



Education Reform Act 1988

1988 CHAPTER 40

PART III

EDUCATION IN INNER LONDON

Staff

171 Remuneration of employees

- (1) If—
 - (a) ILEA proposes to fix for any employee or class of employees of ILEA a rate of remuneration greater than the rate for the time being applicable to that employee or class of employees; and
 - (b) the new rate is to take effect as from a date (“W”) falling after 30th September 1989;ILEA shall notify each inner London council in writing of the proposal and the proposed date of increase.
- (2) The employee or class of employees to whom any such proposal relates shall not be paid at the new rate—
 - (a) until the end of the period of four weeks beginning with the date immediately following the notification date; and
 - (b) where a complaint is made in accordance with subsection (3) below, unless payment at the new rate is authorised by the Secretary of State.
- (3) Before the end of the period of two weeks beginning with the date immediately following the notification date, any three or more of the inner London councils may complain to the Secretary of State if they consider that the new rate is excessive having regard to levels of remuneration applicable in the case of persons employed by local authorities on work comparable to that on which the employee or class of employees concerned is employed.
- (4) On receipt of such a complaint the Secretary of State—

Status: This is the original version (as it was originally enacted).

- (a) shall notify ILEA in writing of the complaint; and
 - (b) shall afford—
 - (i) to ILEA;
 - (ii) to each of the inner London councils; and
 - (iii) to such persons appearing to him to be representative of employees of ILEA as he considers appropriate in relation to the employee or class of employees concerned;an opportunity of making representations to him with respect to the proposal.
- (5) After considering any representations made to him under subsection (4)(b) above, the Secretary of State may—
- (a) authorise payment at the new rate; or
 - (b) refuse to authorise such payment.
- (6) The Secretary of State shall give written notification of his decision to ILEA, to each of the inner London councils, and to any other persons who made representations to him with respect to the proposal under subsection (4)(b) above.
- (7) Subsection (8) below applies where by virtue of subsection (2) above the employee or class of employees to whom any proposal to which subsection (1) above relates is not paid at the new rate until after the proposed date of increase, and either—
- (a) no complaint is made in accordance with subsection (3) above in respect of the new rate; or
 - (b) such a complaint is made but payment at the new rate is authorised by the Secretary of State.
- (8) In any case to which this subsection applies, for the purpose of determining—
- (a) the terms of any contract affected by section 172 of this Act; and
 - (b) any compensation payable in accordance with section 173 of this Act;
- the employee or class of employees concerned shall be regarded as having been entitled under his or their contracts of employment with ILEA to remuneration at the new rate as from the proposed date of increase.
- (9) In this section “the notification date” means, in relation to any proposal to which subsection (1) above applies, the date by which all the inner London councils have received notification of the proposal under that subsection.