and professional development
- ▶ looking at the use of fixed term agreements in schools.

Implementing the new pay equity rates

NZEI Te Riu Roa members will automatically receive the new pay equity rates and backdated pay.

Teacher aides who are not covered by the *Support Staff in Schools Collective Agreement (CA)* need to sign the new Individual Employment Agreement (IEA) with their employing board to access the new rates or [join NZEI Te Riu Roa](#) to be covered by the CA.

The new pay equity IEA is available at www.education.govt.nz/school/people-and-employment/employment-agreements/individual-employment-agreements/

To make sure that all teacher aides receive pay equity rates by November 2020, all non-union teacher aides must have had the opportunity to accept the new IEA with the new rates before 18 September 2020. Schools must advise Education Payroll when a new IEA has been signed.



Action for schools

You must offer non-union teacher aides a new IEA and advise Education Payroll that it has been signed by 18 September 2020.

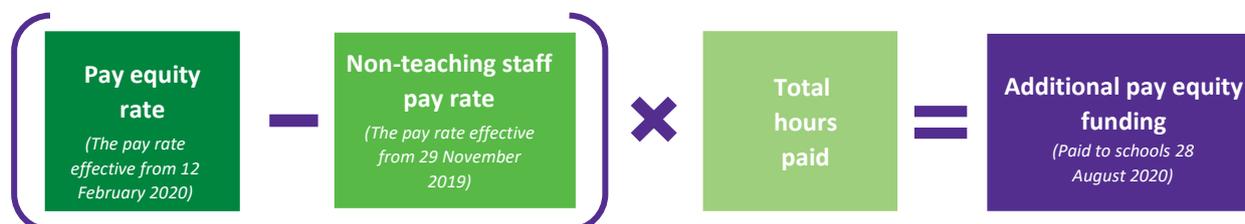
In settling the pay equity claim made by NZEI Te Riu Roa, the Secretary and NZEI Te Riu Roa have agreed on the pay rates for teacher aides that reflect pay equity. If these new rates are not offered, Boards of Trustees could be open to personal grievance claims laid against them based on gender discrimination, or discrimination complaints under the Human Rights Act 1993.

Additional pay equity funding for schools

We will calculate your additional pay equity funding by translating teacher aides from the old CA pay scale to the new pay equity pay scale. This is a point to point translation following the translation rules of the settlement. Point to point means that teacher aides will be transferred from their current point on the CA pay scale to the equivalent point on the pay equity pay scale.

We will calculate, using estimated data, the additional pay equity funding that will cover the new pay equity pay rates and Tiaki allowances backdated to 12 February 2020. You will receive this on 28 August 2020.

The additional pay equity funding amount will be calculated based on the difference between the pay equity pay rate, and the non-teaching staff pay rate and multiplied by the total hours paid. This payment will also include the funding you need for the settlement until the end of the 2020 school year.



You will receive funding for this settlement at three points:

▶ **Out of cycle payment: 28 August**

On 28 August 2020 you will receive the first payment based on estimated 2019 data. It will include an estimate of funding you need for the settlement until the end of the 2020 school year.

This payment will include funds for the backdated pay equity pay rate increase (including holiday pay) and the new Tiaki allowance.

▶ **Interim wash-up 2020: 1 October 2020**

In October, we will do an interim wash-up process using the available 2020 payroll data to re-estimate your required funding based on the teacher aides employed in the first six months of 2020, and the hours that they actually worked. This is to ensure that you have sufficient funding to cover the costs when the payroll changes are implemented in November 2020.

If you do not receive sufficient funding you will receive an additional payment as part of this process. If funding is overestimated, your school will not receive any additional funding.

▶ **Final wash-up 2020: 1 February 2021**

We are unable to accurately calculate your total funding until the 2020 year is finished. In early 2021, we will do a calculation to confirm whether you are entitled to additional funding above the estimated August 2020 payment and interim wash-up completed in October 2020.

If you do not receive sufficient funding you will receive an additional payment as part of this process. If funding is overestimated, your funding for the following year will be reduced.

Ongoing funding

We will support you with ongoing funding to meet the increased pay equity costs for teacher aides directly arising from the settlement. This includes:

- ▶ funding for the increase between the non-teaching staff pay rate and the new pay equity pay rate backdated to 12 February 2020 (additional funding)
- ▶ funding for additional annual progression which arises from the settlement (such as teacher aides who were previously in grade B, and are now able to progress over time to the top of grade B-C (additional funding)
- ▶ the 1.8% increase to the 2020 Operation Grant funding (already provided)
- ▶ additional funding to meet CA costs (non-teaching rate costs) in excess of 1.8% (already provided).

