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THE ATTACHED TRANSCRIPT WAS TYPED FROM A RECORDING AND NOT COPIED FROM AN ORIGINAL SCRIPT. BECAUSE OF THE RISK OF MISHEARING AND THE DIFFICULTY IN SOME CASES OF IDENTIFYING INDIVIDUAL SPEAKERS, THE BBC CANNOT VOUCH FOR ITS COMPLETE ACCURACY.

“FILE ON 4”

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Producer: Liz Carney

Reporter: Jenny Cuffe

Editor: David Ross

CUFFE: Joan Hamilton is a feisty Geordie, a trailblazer.

HAMILTON: I work in school kitchens, cooking meals for children for school dinners. We're doing a worthwhile job and we should be paid what we're worth. Nineteen years I've been valued less than the men.

CUFFE: And how much more were they earning?

HAMILTON: Double my wages.

CUFFE: She is one of an increasing number of low paid women who have taken equal pay claims against their local council employers. Those who win are entitled to up to six years back pay and the awards may be as high as £50,000 to £60,000.

HAMILTON: The day I always remember was the day when the cheques came through the door, and I went down to the bank and there was a queue a mile long of all these women waving their cheques in the air, all standing there waiting to put

HAMILTON cont: our money in the bank, money that we had never, amounts of money we had never seen before. It was unbelievable, it was brilliant.

CUFFE: Victories like this have opened the floodgates. One lawyer alone says he's got 30,000 claims against public sector employers. Local authorities, in a panic to comply with the law, now face a financial crisis.

PARKINSON: Our current estimate is that this has cost about £2.8 billion and we do think that that will probably rise further. We're already seeing some councils looking to reduce services by 10% or 15% and that's some of the really frontline services that people value.

CUFFE: In File on 4 we ask why – thirty years after the Equal Pay Act - councils are struggling to meet their obligations to women workers; and who's going to pay the price of equality?

SIGNATURE TUNE

ACTUALITY IN CUMBRIA

CUFFE: You don't expect revolution to start in the rural byways of Cumbria, but I've come to see one of three thousand low-paid women who've sparked a battle for equal pay that's sending shockwaves across the country. For the county council here, it means a potential bill of £50 million. The council is already under financial pressure, because the Lake District attracts a large number of retired people, and it's the care assistants who look after many of those people who've started legal action for a fairer wage.

ROBINSON: My working day starts at about half past six in the morning and I work through till lunchtime, and then I would have a break and I would go out and start my teas.

CUFFE: Lynne Robinson travels from one village to another to care for her elderly and disabled clients. She may be the only person they see in a day.

ROBINSON: I roughly finish about quarter to eleven at night, so it's a long day. I help them get up in the mornings, see to their breakfast, their personal care needs, some have stoma care, you know, or problems with their medication, any shopping that they would like.

CUFFE: What made you decide to take your case to tribunal?

ROBINSON: We realised that men were able to be paid up for weekend working and the women decided, well we want the same grade as men. Our work is important, we should really be paid like for like, and so that's whenever we decided to go to the tribunal and pursue a claim.

CUFFE: Lynne was one of three thousand women earning £5.20 an hour, who took part in the largest single pay case in the country. It started in 2002, and in 2004 the Tribunal ruled that they were entitled to back pay. The case was backed by Unison, whose regional officer is Sharon Mee.

MEE: The men that we were comparing the women to were road workers, grounds maintenance people, highways operatives mainly.

CUFFE: So how much more did those men get paid?

MEE: Originally it was nearly £4,000 a year. The men were getting non productivity based bonus, they were getting call out money, various enhancements for different hours of work.

CUFFE: Well wouldn't it have been better for all concerned if you had just been able to negotiate with the employer?

MEE: Yes, it would have been, but the employer was coming up with ridiculously low figures. Nowhere anywhere near what we could possibly recommend to our members. There was nothing above £6,000.

CUFFE: And what's the highest that any of your carers might gain from the tribunal?

MEE: Now I would say probably between £45,000 and £50,000 for some of them.

ACTUALITY IN CARLISLE

CUFFE: Here in their red stone headquarters in Carlisle, county councillors have been making some difficult choices. To meet the cost of equal pay, they've decided to raise home care charges, introduce a charge for day care, cut library opening hours, scrap school uniform grants and sell off a residential college.

STOCKER: When the judgements started to come through, we realised we would need to have to make considerable provision. That was about two years ago.

