

HR FRAMEWORK

SCHOOLS FOR THE FUTURE

To be issued to staff in Schools within Kirklees as part of the Schools for the Future proposals; please note that the information given in this document may evolve in line with future legislation and policy changes.

This framework has been developed through wide consultation including all Trade Unions and the principles have been agreed. However, we may revisit some details in light of practical application.

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1. OUR PRINCIPLES AND PURPOSE

- 1.1 We recognise that our staff are our greatest resource and key to achieving the best learning experiences for the children, young people and wider communities of Kirklees.
- 1.2 We recognise that all parties; Governing Bodies, Local Authority, staff and trade unions have a responsibility individually and collectively to ensure that the changes are managed fairly, openly and equitably across the whole school community.
- 1.3 We have therefore developed the following principles which will underpin the changes:
 - Each Governing Body has a role and responsibilities for making appointments which are beneficial to their individual school and will do so in a way which is not prejudicial to individuals and the schools community as a whole.
 - Each Governing Body has a role and responsibility for building a sense of common purpose to support the achievement of providing the best learning experiences for all children, young people and communities of Kirklees not solely within their own school community.
 - Each Governing Body will actively support the retention of existing staff within the system as a whole.
 - Each Governing Body will support access to Continuous Professional Development (CPD) for their own staff and staff in other schools.
 - Each Governing Body will support the concept that every member of staff is entitled to achieve a worklife balance which is right for them individually and their employer.
 - Each Governing Body will recognise, respect and support the concept of personal choice through, for example, access to CPD, Worklife Balance, Voluntary Early Retirement, Flexible Retirement, Stepping Down wherever this can reasonably be accommodated.*
 - Each Governing Body will respect the core competencies of all staff.
 - Each Governing Body will actively support the Surplus Staff Partnership Agreements to ensure that we retain our experienced and skilled staff within the schools community as a whole.*
- 1.4 We are committed to ensuring that during the Schools for the Future reorganisation we work with our partners to ensure that they are informed, engaged, and have the opportunities to input into the significant changes that face us.

* For further details see Page 21/22

- 1.5 We recognise that the times ahead will bring about uncertainty; it may create anxieties about future work bases and roles. We will work with Governing Bodies to provide staffing structures and job descriptions.
- 1.6 The overriding principle of this Framework document is that every effort will be made to give security of employment to the staff affected to ensure that the quality and continuity of educational provision is maintained.
- 1.7 The aim is to ensure a smooth transition for the staffing and organisation of the current school(s). There will be full communication and consultation with all concerned. At all stages of the process it is essential for the Governing Body to consult with the Local Authority to ensure that legal and other procedures have been complied with.
- 1.8 This Framework applies to employees working in schools, employed directly by schools, or working in schools and employed by Kirklees.

2. CONSULTATION

- 2.1 When any reorganisation is being considered by the Local Authority there should be detailed consultation with the Headteachers, Governing Bodies, staff, professional associations, trade unions and parents of children at the schools concerned as well as the communities they serve.

3. FRAMEWORK FOR MANAGING STAFF CHANGES

- 3.1 Each Governing Body is responsible for drawing up staffing structures which are fair, accessible and appropriate to achieve the best learning opportunities for the children, young people and wider communities of Kirklees and which take account of staff expectations.
- 3.2 Governing Bodies will seek advice from appropriate professionals. This will include relevant staff within school, Local Authority officers, HR and Director HR/OD and external advisors. Trade Unions will be consulted in accordance with agreed protocols.
- 3.3 Structures will be in accordance with the agreed protocols and developed within timescales which meet the needs of the individual school and other affected schools.
- 3.4 Local Authority and Human Resources Professionals will co-ordinate Change Management across the schools community to ensure that opportunities are made available to relevant affected staff groups.
- 3.5 The Change Management will be undertaken in accordance with agreed protocols and in consultation with the Trade Unions.
- 3.6 A Change Management Implementation plan will be drafted with a proposed timetable for all parties.
- 3.7 The existing substantive staff affected by reorganisation will be absorbed into the new school wherever possible. The Local Authority wishes to avoid directing teachers or support staff to posts against their wishes. In all cases, normal redeployment procedures will operate in line with the Council's Redeployment and Surplus Staff Partnership schemes*.

