**This A - Z of Resources provides links to general employment advice and guidance for schools. 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://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/953345/Staffing_and_employment_advice_for_schools_-_January_2021.pdf)

The 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)

# Useful Resources A – Z

## SUBJECT

1. **ACAS**
2. **APPRENTICESHIPS in local authority and maintained schools**
3. **CONDUCT AND CAPABILITY**
4. **COST OF LIVING CRISIS**
5. **DISABILITY**
6. **DOMESTIC ABUSE**
7. **EQUALITIES**
8. **FLEXIBLE WORKING**
9. **HEALTH AND WELLBEING, EMPLOYEE ASSISTANCE PROGRAMME**
10. **HEALTH AND SAFETY**
11. **MATERNITY , PATERNITY, ADOPTION, IVF**
12. **PAY**
13. **PENSIONS**
14. **SAFER RECRUITMENT**
15. **TRADE UNIONS**

## ACAS

Acas issue general advice for employers and employees in all employment sectors. It 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](https://www.acas.org.uk/acas-guide-on-managing-people)

Links to Acas advice on particular topics may be found under the relevant subject heading below.

### 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 LGA Apprenticeships LGA Apprenticeships LGA Apprenticeships LGA Apprenticeships in Schools Toolkit - Us in Schools Toolkit - A in Schools Toolkit - Abin Schools Toolkit - Apin Schools Toolkit - Ca

LGA Apprenticeships LGA Apprenticeships LGA Apprenticeships LGA Apprenticeships in Schools Toolkit - Apin Schools Toolkit - Bain Schools Toolkit - Diin Schools Toolkit - Te

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

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

* 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](https://www.lbhf.gov.uk/jobs/apprenticeships/apprenticeship-faqs)

* 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://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/720362/A_guide_to_apprenticeships_for_the_school_workforce.pdf#:~:text=Apprenticeships%20are%20a%20great%20way%20for%20schools%20to,workforce%20and%20supporting%20recruitment%20and%20retention%20more%20widely.)

• 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](https://www.instituteforapprenticeships.org/apprenticeship-standards/)

## 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](https://www.acas.org.uk/acas-guide-to-challenging-conversations-and-how-to-manage-them)

[conducting-workplace-investigations.pdf (acas.org.uk)](https://www.acas.org.uk/sites/default/files/2021-03/conducting-workplace-investigations.pdf)

[Acas Code of Practice on disciplinary and grievance procedures | Acas](https://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures)

[Dealing with a problem raised by an employee - Acas](https://www.acas.org.uk/dealing-with-a-problem-raised-by-an-employee)

[Overview: Dismissals - Acas](https://www.acas.org.uk/dismissals)

[What mediation is and how it can help : Mediation at work - Acas](https://www.acas.org.uk/mediation)

**COST OF LIVING CRISIS**

For details of the advice and support available to Hammersmith and Fulham residents please see the following link on the council’s website:

[Cost-of-living crisis – Find help here | LBHF](https://www.lbhf.gov.uk/cost-living-crisis-find-help-here?dm_i=BGN,831ZZ,UKRMFW,X3BN8,1)

**DISABILITY**

**Who is considered to be disabled?**

Disability is a 'protected characteristic' covered by discrimination law (Equality Act 2010). The law sets out when someone is considered to be disabled and protected from disability discrimination, including harassment and victimisation.

## Disability and the Equality Act 2010

## The Equality Act 2010 sets out when someone is considered to have a disability and is protected from disability discrimination.

**What is automatically classed as a disability?**

People with these conditions and impairments are automatically protected under disability discrimination law:

* cancer
* an HIV infection
* multiple sclerosis (MS)
* a visual impairment – if someone is certified as blind, severely sight impaired, sight impaired or partially sighted

## Progressive conditions

A progressive condition gets worse over time. Examples include Alzheimer's disease, motor neurone disease, muscular dystrophy and Parkinson's.

Someone with a progressive condition is considered by law to have a disability as soon as it starts to have an effect on their normal day-to-day activities, as long as this is likely to be long-term. The law says the effect does not have to be substantial as long as it's likely to become substantial in the future.

