

**This A - Z resource guide provides links to general employment advice and guidance for schools from external sources. It contains links to advice from Acas, the DfE and the HSE amongst others. As always, the Schools HR Team is available to support you in managing local employment issues in your school. Just contact your HR Consultant or a member of the team.**

## **DfE Staffing Advice and Guidance for Schools**

The DfE publishes general staffing and employment advice for schools, school leaders, governing bodies, academy trusts and local authorities. Further details are available at: [Staffing and employment advice for schools \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

This DfE advice is designed to help employers in all schools with staffing and employment issues, and to inform their decision making. It advises on matters contained within the School Staffing (England) Regulations 2009 for maintained schools and for independent schools, which include academies and free schools, the Education (Independent School Standards) Regulations 2014 and on wider staffing and employment issues. It draws attention to relevant legislation and sources of up-to-date guidance and advice that employers need to consider, some of which may be statutory guidance. The legislation and guidance referenced in the advice is not exhaustive and following it will not relieve governing bodies, academy trusts or local authorities of any duties imposed upon them in their capacity as employers by other legislation.

Governing bodies, including academy trusts, should ensure that they have access to appropriate professional advice and support from reliable and accredited individuals or organisations, including legal advice where necessary. The departmental Governance Handbook will provide assistance and expert advice can be obtained from local authority HR services and other HR providers.

All schools are likely to benefit from familiarising themselves with the wide range of guidance and advice provided by the Advisory, Conciliation and Arbitration Service (Acas) to help employers with HR and employment matters. An index of Acas's employer advice is available and any employer can contact the Acas Helpline on 0300 123 1100 for advice, or use its online tool - Acas Helpline Online.

It is expected that employers in all schools will make use of this new non-statutory guidance, and the sources of help it identifies, when carrying out staffing and employment duties.

It is important to note that the School Staffing (England) Regulations 2009 as amended and the Education (Independent School Standards) Regulations 2014 remain in force, and that schools should be aware of the responsibilities placed upon them to comply with applicable legislation within the regulations.

Where schools have chosen to use the services of an external HR provider it is important that they continue to be aware of the statutory responsibilities that still rest with the local authority, such as their entitlement to advise on the appointment of a new headteacher.

In fulfilling their staffing responsibilities the governing body of a maintained school is free to delegate all of its staffing functions as set out in the Regulations to the headteacher, one or more governors, a committee established by the governing body, or one or more governors together with the headteacher; with the exception of a small number of specific tasks set out in the Regulations.

In delegating functions, the governing body must not lose sight of the fact that it continues to retain overall accountability for the decisions made by those to whom the function has been delegated. As a result, it is important that local procedures are reviewed regularly by the governing body; for example, satisfying themselves that the staffing functions are being addressed and the right people are fulfilling these roles on its behalf.

Where functions (other than those directly concerning the headteacher) are delegated to one or more governors (without the headteacher), the headteacher has the right to attend and offer advice at all relevant proceedings. Any advice given should be considered by the governor or governors to whom the delegation of authority has been made.

In cases where two or more maintained schools are federating under a single governing body the above key points will apply to the federated governing body. Further advice is available in the Governance Handbook. [Governance handbook and competency framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/governance-handbook-and-competency-framework)

## Useful Resources A – Z

**ACAS**

**APPRENTICESHIPS in local authority and maintained schools**

**CONDUCT AND CAPABILITY**

**DBS**

**DOMESTIC VIOLENCE**

**EQUALITIES**

**FLEXIBLE WORKING**

**HEALTH AND WELLBEING**

**HEALTH AND SAFETY**

**EMPLOYEE ASSISTANCE PROGRAMME**

**IVF**

**MATERNITY , PATERNITY and ADOPTION**

**PAY**

**PENSIONS**

**SAFER RECRUITMENT**

**TRADE UNIONS**

**ACAS**

Acas has general advice for employers in all employment sectors which includes information for staff who may be taking on management responsibility for the first time, experienced managers looking to refresh or develop their knowledge, and employers and HR teams to support new and existing managers. Information is available at: [Acas guide on managing people | Acas](#)

[Acas advice on specific issues is included in the resource guide under the relevant subject heading.](#)

**APPRENTICESHIPS in local authority and maintained schools**

*H&F Schools HR hosted a free online apprenticeship workshop for all our local authority and maintained schools, led by the council's apprentice lead officer. The workshop covered key issues such as accessing apprenticeship levy funds, identifying appropriate courses and selecting a training provider.*