CUFFE: Deputy leader, Joan Stocker, is responsible for the county's budget.

STOCKER: In the budget round, we then set about making provision for about £50 million. That is only a guess. None of us can know the answer. We put aside £9 million a year. Last year we've increased that to £11 million.

CUFFE: But how, with a £300 million budget, can your authority afford a £50 million bill?

STOCKER: Only by starting to make provision long before we pay it, and that meant doing deep service reviews and making savings wherever we could, because we were already meeting savings of 3%, which the Government expected us to make anyway, and that's been tough.

CUFFE: It's the large retired population of Cumbria that bears the brunt of the county council's emergency measures.

ACTUALITY AT LUNCH CLUB, PIANO PLAYING

CUFFE: On Thursdays, older residents in Grange over Sands meet for lunch here in the village hall. The winter sun's streaming in from the high windows onto a group of trestle tables, where twelve club members are just finishing their tea and cake.

CLARKE: Company is a wonderful thing, it's better than all the doctor's medicine. I do cards and painting as well.

CUFFE: Charlotte Clarke now has to find money from her pension to pay for a day's companionship. In imposing a charge for its five hundred day care places, the county council made it quite clear it was to help meet the cost of equal pay claims.

CLARKE: They said they were going to charge £10 a session, you know, so therefore it's £40 a month. It is a lot of money and we've lost an awful lot of members. There's been some lovely people here and they couldn't come, they couldn't pay the money, and they didn't like the idea of being means tested.

CUFFE: The county pays for one member of staff at the day centre and the rest are volunteers. In fact, it's Age Concern in South Lakeland who run it, and their director, Sonya Mangan, was astonished when she heard that elderly people would have to pay.

MANGAN: To introduce a charge – and such a big charge – was actually quite shocking, and I remember one of the members said to me, 'If I'm going to pay an extra £10 a day, I want a comfier armchair, I want the front seat in a taxi and I want a warmer room.'

CUFFE: So what has the effect of the charges been?

MANGAN: We're now, out of the five hundred or so places that Age Concern run, we would be able to say quite confidently that two out of every ten have decided that they're no longer coming.

CUFFE: Cumbria County Council has recently learned that another three to four thousand women are planning to lodge equal pay claims, so for Councillor Joan Stocker, more controversial decisions may lie ahead.

STOCKER: In this year's budget, had we not had a reasonable settlement, we would have been looking at closing fire stations, libraries, increasing charges. It was looking very unpleasant.

CUFFE: Why should the elderly have to help pay for your equal pay claims?

STOCKER: A little bit controversial, because we have an ageing population in Cumbria, but remember at the same time we haven't been investing in services for the older people, so we haven't toughened up the criteria, and it was a choice between continuing to make provision of services and improving those services, or withdrawing some of them.

CUFFE: Age Concern say that one in five people can no longer afford their day centres.

STOCKER: Certainly we didn't want that to happen, but it is about how people spend their money, and if they don't value their day care, then I'm really sorry.

CUFFE: But isn't it true that if, as an authority, you'd coped with this question of equal pay claims ten years ago, then this kind of extra charge and these potential cuts would never have had to happen?

STOCKER: It is possible. The scenery has changed around us as time has gone by. But we did attempt to make some settlements and we failed in those early days. We now have to do what is fair and that's the balance we have to strike.

CUFFE: Cumbria is asking Central Government if it can borrow £36 million, but that loan would cost £5 million a year over ten years, money that would otherwise go on services. But even though it is putting money aside for its equal

CUFFE cont: pay bill, and cutting or charging for services, Sharon Mee of Unison points out that it hasn't yet paid the money it owes to the three thousand care workers.

MEE: The only thing that these women got was this interim pay award, which took them up a few scales, but it still didn't go anywhere near to what the men were receiving at the time.

CUFFE: And on what grounds did the county council fight those claims?

MEE: Well, they said that the bonus pay that they paid the men was productivity based and that is what they've been fighting all the way along, although at every stage of the tribunal they've lost it so far.

CUFFE: And the longer the case goes on, the higher the council's legal fees. Another item to be added to Joan Stocker's bill. You're fighting the judgements that have been made in the tribunal at some considerable cost – £1 million, I think. Why are you doing that?

STOCKER: We want to get a fair answer to the problem. What is a reasonable settlement and also, going into the future, we need to be able to afford to pay the settlements and afford services, and somewhere between those there will be a balance.