**The main definition of disability**

Unless their condition or impairment is automatically classed as a disability or they have a progressive condition, the Equality Act 2010 says someone is considered to have a disability if both of these apply:

* they have a 'physical or mental impairment'
* the impairment 'has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities'

### What these terms mean

Someone has an 'impairment' if any of their physical or mental abilities are reduced in some way. It could be because of an illness or medical condition but it does not have to be.

A 'substantial adverse effect' means more than just a minor impact on someone's life or how they can do certain things. This may fluctuate or change and may not happen all the time.

'Long-term' means either:

* it will affect them or is likely to affect them for at least a year
* it's likely to last for the rest of their life

It can still be considered long-term if the effects are likely to come and go. For example, someone might have a fluctuating condition that affects them for a few months at a time with other times when they're not affected.

'Normal day-to-day activities' could include things like:

* communicating with other people
* driving
* following instructions
* lifting and carrying everyday objects
* sitting down or standing up
* using a computer
* writing

For more detailed guidance on the definition of disability, see [Equality Act 2010 guidance on GOV.UK](https://www.gov.uk/government/publications/equality-act-guidance).

**Other conditions or impairments**

It's not possible to give an exhaustive list of all conditions or impairments that might be classed as a disability. In most situations, it's best to look at how someone's condition or impairment affects them, rather than what the condition or impairment is.

However, these are some examples people often ask about.

**Disfigurement**

Severe disfigurement will usually be considered by law to have a substantial adverse effect on someone's ability to carry out normal day-to-day activities. This means that severe disfigurement is usually considered to be a disability.

The law says that there is no need for someone with a severe disfigurement to show the effect their disfigurement has on them.

Other less severe disfigurements to someone's face or body may not have a substantial effect on someone's day-to-day activities so may not be considered a disability.

**Long Covid**

Long COVID is still a new illness and it may take time to understand it fully. It can affect a person's day-to-day activities and it's currently understood that it can last or come and go for several months. The effects of long COVID could also cause other impairments.

[Find out more about whether long COVID is treated as a disability](https://www.acas.org.uk/long-covid/whether-long-covid-is-treated-as-a-disability)

### Menopause

For some people, the menopause can cause severe physical or mental health symptoms that have a long-term and substantial adverse effect on carrying out normal day-to-day activities.

For example, someone could experience severe depression over a number of years because of the menopause and this could affect their ability to work. This could be considered a disability under discrimination law.

[Find out more about the menopause and work](https://www.acas.org.uk/menopause-at-work)

### Neurodiversity including ADHD, autism, dyslexia and dyspraxia

Attention deficit hyperactivity disorder (ADHD), autism, dyslexia and dyspraxia are forms of neurodivergence – there are others too.

Being neurodivergent will usually amount to a disability under the Equality Act 2010, even if the person does not consider themselves to be disabled.

[Find out more about neurodiversity at work](https://www.acas.org.uk/archive/neurodiversity)

**Considering whether someone has a disability**

In some cases it may not be obvious whether someone is [considered to have a disability by law](https://www.acas.org.uk/what-disability-means-by-law). In most situations, it's best to look at how someone's condition or impairment affects them, rather than what the condition or impairment is.

It's important for the employer and the person with the condition or impairment to talk to each other. Do not make any assumptions.

**Things to consider**

It's important to understand that:

* most disabled people were not born with their disability
* anyone could become disabled at any stage of their working life
* some disabilities are not obvious to others – often called non-visible, invisible or hidden disabilities
* not everyone who's protected by discrimination law (Equality Act 2010) will consider themselves to be disabled

For someone to be classed as having a disability, it does not matter:

* whether the impairment is physical or mental
* what caused the impairment
* if the impairment does not affect them all the time or it changes at different times
* if they have not had a medical diagnosis – as long as they can still show a substantial and long-term adverse effect on their ability to carry out day-to-day activities

The law says to discount the effects of any medication, aids or treatment when considering whether someone has a disability. The exception to this is wearing glasses or contact lenses.

**If an employer does not agree that someone has a disability**

If an employer feels that someone's condition or impairment does not meet the definition of a disability, they should:

* not make assumptions
* listen to the person when they talk about the effect it has on their normal day-to-day activities – this may include what would happen if they stopped any medication or treatment
* consider any medical advice, for example an occupational health report or a medical report from the staff member's doctor – employers must get permission from the staff member to access these
* focus on supporting the person – this could include making [reasonable adjustments](https://www.acas.org.uk/reasonable-adjustments)

**Talking about disability at work**

Nobody has to tell their employer – or potential employer – they're disabled. But when they do, the employer has a legal responsibility to support them.