*Details of the workshop PowerPoint presentation (titled Apprenticeship summary for schools) and a range of practical school apprenticeship toolkits which will support you in making the most of your school's apprenticeship levy can be accessed below.*



LGA Apprenticeships  
in Schools Toolkit - U:



LGA Apprenticeships  
in Schools Toolkit - A



LGA Apprenticeships  
in Schools Toolkit - A



LGA Apprenticeships  
in Schools Toolkit - A



LGA Apprenticeships  
in Schools Toolkit - C:



LGA Apprenticeships  
in Schools Toolkit - A



LGA Apprenticeships  
in Schools Toolkit - B



LGA Apprenticeships  
in Schools Toolkit - D



LGA Apprenticeships  
in Schools Toolkit - T

### ***Information for apprenticeship levy payers i.e. local authority maintained and community schools***

- Did you know that the apprenticeship incentive payment of £3,000 has been extended for an extra four months? For apprentices that start their employment between 1 October 2021 and 31 January 2022, you will be able to claim their incentive payment once applications open in January 2022.

[Incentive payments for hiring a new apprentice - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

- Apprenticeships are not just for young people and new recruits. Anyone can become an apprentice at any age, whether they're already employed in your school or not and whether they are full or part time.

[Apprenticeship FAQs | LBHF](#)

- Levy payments cover apprentice training, not salary, so using the levy to provide vocational apprenticeship training to develop existing employees is an excellent way to make sure you can utilise your levy pot.

[A guide to apprenticeships for the school workforce \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

- Apprenticeship standards are available for Teaching and Teaching Support staff, Business and Administration employees, Child Care and Early Education workers and many other school roles.

[Apprenticeship standards / Institute for Apprenticeships and Technical Education](#)

## **CONDUCT AND CAPABILITY**

In line with Acas advice, the standards expected by the employer should be set out and be clearly communicated to employees. If an employee is not meeting the employer's standards, the employer should investigate the situation before deciding on the next step to take.

An employer might consider an investigation for possible disciplinary action if an employee is breaching standards of conduct, ie:

- is being late
- is absent without permission
- fails to follow established policies or procedures
- seems to have trouble doing their job

The employer must decide whether a disciplinary or a capability procedure is most appropriate to address the issue.

Before making any decisions the employer should meet with their employee to discuss matters and find out more on whether the issue is due to either:

- conduct, or
- capability

Conduct is about an employee's behaviour at work. Usually it's a conduct issue if the employee has control over their actions. For example, regularly arriving late or failing to attend and providing no explanation.

To deal with a conduct issue, the employer should follow a disciplinary procedure.

Capability is about an employee's ability to do their job.

Usually it's a capability issue if the employee has no control over it. For example, if an employee becomes unable to do their job due to an illness and adjustments or support cannot help.

It's not always clear whether an employee's poor performance is due to capability or conduct. But the employer should always carry out a full and fair investigation of the issues and follow a fair procedure before deciding on any formal action. It is recommended that HR advice is sought.

Acas provide useful guidance for employers on managing conduct and capability issues in the workplace. The following are useful guides:

[Acas guide to challenging conversations | Acas](#)

[conducting-workplace-investigations.pdf \(acas.org.uk\)](#)

[Acas Code of Practice on disciplinary and grievance procedures | Acas](#)

[Dealing with a problem raised by an employee - Acas](#)

[Overview: Dismissals - Acas](#)

[What mediation is and how it can help : Mediation at work - Acas](#)

## **DBS**

[DBS filtering guide - GOV.UK \(www.gov.uk\)](#)

**UCHECK offer an on-line DBS checking process which aims to complete most checks within 48 hours.**

[DBS Checks for Schools: Our Guide - CRB Online \(ucheck.co.uk\)](#)

## **DOMESTIC VIOLENCE**

[Supporting employees on domestic abuse | Local Government Association](#)

## **EQUALITIES**

Acas provides an overview of the law and guidance for employers. The following are useful guides:

[Discrimination, bullying and harassment | Acas](#)

[Equality Act 2010: guidance - GOV.UK \(www.gov.uk\)](#)

[Overview: Discrimination and the law - Acas](#)

[Overview: Improving equality, diversity and inclusion in your workplace - Acas](#)

## **FLEXIBLE WORKING**

[Flexible working in schools - GOV.UK \(www.gov.uk\)](#)

## **HEALTH AND WELLBEING**

[Coronavirus \(COVID-19\): advice for employers and employees | Acas](#)

[Disability at work | Acas](#)

[Fit notes and proof of sickness: Absence from work - Acas](#)

[Managing the effects of the menopause: Menopause at work - Acas](#)

[Managing drug and alcohol misuse at work - Overview - HSE](#)

[NEOST staff wellbeing guide for schools and trusts - 16 June 2020 \(local.gov.uk\)](#)

[Supporting mental health at work - Acas](#)

[Talking Toolkit: Preventing work-related stress \(hse.gov.uk\)](#)

[Using occupational health at work - Acas](#)

## **HEALTH AND SAFETY**

Schools must comply with health and safety law and put in place proportionate control measures. Schools must regularly review and update their COVID-19 risk assessments, treating them as 'living documents', as the circumstances in your school and the public health advice changes. This includes having active arrangements in place to monitor whether the controls are effective and working as planned.