CUFFE: How long will the women have to wait for their settlement here?

STOCKER: Every year I try to make, hope that this is the year we're going to do the settlement, but all the time the atmosphere is clouded by judgements – not necessarily for our cases that are going through the courts, but in other places, and as long as that's happening, that is slowing the whole process down too.

CUFFE: More than thirty years after Equal Pay legislation, women are still earning significantly less than men doing work of equal value. Aileen McColgan, Professor of Human Rights Law at King's College London, says the 1970 Equal Pay Act wasn't sophisticated enough for today's demands.

MCCOLGAN: The early cases were women doing the same work, job as men and being paid overtly differently because they were women. Much of that has gone away, but the vast majority of claims now concern women doing women's jobs, comparing themselves with men doing traditional male work. You have to prove that you are being paid less than a man who is doing work which is of the same or less value, and that is an extraordinarily complicated process which takes years to finalise. Now, as an individual woman, you don't know what other people earn and you certainly couldn't hazard a guess as to how valuable their jobs are, so you can't really run a claim unless you can afford to get expert advice. So individual women don't run claims, they happen where trade unions invest huge amounts of money in bringing equal pay claims on behalf of lots and lots of women members.

CUFFE: It was a European ruling in 2004, entitling women to six years' back pay, that unleashed an avalanche of claims. It made the cost of litigation worthwhile and brought a number of no-win no-fee lawyers on the scene, encouraging new claimants. In the meantime, local authorities had agreed to carry out a major review of their pay structures. But by the deadline of April last year, only a third of councils had met the target. Jan Parkinson, who represents local government employers, says most are still grappling with the detail.

PARKINSON: When we embarked on this, back pay, up to six years back pay was never on the cards. It was always just expected that people would put in your pay systems and then that would be an ongoing cost into the future, you know, that that would be done – some people losing money, some people gaining money, but ultimately that it would balance out. What's happened – and this was through a legal challenge about three or four years ago – is that councils now have to fund this back pay issue, which was never there initially, and that's what's caused this sort of real headache for them.

CUFFE: This has all happened because local authorities dragged its feet?

PARKINSON: The reason that councils dragged their feet is that this is just really difficult to deal with. It is, without doubt, one of the most complex issues I ever dealt with, and this, you know, if we had the money to just put into it, then of course you could right it and you would be able to put everybody up to a certain level of pay so nobody would lose out.

CUFFE: Trade Unions are as anxious as employers to design a fairer pay structure for the future. Brian Strutton, National Secretary of the GMB, says they want to achieve equality through negotiation rather than litigation, but he admits it involves compromises.

STRUTTON: What we have to do is to strike some very uncomfortable balances across a whole range of issues. We have to compromise the equal pay of women to a certain degree, we have to compromise down the pay rates of men to a certain degree, and we have to do those things because employers are not willing to fund the equal pay gap fully. Now we could sit on our hands and do nothing and say, 'Oh, this is too difficult and too much of a problem,' and individuals could, if they so wished, go to court and see what they could get, or we could take the bull by the horns and we negotiate a way through this. It's not perfect, it involves compromises and it takes time, but I think that's the only way of achieving equal pay, if equal pay is truly the objective.

CUFFE: But increasingly, negotiations are breaking down as the harsh reality of pay re-grading becomes clear. Workers in Glasgow, Falkirk and Blackburn threaten strike action, and in South Tyneside, council workers have just rejected a new pay structure. The national conciliation body, ACAS, warns of industrial unrest in the coming months. Two weeks ago, city council workers in Birmingham went on strike.

ACTUALITY IN BIRMINGHAM

CUFFE: In Birmingham, the council's re-grading exercise has been so controversial that it's led to industrial action. Council workers have gathered in Victoria Square, at the steps of the Town Hall, and although the atmosphere is very

CUFFE cont: good-natured, when you talk to individuals, they're clearly extremely unhappy with a situation that has created both losers and winners.
Do you stand to lose or to gain?

WOMAN: We'd gain a little bit, but not as much as what we should be gaining.

CUFFE: How much?

WOMAN: Works out about £1,000 for the year. It's not a lot for what we do, carers. People in their big seats need to come down into the residential care homes and clean some backsides for a day and then they'll know.