Employers should do all they reasonably can to create an environment and recruitment process where people feel safe and comfortable to talk about disability. This can help towards:

* making sure disabled people get support and are not put at a disadvantage or treated less favourably
* recognising the benefits of an inclusive and diverse workforce that does not exclude disabled people
* recruiting and retaining staff who often have more resilience and problem-solving skills through developing ways of living with a disability
* avoiding situations where an employer does not know someone is disabled and just thinks they cannot do their job
* improving wellbeing and productivity for everyone

[Find out more about talking about disability at work](https://www.acas.org.uk/supporting-disabled-people)

[Disability at work | Acas](https://www.acas.org.uk/disability-at-work)

**DOMESTIC ABUSE**

There are 2.3 million victims of domestic abuse each year. Two thirds of whom are women, one third men, and two in ten offences recorded by the police are domestic abuse related. Two women each week and one man each month are killed in England and Wales by a current or former partner. However these crimes are underreported, so the correct figures are likely to be higher. Domestic abuse is a hugely destructive problem and we have a collective responsibility to tackle it.

Employers have a duty of care and a legal responsibility to provide a safe and effective work environment. Preventing and tackling domestic abuse is an integral part of this. The COVID-19 pandemic has resulted in new ways of working, with a significant increase in the numbers of people working from home. For those experiencing abuse, the workplace often offers a safe space and a respite away from their abuser. Colleagues and managers can often be the only other people outside the home that survivors talk to each day and are therefore uniquely placed to help spot signs of abuse.

In August 2020, a joint investigation by BBC1's Panorama and Women's Aid found that around 2.4 million adults in England and Wales suffered domestic abuse every year. This increased significantly throughout the Coronavirus pandemic, with police receiving reports of domestic abuse every 30 seconds during the first 7 weeks of lockdown alone. The charity Refuge reported an increase of 65% in demand for its helpline and a 700% increase in visits to its website during the initial stages of the pandemic. The increase in demand for services such as these, expedited the need for a review and changes to take place to protect victims of domestic abuse.

### ****What can employers do to support victims of domestic abuse?****

Irrespective of whether any legislation is in place to protect staff, employers can put into place a Domestic Leave/Domestic Abuse Policy and provide relevant training to their workforce.

Training of management, and indeed all staff, could also be implemented to ensure that staff suffering domestic abuse can raise this with the relevant people and get the support they need when at work.

<https://www.cipd.co.uk/knowledge/culture/well-being/supporting-employees-experiencing-domestic-abuse>

**REFUGE**

There are a range of services to support women experiencing domestic abuse and their children – regardless of whether a woman has left her partner or not. The link below to the REFUGE website Below provides access to information on the types of services available to women and children. Many of these services are oversubscribed and there may well be waiting lists depending on where you are located. But know that you are not alone, you can call the Helpline and Refuge will help you find services in your area. Your local authority website is also a good place to start.

**contact details:**

[Home | Refuge National Domestic Abuse Helpline (nationaldahelpline.org.uk)](https://www.nationaldahelpline.org.uk/?dm_i=BGN,831ZZ,UKRMFW,X3TUL,1)

**THE ANGELOU PARTNERSHIP**

The Angelou Partnership has been commissioned by Hammersmith and Fulham Council to deliver the borough’s Violence Against Women and Girls services.

**contact details:**

If you would like to talk about your situation or the situation of someone you know, get in touch:

* 0808 801 0660: Monday to Friday 10am to 4pm, Wednesdays 6pm to 9pm
* 020 8741 7008: Monday to Friday 10am to 6pm, Thursday 10am to 9pm
* angelou@advancecharity.org.uk or advice@wgn.org.uk
* [Angelou website](https://www.angelou.org/)

Translators are available.