On 27 November 2020, the pay rates for teacher aides will increase by another 3% as part of the 2019 CA settlement. We will provide you with additional funding to cover this increase.

We know that schools receive funding from different sources to employ teacher aides, such as:

- ▶ Ongoing Resourcing Scheme (ORS)
- ▶ English as a Second Language (ESOL)
- ▶ Resource Teachers: Learning and Behaviour (RTLB)
- ▶ Schools' Operational Grant (adjusted annually)
- ▶ School Donations Scheme

→ Operational Guide for Schools

- ▶ Local fundraising
- ▶ From other agencies, e.g. Ministry of Health, Oranga Tamariki, Ministry of Social Development and Accident Compensation Corporation

We will provide pay equity funding for all teacher aides regardless of the funding source. The settlement has no direct impact on these sources of funding.

We are talking to other agencies to let them know about the settlement and the new pay equity rates, but this does not guarantee that other agencies will change their funding. If you have questions about the teacher aide funding that you receive from another agency, please contact them directly.

If you have enrolled verified students under the Ongoing Resourcing Scheme (ORS) and the School High Health Needs Fund (SHHNF) Schemes, you may receive a learning support teacher aide (LSTA) contribution to help meet the cost of teacher aide rates. This is funded through learning support. From 1 July 2020, this hourly rate has increased from \$18 per hour to \$19 per hour.

Funding monitoring

We will monitor what schools pay their teacher aides. If schools do not pay staff the new pay equity rates, they will be in breach of their contractual obligations, and we will cease to provide settlement funding.

Tiaki allowance

The settlement creates two types of Tiaki allowance (formally dirty work allowance): frequent and occasional.

- ▶ **Frequent** – for teacher aides who perform Tiaki duties at least once per day on average will receive an additional \$2.59 per hour on top of their hourly rate. Teacher aides will receive this hourly allowance even if on a certain day they do not have to perform this work (e.g. the student is absent from school).
- ▶ **Occasional** – teacher aides who perform Tiaki duties occasionally will receive a Tiaki allowance of \$4.81 per incident (can be claimed up to once a day).

In a teacher aide role, you can only receive one type of Tiaki allowance, not both at the same time.



Action for schools

Education Payroll will seek information from you about your teacher aides who perform Tiaki duties, whether they perform these frequently or occasionally.

Automatic translation of existing teacher aides to the new pay equity scale

Two different translation rules based on teacher aide’s start date

After the CA settlement in November 2019, teacher aides were offered the 2019 pay rate of \$21.15 per hour, or a 3% increase if they were earning more than this.

This had the effect of collapsing the existing pay scale, particularly in grade A and B.

The new pay equity scale opens up this collapsed CA scale and acknowledges the varying levels of experience within the teacher aide grades. For this reason, teacher aides employed before 29 November 2019, translate using the step they were on before the 2019 CA settlement.

Teacher aides who started in their role before 29 November 2019

Teacher aides employed in their role before 29 November 2019 will be translated using the below table.

GRADE	STEP	PREVIOUS RATES UP TO 28 NOV 2019	WORK MATRIX GRADE	STEP	RATES EFFECTIVE 12 FEB 2020	RATES EFFECTIVE 27 NOV 2020
A	1	\$17.70	A	1	\$21.20	\$21.84
	2	\$17.70		2	\$21.65	\$22.30
	3	\$17.70		3	\$22.10	\$22.76
	4	\$17.70				
B	4	\$17.70	B-C	1	\$23.02	\$23.71
	5	\$18.21		2	\$23.75	\$24.46
	6	\$18.86		3	\$24.48	\$25.22
	7	\$19.48		4	\$25.21	\$25.97
	8	\$20.09		5	\$25.94	\$26.72
C	9	\$20.69	D	6	\$26.54	\$27.34
	10	\$21.42		7	\$27.27	\$28.09
	11	\$22.24		8	\$28.00	\$28.84
	12	\$23.06		9	\$28.73	\$29.59
	13	\$23.88		10	\$29.46	\$30.34
	14	\$24.70				
D	14	\$24.70	D	1	\$29.46	\$30.34
		Range of rates		2	\$30.50	\$31.42
				3	\$31.55	\$32.49
				4	\$32.59	\$33.57
				5	\$33.15	\$34.14
	15			\$33.67	6	\$34.68

To work out the point to point translation, Education Payroll will look at the teacher aide’s current grade and step, and convert them to the equivalent grade and step on the new pay equity scale.

Teacher aides who started in their role on or after 29 November 2019

Teacher aides who started on or after 29 November 2019 are translated using the following pay scale.

