

Frequently Asked Questions – Staff Employment

Will conditions of service or pay and conditions be changed?

The statutory provisions set out in the School Teachers Pay and Conditions Document will continue to apply to teaching staff, this includes existing pay scales for teachers. The provisions of the Conditions of Service for School Teachers in England and Wales (The Burgundy Book), the NJC National Agreement on Pay and Conditions of Service (The Green Book which applies to support staff) and any existing local agreements will also continue to apply unless the Governing Body chooses to seek to vary them. If this is the case it will represent a variation to employees' contracts of employment and will require the Governing Body as the employer to enter in to formal consultation and negotiation with staff and recognised professional associations and unions before implementing any change. The Governing Body will be responsible for determining the pay and grading of support staff and will not be bound to use the Local Authority's grading structures or have regard to the Local Authority's Job Evaluation Scheme. However, Governing Bodies will need to consider their obligations under equal pay legislation. Equity of pay across similar positions should be ensured, as it is currently, by way of Job Descriptions and adherence to the Pay and Grading document for support staff and the application of the School Teachers Pay.

What about pensions, redundancy, maternity, continuity of service etc?

Maternity rights will be protected. Eligibility is determined by "continuous service" and service within a Foundation School counts as continuous service within an LA. The cost for schools does not increase as a result of a move to Foundation status, the cost of maternity leave being met centrally, and the school being responsible for the replacement. The Governing Body, as the employer, can grant premature retirement to a member of staff either for reasons of redundancy or in the interests of the efficient discharge of their employer function. The Governing Body also decides on the level of compensation to grant to any member of staff they may make redundant subject to the statutory rules for the calculation of a redundancy payment. All pension costs associated with granting premature retirement must be met by the school's delegated budget unless the LA agrees with the Governing Body, in writing, to meet them centrally. Costs of redundancy/severance payments will be met by the LA unless it considers there to be a good reason to deduct them from the School's budget. In the case of early retirement on ill health grounds, the Teachers Pension Scheme or the Local Government Pension Scheme as appropriate will pick up the costs. Teaching staff are unaffected. The Teachers Pensions Scheme regulations provide that, for the purpose of the Scheme, the LA will be the employer of teachers employed in schools which it maintains. Consequently the change to Foundation status makes no difference to a teacher's eligibility to belong to the Teachers Pension Scheme. For support staff, the Local Government Pension Scheme regulations allow such staff to be eligible for membership of the Scheme provided that the LA has made a statutory resolution to this effect and the Governing Body of a Foundation or Voluntary Aided School has given its consent for its support staff to be eligible for membership.

Will FT status increase workloads?

FT status will not increase staff (teaching and non-teaching) workloads.