Outside these hours the National Domestic Abuse Helpline is available 24hrs a day

[**https://www.cipd.co.uk/knowledge/culture/well-being/supporting-employees-experiencing-domestic-abuse**](https://www.cipd.co.uk/knowledge/culture/well-being/supporting-employees-experiencing-domestic-abuse)

[Supporting employees on domestic abuse | Local Government Association](https://www.local.gov.uk/our-support/workforce-and-hr-support/wellbeing/supporting-employees-domestic-abuse)

## EQUALITIES

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

[Discrimination, bullying and harassment | Acas](https://www.acas.org.uk/discrimination-bullying-and-harassment)

Equality Act 2010: guidance - GOV.UK (www.gov.uk)

[Overview: Discrimination and the law - Acas](https://www.acas.org.uk/discrimination-and-the-law)

[Overview: Improving equality, diversity and inclusion in your workplace - Acas](https://www.acas.org.uk/improving-equality-diversity-and-inclusion)

**FLEXIBLE WORKING**

All employers have a legal duty to protect the health, safety and welfare of their staff. This includes minimising the risk of stress-related illness. A clear flexible working policy can form an important part of this duty, especially when integrated with broader staff wellbeing policies.

We know that many schools are already implementing flexible working and responding favourably to requests. As detailed in ‘[Exploring flexible working practice in schools: interim report, 2019](https://www.gov.uk/government/publications/exploring-flexible-working-practice-in-schools)’, schools report the following benefits from implementing flexible working:

* retaining experienced staff
* recruiting from a broader pool of teachers
* promoting wellbeing
* improving work-life balance

Offering flexible working arrangements can help to ensure that teaching suits employees at different stages of their life, such as those:

* with caring responsibilities
* planning a phased retirement
* returning from a career break
* combining work in a school with professional development or work in their field of study

Please see : Flexible working in schools [- GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/flexible-working-in-schools)

## HEALTH AND WELLBEING

Wellbeing research suggests that good organisational leadership and a supportive work culture can have a positive impact on the psychological wellbeing of staff. During this period of increased pressure and anxiety, it is essential for leaders and those responsible for governance to send a clear message that staff wellbeing matters.

Be proactive and make time to talk about how staff are feeling Leaders and those responsible for governance need to lead the way when it comes to raising awareness of the importance of good mental health for their staff. It is important to reduce the stigma when talking about mental health in your workplace. It is equally important for school staff to know that they don’t have to feel heroic. Create time and give opportunities for staff to acknowledge that they feel scared or anxious or possibly overwhelmed by the support they need to give to their pupils and parents/carers. Trying to ‘stay strong’ for their pupils and parents/carers can leave staff ‘running on empty’ and it’s important for staff to understand that any need for support is not the sign of an inability to cope or of professional incompetence, but a recognition that from time to time, everyone needs help to carry out this demanding role. Acknowledging all our emotions is important to good mental health. Employees often hide mental health problems because of worries that they are letting people down by ‘not coping’, or fear that colleagues or managers may think badly of them, either now or in the future. Empathetic communication to staff acknowledging their fears and anxieties together with messages about how to recognise the signs of distress will ensure it is not an issue that is overlooked during long and potentially stressful working days. Emphasise that every employee matters.

Further information is available via the following links:

[Acas framework for positive mental health at work | Acas](https://www.acas.org.uk/acas-framework-for-positive-mental-health-at-work)

[Disability at work | Acas](https://www.acas.org.uk/disability-at-work)

[Fit notes and proof of sickness: Absence from work - Acas](https://www.acas.org.uk/absence-from-work/fit-notes-and-proof-of-sickness)

[Managing the effects of the menopause: Menopause at work - Acas](https://www.acas.org.uk/menopause-at-work)

[Managing drug and alcohol misuse at work - Overview - HSE](https://www.hse.gov.uk/alcoholdrugs/)

[NEOST staff wellbeing guide for schools and trusts - 16 June 2020 (local.gov.uk)](https://www.local.gov.uk/sites/default/files/documents/workforce%20-%20education%20-%20NEOST%20Staff%20Wellbeing%20guide%20for%20schools%20and%20trusts%20-%2016%20June%202020%20-%20unlocked.pdf)

[Supporting mental health at work - Acas](https://www.acas.org.uk/supporting-mental-health-workplace)