CUFFE: Under the new pay structure, about 45% of the 41,000 strong workforce get a rise, 41% stay the same, and 14% face a cut in wages. But it's all about fair pay at the end of the day, isn't it, trying to make people equal?

WOMAN 2: But they're not making people equal. They're making people lose, and it ain't about that. It's about bringing the women up, not bringing the men down to the women.

WOMAN 3: Most women are all married to men, aren't they? So every woman that's husband's losing it, it puts them in the same boat, doesn't it? Some of those women have supposedly gone up £1 a week. That's hardly a pay rise, is it?

CUFFE: How about you? What's your job?

WOMAN 4: I'm staying the same.

CUFFE: And what's your job?

WOMAN 4: I'm a receptionist.

CUFFE: Among the losers are refuse collectors at depots like Perry Barr.

ACTUALITY AT PERRY BARR

CUFFE: There's a group of bin men, some of them in their fluorescent jackets, standing outside the depot. No lorries coming in or out. These men are totally dissatisfied with the pay and re-grading exercise and they are determined to carry on the strike rather than accept the council's offer.

One of the men on the picket line is Dave Palmer. He works a four day week, starting at six in the morning and finishing at a quarter past three. With a bonus, he earns £23,000 plus overtime, if he can get it.

Would you say that £23,000 was a fair wage for the work that you do?

PALMER: No, I don't think it's a fair wage, because the conditions that we have to work in – in the snow, the wind, the rain – what we have to pick up with needles, broken glass, it's a real hazardous, heavy job.

CUFFE: So what's happened in this re-grading exercise?

PALMER: It came out at £13,000 as what we was graded at, and I think everybody realised – councillors as well – you was never going to get anybody to do that sort of job for £13,000. All that we're saying to the council is, this was all about bringing people up to a certain level. It isn't about taking money off people to bring them down to that level.

CUFFE: Do you know what groups of women workers you're being compared to?

PALMER: Well, when it was at £13,000 we was compared with cooks and caretakers and things like that.

CUFFE: And what did you think about being compared to cooks and caretakers?

PALMER: The way I look at it is that the cooks and caretakers, they took them jobs knowing what their money was - £13,000. We took our jobs knowing

PALMER cont: that ours was £23,000. Now they're turning round and saying to us, 'I'm sorry.' To me, I just can't see how that's fair.

CUFFE: Perhaps because refuse collectors have a lot of industrial muscle, Birmingham City Council has decided to make them a separate case and re-design their jobs. The offer's gone up from £13,000 to £21,000, which would mean a cut of £46 a week for Dave and his workmates – but they still haven't accepted it. Council workers have been told they've got to sign new contracts by April 1st but only half of them have done so and the unions have called a second strike next Tuesday. Caroline Johnson of Unison doesn't accept the need for any cut in wages.

JOHNSON: I think if you're going to use a job evaluation scheme that measures a job, if jobs are measured the same then they should be valued the same and they should be paid the same.

CUFFE: Perhaps you bring the refuse collectors down then, which is what they're trying to do.

JOHNSON: I'll say what I said yesterday at our rally. The average wage in this country, depending on how it's measured, is between £25,000 and £31,000. Our staff hardly earn the average wage for the work that they do, so why should they have a pay cut? We want genuine equal pay for our members, and don't forget three-quarters of the people who work in the council, for the council are women and we are not going to accept a single wage cut for a woman, because more women are losing in Birmingham, losing wages and money than men. You know, the council, it's quite easy for the council to make out, oh, it's just these over-paid men that are losing money. Actually the people who are really losing are women, and we will not stand for that ...

CUFFE: Well that's just because there are more women working for the council though.

JOHNSON: Yes, absolutely.

CUFFE: There will be more who lose because of that.

JOHNSON: Absolutely. But I think people have to be clear that these women, lots of them, are very very low paid. I met a single parent the other day who's an admin worker who is losing £6,000. She's going to lose her house. Now how can it be fair to take money from her to give £1 a week pay rise to a school kitchen cook? It cannot be right and it cannot be justified.

CUFFE: All this leaves the architect of the new pay structure, deputy leader Alan Rudge, in a fix. Back pay and re-grading have already added £23 million to this year's wage bill and he anticipates a further £29 million next year. He thinks he's achieved the best result in the circumstances.

RUDGE: As you'd expect in a workforce with 75% women, women lose the most and women gain the most. But on the whole, the major victors in this are the lower paid female workers, particularly in social care and other areas. They are now earning more money and also, of course, they've had back pay payments of substantial sums of money.