- 3.8 Staff will be encouraged to approach their trade union or professional association for support, help and advice.
- 3.9 If employees incur additional travel costs as a result of a reorganisation, this will be managed within the provisions available.
- 3.10 The process for appointing staff will be discussed by the Change Management team and agreed by the Governing Bodies of the schools being reorganised and the temporary Governing Bodies of the new schools. Consultation should take place with the relevant trade unions and professional associations.
- 3.11 By law Headteacher and Deputy Head posts must be advertised in national publications. Regulations and guidance change from time to time and the LA will advise the Governing Bodies what options are available to them at the appropriate time. Please see also Section 5.
- 3.12 The Governing Bodies of the new schools should develop and publish the staffing structures for their schools and job descriptions for the posts in consultation with local authority officers and the Headteacher designate.
- 3.13 Other than Head and Deputy posts, all other posts will be ring-fenced for staff working within the schools to be reorganised. This means that those staff doing a similar job, or who have the same job title or similar responsibilities or status (not necessarily linked to pay parity) will be considered for posts, taking preferencing into account where possible. Interviews will be held where there is more than one applicant for the post. Please also read page 6/7/8 - **Principles for Priority Consideration for Posts.**
- 3.14 Allocating a post without an interview or 'slotting in'** - will occur where there is only one applicant for a post or where the number of applicants does not exceed the number of posts and staff are undertaking broadly the same duties as those of the new post. An interview must be held if the post carries more responsibility points than that held by the applicant.
- 3.15 After the decision to "slot in" has been taken the Headteacher (or their representative, possibly with the Chair of the temporary Governing Body or members of the staffing committee) should have an informal discussion with the member of staff about how the duties and responsibilities of the post may be undertaken.
- 3.16 Part-time staff displaced by reorganisation should be slotted into similar part-time or job-share posts. They may apply for and be considered for other posts if such a post is not filled by those members of staff to whom first consideration should be given.
- 3.17 Consideration will be given to voluntary early retirement in accordance with the provisions of the relevant pension schemes. Advice will be given to help individuals understand the full range of options available.

* For further details see Page 21/22

** For further details see Page 12

- 3.18 If any Headteachers or Deputies lose their posts through reorganisation, there may be an opportunity to apply for and be considered for any other post within the reorganisation.
- 3.19 The Children & Young People Service will endeavour to support them in finding an alternative post; if no suitable alternative posts are available there may be an entitlement to a redundancy payment.
- 3.20 Posts which are not filled by staff employed within the schools which are part of the reorganisation will be available for staff redeployed from other Local Authority and Foundation schools through the Surplus Staff Partnership schemes.
- 3.21 Temporary staff employed within the schools will have the same rights of employment as any other temporary employee in the Authority in accordance with the Implementation Agreement, but not necessarily within the reorganisation. **Please refer to Principles for Priority Consideration for Posts.** This means that those employees with one year or more continuous service with the authority or school will be considered for appropriate vacant posts within the reorganisation. Any posts still vacant will be available for staff being redeployed through the 'Surplus Staff Partnership Schemes. After this, employees with less than one year's service with the authority or school may be considered for any appropriate vacant posts.*

4. PRINCIPLES FOR PRIORITY CONSIDERATION FOR POSTS

- 4.1 We recognise that our staff are our greatest resource and key to achieving the best learning experiences for the children, young people and wider communities of Kirklees.
- 4.2 For those staff affected by the Brighter Future Proposals we recognise that all parties have a responsibility to ensure that the changes are managed in a fair, open and equitable way across the whole school community in Kirklees. We have therefore developed a set of principles and priority groups to complement the 'Framework for managing staff changes'. They should also be considered in conjunction with the 'Brighter Future North Kirklees Information Pack'.
- 4.3 These principles and priority groups will be considered for all schools in the Framework for Managing Staff Changes and in conjunction with the Change Management Implementation plan proposed timetable.
- 4.4 We acknowledge that where 'at risk' staff are given priority to ensure continuity of employment, this can lead to a sense of unfairness.

* For further details please see Page 21/22

4.5 Principles to be applied

Please note that these principles will apply to all staff groups in all schools with the exception of Head and Deputy roles where legal requirements may dictate otherwise. These principles will be applied to staff groups in priority order, as defined in the 'Priority Groups' detailed over page.

The needs of the school community will take precedence over the individual in the transition arrangements.

4.6 Principle One

No vacancies will be recruited to in any school outside of the provisions set out in Framework in the first instance. Staff in schools outside the Framework will not be considered for any vacancies until Principle Five.

4.7 Principle Two

Consideration will be given to staff in all priority groups (in order of their priority initially) for any vacancies in new structures in schools in the framework or any Kirklees school ahead of any other groups. See also section 6.