[Talking Toolkit: Preventing work-related stress (hse.gov.uk)](https://www.hse.gov.uk/stress/assets/docs/talking-toolkit-education.pdf)

[Using occupational health at work - Acas](https://www.acas.org.uk/using-occupational-health-at-work)

### Employee Assistance Programme (EAP)

The EAP is confidential, free and available to staff and managers 24/7, 365 days a year. For information about the wide range of help and resources available 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

## 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.](https://www.hse.gov.uk/coronavirus/working-safely/index.htm)

**The DfE advice to schools can be found at:** [Health and safety: advice for schools - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/health-and-safety-advice-for-schools)

### MATERNITY AND PREGNANCY, PATERNITY, ADOPTION, IVF

By law, [an](https://www.acas.org.uk/checking-your-employment-rights) 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](https://www.acas.org.uk/managing-your-employees-maternity-leave-and-pay/their-leave-pay-redundancy-and-dismissal-rights) – 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](https://www.acas.org.uk/maternity-paternity-and-adoption-leave-and-pay)

[Protecting new and expectant mothers at work - HSE](https://www.hse.gov.uk/mothers/index.htm)

### 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

## PAY

Pay and conditions for schoolteachers is set out in the national terms and conditions known as the “Burgundy Book” and in the annual STPCD.

[School teachers’ pay and conditions document 2022 and guidance on school teachers’ pay and conditions (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1110990/2022_STPCD.pdf)

Pay for and conditions for support staff is determined by the National Joint Council for Local Government Services NJC for LGS. Known as the “Green Book”.



**Pay Award – Back Pay and Universal Credit (November 2022)**

***Any employee in receipt of Universal Credit should be aware that the recently agreed pay award could result in a change to the amount of this benefit they are entitled receive. The increases applied to salaries and the back pay that will be received in December’s payroll could both have an impact. Employee’s in receipt of Universal Credit are advised to read the information below. Managers should allow reasonable requests from any of their team members affected to access advice and support during working hours to address this issue.***

Universal Credit Payments May Stop or Reduce If you receive Universal Credit the amount you get changes if your take-home pay changes. This includes awards of backdated pay. If you get additional pay within a Universal Credit assessment period (month), your Universal Credit payment will either be less than you normally receive, or your income may be too high to qualify for a payment.

Universal Credit is calculated on your personal circumstances. Because of this we, as your employer, do not know how, or if, you may be affected. The 2022/23 Local Government pay settlement was agreed on 1 November 2022 and is scheduled to be in place and paid with a backdated award on 31 December 2022. This increase, together with the backdated payment, may mean you will either receive less Universal Credit than normal or you may even earn too much to qualify, and your Universal Credit claim will close.

If your claim closes, you will see a message on your UC Journal telling you about this.

Will Universal Credit payments start again automatically? No. If Universal Credit payments stop because you have had additional pay, you must start up your claim again. You should do this as soon as you can to make sure you do not miss out.

How do I reclaim Universal Credit? Log into your UC journal and select the “Reclaim” tab. You will find this at the bottom of the screen. This will take you to a new screen where you will be asked to answer a few simple questions. If you have any problems doing this, contact your Work Coach or visit your local Jobcentre Plus.

You can access your UC Journal at [www.gov.uk/sign-in-universal-credit](http://www.gov.uk/sign-in-universal-credit)

An overview of Universal Credit can be found online at [www.gov.uk/universal-credit](http://www.gov.uk/universal-credit)

## PENSIONS

### 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)](https://www.teacherspensions.co.uk/employers/employer-hub.aspx)

TEACHERS PENSIONS – RESOURCES AND INFORMATION

You may not be aware of the range of tools and support available on the TPS website such as this link below.

[New to Teachers’ Pensions | Employer help | Resources | Teachers' Pensions (teacherspensions.co.uk)](https://www.teacherspensions.co.uk/employers/resources/employer-help/new-employer.aspx)

There is also a dedicated employer team:

[Employer Support team | Employer help | Resources | Teachers' Pensions (teacherspensions.co.uk)](https://www.teacherspensions.co.uk/employers/resources/employer-help/employer-support-team.aspx)

[Employer enquiries | Contact Us | Teachers' Pensions (teacherspensions.co.uk)](https://www.teacherspensions.co.uk/public/contact-us/employer-contact-us.aspx)

Information for employees is available at: [Member Hub | Teachers' Pensions (teacherspensions.co.uk)](https://www.teacherspensions.co.uk/members/member-hub.aspx)

### Support Staff and the Local Government Pension Scheme (lgps)

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 lgps 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 the national website for members of the lgps at: <https://www.lgpsmember.org/>

The website has easy to use tools and calculators, helpful bitesize videos and improved search facilities and accessibility.