Schools must therefore make sure that a risk assessment has been undertaken to identify the measures needed to reduce the risks from COVID-19 so far as is reasonably practicable. General information on how to make a workplace COVID-secure, including how to approach a COVID-19 risk assessment, is provided by the [Health and Safety Executive \(HSE\) guidance on working safely](#).

**The DfE advice to schools can be found at:** [Health and safety: advice for schools - GOV.UK \(www.gov.uk\)](#)

## **Employee Assistance Programme**

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Visit: [www.workplaceoptions.co.uk](http://www.workplaceoptions.co.uk) and click on "Contact" (at the top right-hand side of the home page) and then "Members Benefits Log In" and use the login and password that has been provided to you.



EAP Staff Leaflet-  
schools.pdf

## **PAY**

[School teachers' pay and conditions document 2021 and guidance on school teachers' pay and conditions \(publishing.service.gov.uk\)](#)

## **PENSIONS INFORMATION**

### **Teachers and the Teachers' Pensions Scheme**

#### **Contractual Enrolment**

When you take up teaching employment and each time you receive a new contract of employment as a teacher, your employer must contractually enrol you into the Teachers' Pension Scheme if you are aged between 16 and 75, regardless of how much you earn.

#### **Auto Enrolment**

In addition to contractual enrolment, to help people save more money for retirement, the government also requires all employers in the public and private sector to enrol eligible workers into a qualifying workplace pension scheme on given dates. Further information on this is available on the Teachers' Pensions website.

Information for employers is available at: [Employer Hub | Teachers' Pensions \(teacherspensions.co.uk\)](#)

Information for employees is available at: [Member Hub | Teachers' Pensions \(teacherspensions.co.uk\)](#)

### **Support Staff**

To be able to join the Local Government Pension Scheme (lgps) you need to be under age 75 and work for an employer that offers membership of the scheme.

If you start a job in which you are eligible for membership of the lgps you will be brought into the scheme, if your contract of employment is for 3 months or more. If it is for less than 3 months you can opt to join by completing an application form. You



should contact your Igps Pension Fund for an application form if you wish to opt-in to the scheme.

If you are brought into the scheme you have the right to opt out. You cannot complete an opt out form until you have started your employment.

Further information for employees is available at :<https://www.lgpsmember.org/>

## RECRUITMENT

### Safeguarding and Safer recruitment

It is essential that everybody working in a school or college understands their safeguarding responsibilities. These are set out in DfE statutory guidance, “Keeping Children Safe in Education 2021”(KCSIE): [Keeping children safe in education - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/616222/Keeping-children-safe-in-education-2021.pdf)

**Part three: Safer recruitment.** This part of the guidance provides schools with the legal requirements ‘**must do**’, what schools **should do**, what is considered best practice and important information about:

- (i.) the recruitment and selection process;
- (ii.) pre-appointment and vetting checks, regulated activity and recording of information;
- (iii.) other checks that may be necessary for staff, volunteers and others, including the responsibilities on schools and colleges for children in other settings; and
- (iv.) how to ensure the ongoing safeguarding of children and the legal reporting duties on employers

### Employment history and references - from KCSIE

#### Obtaining References

203. The purpose of seeking references is to allow employers to obtain factual information to support appointment decisions. Schools and colleges should obtain references before interview, this allows any concerns raised to be explored further with the referee and taken up with the candidate at interview.

204. Schools should:

- not accept open references e.g. to whom it may concern;
- not rely on applicants to obtain their reference;
- ensure any references are from the candidate’s current employer and have been completed by a senior person with appropriate authority (if the referee is school or college based, the reference should be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations);

- obtain verification of the individual's most recent relevant period of employment where the applicant is not currently employed;
- secure a reference from the relevant employer from the last time the applicant worked with children (if not currently working with children), if the applicant has never worked with children, then ensure a reference from their current employer;
- always verify any information with the person who provided the reference;
- ensure electronic references originate from a legitimate source;
- contact referees to clarify content where information is vague or insufficient information is provided;
- compare the information on the application form with that in the reference and take up any discrepancies with the candidate;
- establish the reason for the candidate leaving their current or most recent post;
- ensure any concerns are resolved satisfactorily before appointment is confirmed.