GRADE	STEP	RATES EFFECTIVE 29 NOV 2019	WORK MATRIX GRADE	STEP	RATES EFFECTIVE 12 FEB 2020	RATES EFFECTIVE 27 NOV 2020
A	1	\$21.15	A	1	\$21.20	\$21.84
				2	\$21.65	\$22.30
				3	\$22.10	\$22.76
B	2	\$21.31	B-C	1	\$23.02	\$23.71
				2	\$23.75	\$24.46
				3	\$24.48	\$25.22
C	3	\$22.06	B-C	4	\$25.21	\$25.97
				5	\$25.94	\$26.72
				6	\$26.54	\$27.34
				7	\$27.27	\$28.09
				8	\$28.00	\$28.84
D	4	\$22.91	B-C	9	\$28.73	\$29.59
				10	\$29.46	\$30.34
				1	\$29.46	\$30.34
				2	\$30.50	\$31.42
				3	\$31.55	\$32.49
D	5	Range of rates	D	4	\$32.59	\$33.57
				5	\$33.15	\$34.14
				6	\$34.68	\$35.72
D	8	\$34.68	D	5	\$33.15	\$34.14
				6	\$34.68	\$35.72

Progressing through the pay equity pay scale

The settlement provides a process for automatic point to point translation from the previous CA pay scale to the new pay equity pay scale. This translation looks at the teacher aide's current step and grade and draws a line across the table to the corresponding step and grade in the new pay equity table.

One of the features of the settlement is the creation of the new B-C combined grade in the pay equity pay scale. Teacher aides can now progress throughout B and C within the new B-C grade unless the employer considers their work remains solely within grade B. This new merged B-C grade was designed to create opportunities for progression and reduce the potential for grading issues.

A teacher aide may request their employer reconsider their salary progression, and has the right to representation at any stage.

Progressing through steps

From 1 January 2021, teacher aides will continue to progress annually (on the anniversary of their appointment) through the steps within their assigned grade unless the employer takes action to stop it.

If you think the teacher aide has not met the standard outlined in their job description/written requirements for the position, you need to talk to the teacher aide about this at least two months before the date of their annual review.

Progressing through grades B and C

Teacher aides can move within the new B-C grade. However, the movement from B-C step 5 to B-C step 6 is assessed against the skills outlined in the work matrix.

From 1 January 2021, a teacher aide who has been on B-C step 5 (the highest step of the B grade) for at least 12-months, will progress to step 6 unless you think their role remains solely within grade B. The employer must discuss this with the teacher aide at least two months before the date of their annual review.

Appointment of a new teacher aide

During the claim, we gathered information about teacher aide work and created the work matrix Table.

This matrix has four grades (A, B, C, D) showing the most common skills, responsibilities and demands that fall under three broad areas of teacher aide work:

- ▶ General support (classroom/academic)
- ▶ Additional support (e.g. behavioural, high health or pastoral)
- ▶ Te Ao Māori - acknowledging the principles of the Treaty of Waitangi, and the bicultural foundations of Aotearoa New Zealand, all students should have the opportunity to acquire knowledge of te reo Māori me ōna tikanga.

The work matrix sets out the most common skills, responsibilities and demands that apply to teacher aides for each of the grades. The grade a teacher aide is on will determine the teacher aides pay rate.

When creating a new teacher aide role, assess the job description against the skills, demands and responsibilities outlined in the work matrix table to assign the grade and step.

A teacher aide will be placed in the grade that reflects the highest skills, demands or responsibilities performed regularly and on an ongoing basis in their role. The teacher aide doesn't have to do every activity in a grade or across all the three broad areas to sit within it.

Changes to grades

The settlement does not require a review of all teacher aide roles and pay grades. Most teacher aides will be automatically translated to the correct point on the new work matrix under the translation rules agreed as part of the settlement.

With the point to point translation, the large majority of teacher aide roles will be placed into the correct grade under the work matrix. However, in rare circumstances, some teacher aides might have been doing work before the settlement that now falls into a higher grade on the matrix.

This is separate from the times when you need to think about how your teacher aides are graded and consider if any changes are required.

For example:

- ▶ during the usual performance review process
- ▶ after giving a teacher aide more responsibility
- ▶ where the teacher aide requests a review of their grade

Please note, if these occur after 12 February 2020 they are not considered part of the settlement.

Annual performance reviews

Every year, you should set up a meeting with your teacher aides to discuss their role and performance. This is an opportunity to ensure their job description/ written requirements are up to date and accurately reflects their role and placement in the work matrix.

You can seek advice from NZSTA about good practice for the annual performance review process.