## 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 2022”(KCSIE): [Keeping children safe in education - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2) See also [Working together to safeguard children - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/working-together-to-safeguard-children--2)

**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:

1. the recruitment and selection process;
2. pre-appointment and vetting checks, regulated activity and recording of information;
3. 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

KCSIE 208. Governing bodies and proprietors should ensure that those involved with the recruitment and employment of staff to work with children have received appropriate safer recruitment training, the substance of which should at a minimum cover the content of this part (Part three) of this guidance.

KCSIE 209. The School Staffing (England) Regulations 200956 and the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 200757 require governing bodies of maintained schools and management committees of pupil referral units (PRUs) to ensure that at least one of the persons who conducts an interview has completed safer recruitment training.

### Employment history and references - from KCSIE

222. 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, where possible, this allows any concerns raised to be explored further with the referee and taken up with the candidate at interview.

223. Schools and colleges 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 of any 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,

 and,

 • ensure any concerns are resolved satisfactorily before appointment is confirmed.

**Selection**

224. 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 concerns/allegations that meet the harm threshold. They should not include information about concerns/allegations which are unsubstantiated, unfounded, false, or malicious. Further guidance on references, including on the position regarding low-level concerns, is set out in Part four. References are an important part of the recruitment process and should be provided in a timely manner and not hold up proceedings. Any repeated concerns or allegations which do not meet the harm threshold which have all been found to be false, unfounded, unsubstantiated or malicious should not be included in any reference.

225. Schools and colleges should use a range of selection techniques to identify the most suitable person for the post. Those interviewing should agree structured questions. These should include:

 • finding out what attracted the candidate to the post being applied for and their

 motivation for working with children

 • exploring their skills and asking for examples of experience of working with

 children which are relevant to the role, and,

 • probing any gaps in employment or where the candidate has changed employment

 or location frequently, asking about the reasons for this.

 226. The interviews should be used to explore potential areas of concern and to determine the applicant’s suitability to work with children. Areas that may be concerning and lead to further probing include:

 • implication that adults and children are equal

 • lack of recognition and/or understanding of the vulnerability of children

 • inappropriate idealisation of children

 • inadequate understanding of appropriate boundaries between adults and children,

 and,

• indicators of negative safeguarding behaviours.

227. Any information about past disciplinary action or substantiated allegations should be considered in the circumstances of the individual case.

228. Pupils/students should be involved in the recruitment process in a meaningful way. Observing short listed candidates and appropriately supervised interaction with pupils/students is common and recognised as good practice.

229. All information considered in decision making should be clearly recorded along with decisions made.

**Regulated activity and recording information**

230. This section provides the legal requirements that governing bodies and proprietors need to understand (and which must be carried out) when appointing individuals to engage in regulated activity relating to children. It covers the importance of ensuring the correct pre-appointment checks are carried out. These checks will help identify whether a person may be unsuitable to work with children (and in some cases is legally prohibited from working with children and/or working as a teacher). These checks should be seen as part of the wider whole school or college safeguarding regime, which will continue following appointment. This section also explains what information schools and colleges must record on the single central record.

231. The Education and Training (Welfare of Children) Act 2021 extended safeguarding provisions to providers of post 16 Education: 16-19 Academies, Special Post-16 institutions and Independent Training Providers. Some safer recruitment regulations do not apply to these providers and as such some of the “musts” for colleges do not apply to them. These checks are an essential part of safeguarding, carried out to help employers check the suitability of candidates. Therefore, the providers set out above should carry out these pre-appointment checks. This has been made clear via footnotes.