### Providing references

205. When asked to provide references schools and colleges should ensure the information confirms whether they are satisfied with the applicant's suitability to work with children and provide the facts (not opinions) of any substantiated safeguarding allegations but should not include information about allegations which are unsubstantiated, unfounded, false, or malicious. References are an important part of the recruitment process and should be provided in a timely manner and not hold up proceedings.

[Working together to safeguard children - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

## **REORGANISATION**

[School Workforce Planning Guidance \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

[Acas publishes advice to help employers avoid fire and rehire practices | Acas](#)

[Redundancy | Acas](#)

[TUPE transfers | Acas](#)

[Working together to safeguard children - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

## **IVF treatment**

If you become pregnant through IVF, you have all the same pregnancy and maternity rights as non-IVF pregnancies.

There's no legal right for time off work for IVF treatment or related sickness. But your employer should treat your IVF appointments and any sickness the same as any other medical appointment or sickness.

You could talk with your employer about any time off you need during your IVF treatment. They might agree to you using:

- flexible working
- paid time off, unpaid time off or holiday

## **Maternity and Pregnancy**

By law, [anyone classed as an employee](#) must tell you:

- that they're pregnant
- the expected week of the birth – to confirm this you can ask for a medical certificate, such as a 'MAT B1' form if they're more than 20 weeks pregnant
- the date they want to start [maternity leave](#) – the earliest it can start is 11 weeks before the due date

They must tell you this information no later than 15 weeks before the due date.

This information does not have to be in writing. But if you ask for it in writing, the employee must provide it that way. It is Hammersmith and Fulham policy for notification to be in writing.

After you've received the information you must:

- reply to the employee within 28 days
- tell them they're entitled to 52 weeks' maternity leave
- confirm their return to work date – assume they'll take 52 weeks (they can change it later if they want to take less, but must give you 8 weeks' notice)

If you do not give them this information, you:

- cannot stop them from returning early without notice
- might not be able to discipline or dismiss them for delaying their return from maternity leave

By law, you have the right to reasonable time off with full pay for pregnancy-related ('antenatal') appointments and care before you have your baby.

You have this right:

- from your first day of employment if you're an employee
- whether you work full time or part time

The antenatal appointments need to be on the advice of a doctor, nurse or midwife and can include:

- scans

- pregnancy health checks
- relaxation classes, for example pregnancy yoga
- parent craft classes

### **If you work for an agency**

You can get paid time off for antenatal appointments if you've worked in the same placement for at least 12 weeks in a row.

Acas and the HSE has useful general advice for employers and employees in all employment sectors. Further details are available at:

[Maternity, paternity and adoption leave and pay | Acas](#)  
[Protecting new and expectant mothers at work - HSE](#)

### **TRADE UNIONS**

Acas has a guide for employers, trade unions and union workplace representatives which gives advice on the provision of time off, training and facilities to enable union representatives to carry out their duties. It covers statutory and non-statutory representatives. The guide provides advice on good practice based on Acas' experience working with employers and union representatives to build effective methods of communication, consultation and negotiation between management and representatives. For further details see: [Acas guides on trade union and employee representation | Acas](#)

At local level Hammersmith and Fulham Council has long established formal negotiating machinery in place with the recognised trade unions. There is a separate Joint management/Trade union Forum in place to discuss issues relevant to schools.

Trade Union Representative contact details:

GMB – Dave Davies: [Dave.Davies@lbhf.gov.uk](mailto:Dave.Davies@lbhf.gov.uk)

NASUWT – Jane Smith: [jan smith.nasuwt@gmail.com](mailto:jan smith.nasuwt@gmail.com)

National Education Union (NEU) Joint Secretaries: David Anderson and Mark Hopper [DAVID.ANDERSON@neu.org.uk](mailto:DAVID.ANDERSON@neu.org.uk) [MARK.HOPPER@neu.org.uk](mailto:MARK.HOPPER@neu.org.uk)

Unison – Peter Parkin (Secretary): [Peter.Parkin@lbhf.gov.uk](mailto:Peter.Parkin@lbhf.gov.uk)  
Bruce Mackay: [Bruce.Mackay@lbhf.gov.uk](mailto:Bruce.Mackay@lbhf.gov.uk)  
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