CUFFE: Now you say that they've gained significantly, but there are four thousand cleaners who only get an extra pound a week. It's not much of a gain, is it?

RUDGE: No, it isn't, but how can you grumble about a gain when you weren't even given anything before? We can't manufacture the scheme to produce different results. What people fail to realise is that everything has to be paid for by the taxpayer, and the salaries have to be justifiable under the scheme.

CUFFE: What about those workers who stand to lose significant sums? I mean, talking in the thousands here. I mean, how can you do that to somebody who's been working for the council for many years? How can you suddenly turn round and say, 'I'm sorry but we're going to give you £5,000 or £10,000 less.'?

RUDGE: We were confronting a position where, if we didn't do it, we were leaving ourselves liable to being sued by obviously no-win-no-fee lawyers and by the trade unions and everyone else for not dealing with equality between pay for

RUDGE cont: different jobs and also potential gender inequality, which is quite prevalent. A lot of low paid workers were being underpaid and had been for some twenty years in the city of Birmingham.

CUFFE: To soften the blow for workers who'll lose pay, Birmingham plans to freeze their wages for a three year transitional period – though it has to wait for the outcome of another council's case to find out if protecting pay is lawful. Every move the councils and unions make is subject to legal challenge. Unions and even the Commission for Equality and Human Rights have described the situation as a lawyers' bonanza, and Jan Parkinson of the Local Government Employers, believes the activity of no-win-no-fee lawyers makes negotiations more difficult.

PARKINSON: What I would say about the no-win no-fee lawyers is that they certainly made councils start to take action. So if councillors were dragging their feet, once lawyers were on the scene, they really had to address this issue. What I don't think has been helpful is that some of the no-win-no-fee lawyers have been in challenging agreements that have been made at local level, and I just don't think that that's helpful to anybody, quite frankly. I think, if at local level, agreements have been struck that people are happy with, they should take precedence and they should be allowed to rest, but that hasn't been the case. They've been challenged, and I just don't think that that's in the public interest, quite frankly.

CUFFE: It may not be in the public interest, but many individual women jump at the chance of claiming back pay after years of being undervalued.

ACTUALITY IN SANDWELL

CUFFE: There have been adverts in the local papers here in Sandwell and Dudley, saying 'If you work for Sandwell Council in a female-dominated job, then you can make an equal pay claim.' And council workers who've received this can come along here to the Guru Nanak Community Centre, where there's a representative from Stefan Cross solicitors who will be handing out advice about how to make a claim.

ACTUALITY AT MEETING

SAVAGE: ... and what job do you do?

WOMAN: A school cook. I thought, when I saw your advertisement, that the actual equal pay claim, that's the claim that I'm

SAVAGE: Yes, yes, has anybody explained what equal pay is to you or what your entitlements are?

CUFFE: Paul Savage is recruiting women claimants on behalf of Stefan Cross, a Newcastle solicitor whose name is synonymous with equal pay claims.

ACTUALITY AT STEFAN CROSS

CUFFE: So Stefan, a whole wall full?

CROSS: And more, yes, we're running out of space because of the number of cases.

CUFFE: How many files do you think you've got here?

CROSS: We're over 30,000 cases and there are coming up to about forty local authorities in England and Wales, and all but two of the thirty local authorities in Scotland. These are Scottish, they go on and on and on ...

CUFFE: You've already got 30,000 cases on your books. How many more do you think are potentially out there?

CROSS: Millions. I mean, literally. If you take the local government cases, there are nearly a million local government workers and probably 70% of those have claims, and you've got similar numbers in the NHS.

CUFFE: Both the unions and the employers, of course, say that you're hijacking negotiations. There they are, working out a good deal for the future of the workforce, and by encouraging individual women to take cases, you make negotiations almost impossible.

CROSS: Well, that's because their negotiations are so poor and because their negotiations are skewed towards the men. Clearly in any negotiations it should be gender neutral.

CUFFE: But isn't the trouble that the cost of back pay puts mess in the pot for future pay awards and will mean inevitably even cutting jobs?

CROSS: No, I don't accept that at all. If you have any legal right, you're entitled to redress. It's amazing, and you don't say to a person that has a car accident, 'Oh, you should take less than you're entitled to because the authority can't afford it,' and you don't say to the miners who are pursuing cases for their health and safety issues, 'Oh, you can't have what you're entitled to because the Government can't afford it anymore.' The only case in which people turn around and say, 'Oh, you should accept less than you're entitled to,' is when women ask for what they're entitled to.