4.8 Principle Three

Staff will be matched to posts wherever possible through agreed protocols and processes taking into account post type, salary level, location and contract type and in line with the principles of the Surplus Staff Partnership Agreements.*

4.9 Principle Four

Once a matching process has taken place all remaining vacancies will then be filled via an internal recruitment process ring-fenced to staff in North Kirklees schools followed by staff currently registered with Surplus Staff Partnerships, then by staff in the remainder of Kirklees schools within the Framework.

4.10 Principle Five

Any remaining vacancies may then go out to external advert.

4.11 Principle Six

Staff recruited to posts of new staffing structures will normally remain in their existing post until the new staffing structures take effect. In the spirit of collaboration both schools and the member of staff will work flexibly to assist the transition.

* For further details please see Page 21/22

4.12 **Priority Groups**

As the SFF programme is approved and a timeline for change is agreed, there will be greater detail on the impact on the staff.

All priority groups will be given priority in terms of those affected earliest in the timetable of changes – some priority groups may be affected at the same time so will therefore be treated as priority groups together

4.13 **Priority 1**

Middle school staff affected by losing year groups, Nursery school staff and staff who will be affected by 6th form proposals

4.14 **Priority 2**

Any other displaced staff in directly affected schools

4.15 **Priority 3**

Staff who have identified a career change as a personal choice and staff in extending first schools or other schools who are not directly affected but may wish to take the opportunity to develop personal career choices

4.16 **Priority 4**

Staff across Kirklees

4.17 **Staff groups not affected**

The principles and priority groups will allow us to identify those groups of staff who are not going to be affected or who will be minimally affected by the proposals. Once identified the intention is that these groups of staff will be given assurances regarding their stability and job security moving forward where ever possible.

5. LEADERSHIP GROUP APPOINTMENTS

- 5.1 All maintained* schools must have a Headteacher and this would normally be 1 full-time equivalent. Advice should be sought with regards to variations.
- 5.2 There is no requirement for a school to have a deputy Headteacher and some of the smaller primary schools in particular opt to have an Assistant Headteacher instead. Some of the larger primary schools have both. The main difference between a deputy Headteacher and an assistant Headteacher is that a deputy can be required as part of their contract to undertake the professional duties of the Headteacher in the event of his/her absence from school.
- 5.3 The legislation governing the appointment of *Headteachers and deputy Headteachers is contained under Sections 35(8) and 36(8) of the Education Act 2002*. The accompanying staffing guidance covers the finer detail and some of the relevant sections are quoted below;
- 5.4 'The Governing Body **must** advertise a Headteacher or deputy Headteacher post as it thinks appropriate. At the very least it **should** be advertised in a printed publication circulating throughout England and Wales.....'
- 5.5 'The Governing Body of a new or merged⁺ school resulting from a re-organisation **should** normally advertise the new Headteacher and Deputy Headteacher posts nationally to ensure the best available candidates are considered for these important positions. However, they may take the view that the Headteacher and deputy Headteacher posts are not in effect vacant, and therefore not subject to the advertising or selection requirements, if the following conditions apply.
- ◆ The new or merged⁺ school is formed from the immediately pre-existing schools.
 - ◆ For each Headteacher or deputy Headteacher post available in the new or merged⁺ school there is only one person from the pre-existing schools available for continued employment in that role in the new school, and that person's performance is highly regarded by both the Governing Body and the LA. N.B assistant Headteachers are not included within this provision. They cannot be appointed to or ring fenced for a Headteacher or Deputy Headteacher post without going through a national advert.
 - ◆ Any such person so accepted for a Headteacher or Deputy Headteacher post has suitable qualifications, experience and ability to undertake the role in the new or merged school.....'
- 5.6 'There is no scope for considering an alternative course of action for any matter in this guidance where the term '**must**' is used; this relates to a statutory requirement. Where '**should**' is used, it is intended that this is the course that is followed and any deviation should only be for very good reason.....'

⁺ Please note that merger is no longer an option

* For further details see Page 14

- 5.7 Where all the conditions under 5.5 apply, the following protocol must be followed before proceeding other than by National advert.

The provision of clear, tangible and up to date evidence that the internal applicant has the skills and expertise to fulfil the new role. This should include reference to annual performance management data, Ofsted reports particularly relating to leadership and management, HMI Reports where available and school performance data.

An assessment to demonstrate that the best candidate is being considered and appointed.

An equality impact assessment.

Assessment against the employee specification for the role in the new school.

The advice and agreement of Director of Children & Young People Service or his/her nominated representative within Local Authority.