232. All offers of appointment should be conditional until satisfactory completion of the mandatory pre-employment checks. All schools and colleges must:

• verify a candidate’s identity, it is important to be sure that the person is who they claim to be, this includes being aware of the potential for individuals changing their name. Best practice is checking the name on their birth certificate, where this is available. Further identification checking guidelines can be found on the GOV.UK website

 • obtain (via the applicant) an enhanced DBS check (including children’s barred list information, for those who will be engaging in regulated activity with children). Note that when using the DBS update service, you still need to obtain the original physical certificate (see paragraphs 249-252)

• obtain a separate children’s barred list check if an individual will start work in regulated activity with children before the DBS certificate is available; See paragraph 261-262 on how to obtain a separate children’s barred list check. This does not apply to 16-19 Academies, Special Post-16 institutions and Independent Training Providers

 • verify the candidate’s mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role

• verify the person’s right to work in the UK, including EU nationals. If there is uncertainty about whether an individual needs permission to work in the UK, then schools and colleges should follow advice on the GOV.UK website.

**DBS Update Service**

249. Individuals can join the DBS Update Service at the point that an application for a new DBS check is made. Subscription to the service enables future status checks to be carried out by employers to confirm that no new information has been added to the check since its issue.

250. As good practice, many schools and colleges require new staff to join the Update Service as part of their employment contract. The benefits of joining the Update Service are:

 • portability of a DBS check across employers

• free online checks to identify whether there has been any change to the information recorded, since the initial certificate was issued and advice whether the individual should apply for a new DBS check, and,

• that individuals will be able to see a full list of those organisations that have carried out a status check on their account.

251. Before using the Update Service, schools and colleges must:

• obtain consent from the individual to carry out an online check to view the status of an existing standard or enhanced DBS check

 • confirm the DBS certificate matches the individual’s identity • examine the original certificate to ensure that it is valid for employment with the children’s workforce, and, • ensure that the level of the check is appropriate to the job they are applying for, e.g. enhanced DBS check/enhanced DBS check including with barred list information.

252. Further information about the Update Service, including when updated information can be used, can be found on GOV.UK

## REORGANISATION AND RESTRUCTURES

Schools should review their staff structures regularly as part of their annual school improvement, curriculum and financial planning. These reviews should start from first principles to investigate whether the deployment of staff is as effective and efficient as possible. A staffing review is about ensuring that the school is always investing in the right mix of staff, and in high quality professional development, to deliver excellent pupil outcomes. Staffing costs make up 70 to 80% of an average school’s expenditure. All schools should ensure that their staff structures maximise the impact of this spending, and that they make efficiencies where possible in other areas (for example, on procurement and back office spending)

Schools should begin by considering a wide range of options, without feeling that they need to disregard any immediately. Effective school workforce planning is not solely about examining the number of staff – it should lead to the more effective and efficient use of existing staff. There is no single staff structure, or approach to reviewing staffing, that will suit all schools. Contextual factors, including funding, pupil demographics, and school improvement priorities, play an important part. To avoid unnecessary staffing changes, schools should aim to plan their staffing over 3 to 5 years. This allows them, for example, to take natural staff turnover into account when planning for future changes to staff structures

For further information please see DfE advice:

[School\_Workforce\_Planning\_Guidance (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/737168/Workforce_planning_guidance_August_2018.pdf#:~:text=DfE%20tools%20and%20advice%20can%20help%20schools%20to,schools%20they%20are%20compared%20against%20for%20benchmarking%20purposes.)

[Acas publishes advice to help employers avoid fire and rehire practices | Acas](https://www.acas.org.uk/acas-publishes-advice-to-help-employers-avoid-fire-and-rehire-practices)

[Redundancy | Acas](https://www.acas.org.uk/redundancy)

[TUPE transfers | Acas](https://www.acas.org.uk/tupe)

## 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](https://www.acas.org.uk/acas-guides-on-trade-union-and-employee-representation)

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

NASUWT – Jane Smith: janesmith.nasuwt@gmail.com

National Education Union (NEU) Joint Secretaries: David Anderson and Mark

Hopper DAVID.ANDERSON@neu.org.uk MARK.HOPPER@neu.org.uk

Unison – Peter Parkin (Secretary): Peter.Parkin@lbhf.gov.uk

 Bruce Mackay: Bruce.Mackay@lbhf.gov.uk

 Patsy Ishmael: Patsy.Ishmael@lbhf.gov.uk