CUFFE: Employment tribunals are overwhelmed with the workload and increasingly people ask if they're equipped to deal with the complexity of cases involving whole groups of workers. But for Local Authority Employers, represented by Jan Parkinson, the biggest worry is cost.

PARKINSON: In total, our current estimate is that this has cost about £2.8 billion and we do think that that will probably rise further. In back pay alone it's cost councils £1 billion, and not all councils have yet completed reviews. The big headache is trying to fund this, and Central Government have been absolutely adamant that they are not going to fund this for councils, so councils are currently looking at ways to do that themselves. One of the things that Government has done is councils are allowed to borrow money, effectively like a mortgage. But of course that does mean increased revenue cost. Other councils are fortunate enough to have reserves so that they can perhaps use those, and other councils are actually looking to sell off assets and raise the

PARKINSON cont: money through that way. So what they are trying to do, all councils I think it would be fair to say, is not raise it through council taxes, and this is just one of yet another pressure that they're facing in terms of their finances.

CUFFE: What impact will that have on local authorities?

PARKINSON: Ultimately I think that this could result in a reduction in services and we're already seeing some councils looking to reduce services by 10% or 15%, and that's some of the really frontline services that people value that councils provide.

CUFFE: And Britain's schools could be next in line for cuts.

ACTUALITY AT OAKHAM PRIMARY

JONES: We're just about to enter the heart of the teaching bit. We sort of divide at one point and you get a block which is Key Stage 1 and Foundation, your old infants.

CUFFE: This is Oakham Primary School in Sandwell. The corridor, leading like a tunnel from the entrance, is a brilliant shade of blue and yellow with classrooms and reading areas on either side. Oakham has 472 pupils and it's doing well in the league tables. Phil Jones is head teacher.

JONES: This is Class 9 and, as you can see, you've got a class teacher and two classroom assistants there, working and supporting children. So their learning is being enhanced by being put with these members of staff.

CUFFE: Teaching assistants like this, along with dinner ladies, cleaners and clerical staff, make up three-quarters of the workforce at Oakham, and the Local Education Authority, Sandwell Municipal Borough Council, is currently undergoing an evaluation exercise with a view to re-grading them. As local representative of the National Association of Head Teachers, Phil Jones only discovered a few months ago that the money for any equal pay claims might have to come from the schools themselves rather than the council.

JONES: Well we were initially given a spreadsheet, and on that spreadsheet you were presented with a scenario for how much you were going to face as a bill. Our bill was somewhere in the region of £650,000 and we were given two options – to either pay it back over five years or to pay it back over ten years.

CUFFE: What is that £650,000 for?

JONES: That's to meet the back pay of any potential equal pay claims, based on the number of support staff who are currently working in school.

CUFFE: And how does that compare to the rest of your budget?

JONES: £65,000 a year, that's spread over ten years, which, you know, may not seem a great deal to some people, but when that is, when it has costs added to it, the potential impact, you're looking at 30% to 50% of our existing support staff budget on top of what's there at the moment.

CUFFE: Sandwell Council have offered to take out a loan, but the interest will have to be paid out of individual school budgets. So how would you find that money? What would it mean to the school?

JONES: If it ends up being passed on to us, I mean, the only way we can find that money is to make cuts. The obvious ways to make budget cuts are in your resources, and the other obvious one to look at is the number of support staff we employ, so it might be cutting jobs, it might end up cutting hours.

CUFFE: So you mean the very people who would benefit by getting back pay that is owed to them would be in danger of losing their job?

JONES: Potentially yes. I think it puts schools in an awkward position. It's an awful position to be in and I think it puts the support staff in a really difficult position. You know, they shouldn't feel guilty about being paid what they're worth.

ACTUALITY WITH CLASSROOM ASSISTANTS

WOMAN: How many cubes do you have to have?

CHILD: It's six, you need six.

WOMAN: ...that's the answer, but you haven't put in the addition, Jordan. Show me your groups of three.

CUFFE: The teaching assistants in class 9 are Jacquie Crompton, who's recently qualified and gets £6 an hour, and Sherri Coley, who's more experienced and earns £10,000 a year.