After giving a teacher aide more responsibility

If you have asked your teacher aide to perform work requiring a higher level of ongoing responsibility as described in the work matrix, you will need to consider if this affects their grade.

If you determine that the point to point translation does not reflect the work done by a teacher aide according to the new work matrix, you will need to update EdPay or submit a NOVO22nt form to reflect the correct grade.

Changes to grades as a direct result of the settlement

There may be a small number of teacher aides who feel that their current grade doesn't reflect their role within the new work matrix.

Clause 3.9 of the CA applies if a teacher aide raises an issue about the appropriateness of their grade or if the employer reviews the responsibilities of the role and decides a change of grade is required.

If a teacher aide requests a review of their grade, you should assess the job description against the skills, demands and responsibilities outlined in the work matrix table to determine if the grade is appropriate for the work performed. Working across each grade in the matrix, a teacher aide should be placed in the grade that reflects the highest skills, demands or responsibilities performed both regularly and on an ongoing basis.

You can seek advice from NZSTA about good practice for job evaluation and grading against the work matrix.

Additional funding

Applications for additional funding for teacher aides who were regraded as a direct result of the settlement **closed on 30 November 2020**.

Applications will be assessed against the criteria and we will notify you of the outcome of your application. Incomplete applications will be returned and will not be assessed. If your application is successful you will receive additional funding as part of your 1 April 2021 operational grant instalment. Funding will be available from the effective date of the new grade as agreed between the employer and teacher aide.

If your application is declined you have the right to request we reconsider your application, the process to do this will be outlined in the letter of decline.

Assessment criteria

The following criteria will be used to assess eligibility for funding to cover exceptional translation costs:

- 1) the teacher aide was completing the work in question before the date of settlement (12 February 2020)
- 2) the teacher aide was correctly graded on the *Support Staff in Schools' Collective Agreement* positions element table (clause 3.4) before 12 February 2020.
- 3) the skills/demands/responsibilities needed in the teacher aide role are regular and ongoing
- 4) the work falls into a higher grade as a direct result of the new work matrix

If you require assistance we recommend you seek advice from NZSTA who can be contacted at eradvice@nzsta.org.nz or on 0800 782 435 (option 2).

Variation of hours

The settlement sets limits on the variation of hours for permanent teacher aides. Hours can only be varied by a maximum of 25% in any 12-month period. Any variation greater than 25% requires schools to apply the surplus staffing provisions. Teacher aides and employers can still together agree on larger or more frequent variations if mutually agreed.

This does not apply to teacher aides on fixed-term employment agreements, as the terms of their fixed-term agreement fix their hours.

Access to professional learning and development

A new pilot fund provides easier access to professional learning and development (PLD) opportunities that build capability in the teacher aide workforce.

The pilot fund will assess interest for this support, as well as the types of PLD, which could be funded long-term.

The fund will pay for:

- ▶ course fees
- ▶ the teacher aide's wages
- ▶ approved expenses related to attending PLD.

Criteria

This fund supports the development of teacher aide skills and knowledge in ways that contribute to the vision of the school, students' needs. The PLD must:

- ▶ contribute to the teacher aide's capability to improve student wellbeing, or
- ▶ improve the teacher aide's cultural capability, or
- ▶ help the teacher aides increase their ability to support students.

After talking to their supervisor, teacher aides can apply to attend a course via a simple online application. The teacher aide and their Principal will be notified when the application has been approved.

Once the course is finished, the school should invoice the Ministry for course costs, attendance costs, travel and accommodation.

The pilot fund pays for PLD offered by private providers, polytechnics, universities, schools, or clusters of schools. PLD that is in, or across, schools is equally as valid as courses provided by an external provider. The pilot fund covers face-to-face, distance or online delivery.

For more information, please go to <https://capability.education.govt.nz/home/teacher-aide-pld/>

Support and further information



For more information or if you have any questions, please visit www.education.govt.nz/teacheraides or talk to your representatives from NZSTA.

If you have general questions or feedback, please email TeacherAide.PayEquity@education.govt.nz

The Ministry contracts NZSTA to provide employment advice to schools including on employment agreements. Their Advisory and Support centre can be reached at eradvice@nzsta.org.nz or 0800 782 435 (press option 2)

Useful links

- ▶ [Support Staff in Schools' Collective Agreement \(New Section 3A\)](#)
- ▶ [Teacher aide cover letter at NZSTA](#)
- ▶ [Individual employment agreement](#)
- ▶ [NZSTA](#)
- ▶ [NZEI Te Riu Roa](#)
- ▶ [Teacher aid PLD pilot fund webpage](#)
- ▶ [The Teacher Aide Pay Equity Claim Evidence report \[PDF, 3.8 MB\]](#)