



Hannah Doody,
Chief Executive
London Borough of Merton

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Date 22 September 2026

Dear Ms Doody,

Thank you for your letter of 28th May and please accept my apologies for the delay in responding.

GMB have now had further extensive legal advice following your letter and I wanted to write to you to lay out our position.

Restrictions placed on Merton council regarding where school salaries can be paid

GMB accepts that were the council to raise school staffing salaries to pay the inner London weighting rate for support staff, and this was paid on a monthly basis as a salary, the costs would need to be paid from the Dedicated Schools Grant.

It is also the case that the DSG can run at a deficit (although we accept this would incur borrowing costs and have other financial consequences).

However, GMB have been clear that this is not the only demand of this campaign, neither is it the only way to resolve this dispute.

As you are aware during negotiations, we have been clear our members are looking for back pay for this historic inequality. We are clear that the council can fund one-off, non-recurring payments (such as settlements). We tried to open this discussion in the negotiations, but the council appeared unwilling to consider it.

NJC and GLPC Agreements

Agreements formed at the NJC or GLPC level are made between the employer and the recognised trade unions. Although the collective agreements are not in themselves legally binding, it may be that they are legally enforceable via individual's contracts.

This means it is likely to be a breach of contract to pay less than the rates of pay set out in the collective agreements. However, no such restriction would apply on paying an individual more than the rates of pay set out in a collective agreement; first, this is unlikely to constitute a breach of contract; and second, it would only be enforceable by the individual employee, who is unlikely to complain about being paid more.

In addition, the NJC and GLPC itself does not prevent higher pay – market supplements and higher local scales can be adopted. There may be other legal requirements applied to those local scales (they cannot be discriminatory, for example), but they are not prohibited.

The more specific question is whether either body (NJC or GLPC) could stop Merton Council from deciding to treat staff as inner London. While Merton has no direct control over the terms contained within the collective agreement itself (although they form part of the employer side) there is nothing to prevent it taking those same London weighting amounts and applying them independently.

GMB, BRITAIN'S GENERAL UNION

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There may well be other pressures on Merton, both political and industrial, that make it convenient to say that you cannot depart from the GLPC and NJC arrangements. It is also possible that the 7 council's affected would prefer a collective approach to be taken; but this does not mean there is a legal barrier to one of them providing for more favourable terms than exist in a collective agreement.

Furthermore, just because the issue exists in other councils does not mean that it can only be resolved through a mechanism that would affect all councils at once. That may be preferable, and may be politically expedient, but that is not the same as saying it is the only legally permissible route.

As for whether the GLPC could recategorize which boroughs count as "inner" and "outer" London, then that is a matter of negotiation between the employer and Trade Unions. To be clear GMB do not accept Unison's position that the collective agreement in place cannot be changed either at a local or a GLPC level. The very nature of collective agreements allows for terms to be renegotiated by the parties if both are willing. GMB would be extremely surprised if Unison members were not in favour of a renegotiation which would increase their salary by £1000+ a year.

Changes to Local Pay Structures

GMB has consistently stated that Merton Council could adjust their pay structure to add on the additional amount members would receive, were they to receive inner London.

I appreciate the council's commitment to maintaining consistency across GLPC authorities. However again our advice is that as outlined above no legal restriction would apply on paying an individual more than the rates of pay set out in a collective agreement.

Merton council already deviate from the GLPC pay spine by eliminating a small number of spinal points.

Again, we recognise this would come with a cost for the council, and you might be reluctant to do so but this is not the same as you being legally prevented from being able to do so.

Summary

In our view and the view of our legal advice, Merton have not set out a clear legal restriction on their ability to resolve the dispute.

GMB has recognised throughout this dispute that there are pressures on the council particularly in terms of finances. We have consistently reiterated our willingness to engage in meaningful negotiations to reach a resolution which works for our members.

We continue to be willing to do so.

I think it is important in the future that the council try to be clear about what Merton is legally prevented from doing and what the council is not inclined to do due to cost or the need to renegotiating existing agreements. It is important that GMB members are not misinformed by the council about the possible resolutions to the dispute and that the council are open and honest with their employees.

I reiterate that GMB members continue to tell us that London weighting inequality is their biggest issue at work and the issue they want to see their employer sit down and negotiate a resolution to with GMB. This is evident from the Merton school support staff who joined the strike on the 1st May.

The dispute will continue. More schools will join the next strike day. We would encourage Merton to work with us to negotiate a resolution sooner rather than later.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'M Gordon', with a stylized, cursive script.

Michelle Gordon
Head of Industrial Relations
GMB Southern Region

Cc.

Alex Etches, GMB Organiser

Marzena Zborowska-Huggett, GMB Branch Secretary

Kim Marshall, GMB Schools Convener

GMB Members in London Borough of Merton