COLEY: Of course we think we should be paid a decent wage and that's what we all want. But if we get raises, then other things have to be cut, and especially if we suddenly get, you know, big back pay.

CROMPTON: It starts affecting the children. There's a lot of children that need one to one.

CUFFE: So you're more concerned about the effect it might have on the school and the children than you are about yourself and the inequality of being paid less than you should?

COLEY: That sounds very noble, doesn't it? Of course we want to be paid properly.

CROMPTON: We all want fair pay, it's just a case of we want job security at the same time, so if it means job cuts because they're having to use the school funds, it'll be us that they look at first, because they obviously need teachers.

CUFFE: But we've spoken to other school support staff in Sandwell who are considering putting in claims for back pay. Three hundred and fifty council employees have already done so, and Councillor Pauline Hinton, who's in charge of staff and performance, has worked out how many others may follow.

HINTON: We could have as many as 3,500 claims.

CUFFE: So the overall cost for all those claims is what?

HINTON: The totality of those claims could amount to between £70 million and £80 million. That's the absolute worst scenario that we could face.

CUFFE: How big a problem is this for you as a council?

HINTON: It has proved very difficult. We have had to look at how we deal with budgets, what we can afford and what we can't afford. It's been a nightmare for us to deal with.

CUFFE: The potential cost of back pay for school support staff is £48 million and Pauline Hinton says she's negotiating with school heads over payment. She doesn't now expect them to meet the full cost. Heads are certainly feeling extremely worried about having a loan taken out on their behalf and then being faced with a bill year on year to pay for that.

HINTON: We do understand their concerns. We are in negotiations. We are close to an agreement, I believe, on that. We're not expecting them to fund the whole amount of £48 million. We are actually asking them just for a contribution.

CUFFE: See, this isn't the impression that the schools have.

HINTON: There was some misunderstanding to start with about who was going to pay for it and how we were going to pay for it. I think everybody was desperate to find a solution.

CUFFE: It's hard to see how some of those schools could increase their financial obligations without having a detrimental effect.

HINTON: Many of our schools do have a large reserve of money in their bank balances. What we are asking them to do is to use some of that money in order to fund.

CUFFE: But that's money that they've set aside for other projects that will benefit their school.

HINTON: We're not looking to take it off the schools that haven't got any money at all. What we're saying to the schools that have got a large balance, we think that you should help contribute towards paying for staff that are in your schools actually, working for you.

CUFFE: For Phil Jones, head of Oakham Primary, the possibility of £65,000 on his annual budget is enough to keep him awake at night.

JONES: Part of the problem is that there's so much uncertainty. You know, if they say this is worst case scenario, well you've got to prepare for that at some point and think, well, if it does happen, we've got to meet those needs and demands.

CUFFE: So what happens next here?

JONES: Partly we're waiting. It's very difficult as well, because we're in the middle of budget setting as we speak, but obviously by the end of March, beginning of April we've got to have a budget in place for the next financial year. And at the moment it appears that we aren't going to have any sort of outcomes on equal pay and ... status by the end of the year, the financial year, so we're going to end up setting budgets with lots of sort of things hanging out there in the ether that we've still not got any answers for.

CUFFE: We wanted to ask the Government why it has refused to help local authorities meet the cost of equal pay claims and a fairer pay structure, and whether the present legal framework is fit for purpose. But none of the ministers responsible for local government or equality would be interviewed by File on 4.

CUFFE cont: In a written statement, we were reminded that councils can borrow £660 million to spread the costs and settle claims more quickly, and more will be offered next year. The local government minister, John Healey, wrote:

READER IN STUDIO: Councils are making real progress on implementing equal pay, but progress and determination still vary in different areas, and I want to see more authorities tackle this in an active and affordable manner.

CUFFE: But on the strength of the evidence we've found, local authorities are years away from implementing equal pay, and if the number of claims continues to rise, it's hard to see how they can ever be affordable. Aileen McColgan, Professor of Law at King's College, London, says it's not just local government which should bear responsibility for current failures.

MCCOLGAN: Uncertainty reigns. There's a sort of paralysis around equal pay, I say at the moment, but I think there has been a paralysis around equal pay for thirty-five and more years. It's so complicated and the stakes are so high. Huge amounts of money turn on these cases and the law is very difficult and there isn't a clear thrust from Government, so I think we're all just swimming around waiting for some resolution which may never come ...

SIGNATURE TUNE