- 5.8 For all Headteacher posts, advice should be sought from the Director of Children & Young People Service (or his/her nominated representative) who will also participate in the recruitment process.

- 5.9 Where a school is extending by prescribed alteration, the school as an identifiable entity continues to exist, the governing body remains, as do the incumbent Headteacher and Deputy.

Should there be a vacancy at Headteacher or Deputy level or one arose in such an extending school, this must be filled by national advert.

To meet the criteria for exemption the pre-existing school(s) would have to be closed and a new school/Governing Body established.

- 5.10 Where there are two schools, for example one infant and one junior each with its own Governing Body, Headteacher, Deputy and a decision is made to move to an all through primary:

- both close and there is a new school
- an application for exemption from competition may be made
- new school is a foundation school
- the post of Headteacher and Deputy must be advertised nationally unless all conditions under 5.5 apply and subject to 5.7

- 5.11 Assistant Headteachers are members of the leadership group but their appointment is not subject to the above restriction. It is up to the governing body to decide how such posts may be filled within the normal statutory arrangements and in accordance with the principles and priorities set out in this framework.

- 5.12 Headteachers and Deputy Headteachers are paid in accordance with the School Teachers' Pay and Conditions Document on the leadership pay spine. In the first instance the Personnel and Payroll Unit calculate a unit total for the school having regard to the number, age and pattern of attendance of the pupils (the calculation for special schools is done via a more complicated formula). The unit total can also have regard to stated special needs children in some cases.
- 5.13 The unit total determines the school group size and the governing body determine a range for the Headteacher and Deputy Headteacher within one of 8 possible group sizes. Headteachers have a 7 point and deputy Headteachers a 5 point range. An Assistant Headteacher is paid on the leadership pay spine in the same way as a head or deputy on a 5 point range. A school cannot be assigned to a group size without the Authority being consulted. Movement up the salary range is achieved through the annual performance management cycle. The Personnel and Payroll provide comparative salary information and give detailed advice on a regular basis to Headteachers, Governors and officers within the Learning Service when an appointment is due to be made to the leadership group or when governors wish to review salary ranges.

6. DEFINITIONS OF TERMS USED DURING THE STAFFING CHANGES

6.1 What is “Slotting in”?

Slotting in occurs where only one employee is matched to a position in the new structure or where the number of candidates does not exceed the number of posts. They are then placed into this post without the need for formal interview. The Headteacher (or their representative possibly with the chair of the temporary Governing Body or members of the staffing committee) should have an informal discussion with the member of staff about how the duties and responsibilities of the post may be undertaken.

6.2 What is “Ring-fencing”?

Ring-fencing occurs where slotting is not possible because the number of candidates exceeds the number of posts in the new structure. Those staff doing a similar job, or who have the same job title or similar responsibilities or status (not necessarily linked to pay parity) will be considered for posts. Interviews will be held where there is more than one applicant for the post.

6.3 What is Redeployment?

Kirklees has a local agreement with its trade unions that in the event of there being staff surplus as the result of a reorganisation it will attempt to find suitable alternative employment. Redeployment has worked successfully in Kirklees over many years meaning that there have been few compulsory redundancies in the past 10 years.*

6.4 What is salary protection?

For teachers there is some salary protection for up to three years, where an employee is unable to find a suitable job at the level of their existing salary. The salaries of those people appointed to posts on a lower pay scale than their present one will be protected according to the Implementation Agreement, unless the person appointed has chosen to apply for the lower paid post and has already turned down a post with the same pay scale as their current post. It would be expected that the individual undertakes responsibilities commensurate with the protected salary.

For support staff the Salary Framework is applicable.

6.5 Are TLR’s protected?

There is currently provision for safeguarding of TLR’s. Where safeguarding is already in place, the balance of the safeguarding period would be honoured, except where the overall salary under new structures matches or exceeds the current salary and TLR.

Otherwise, TLR’s affected directly by re-organisation are eligible for protection for a period of up to 3 years subject to the individual circumstances and entitlement.

* For Further details see Page 21/22

6.6 Voluntary Early Retirement

As part of any review process it is usual practice to ask for expressions of interest from staff who may wish to take a voluntary early retirement package. This will be approached in a planned way with an overview to ensure equality of opportunity throughout the review.

At this point there is no guarantee that any such packages will be approved and expressions of interest does not put you or the Authority under any obligation at this stage.

7. TYPES OF SCHOOLS AND THE HR IMPLICATIONS

7.1 Maintained Schools

Schools maintained by the local authority are divided into the following categories:

- a) community schools
- b) voluntary controlled schools
- c) voluntary aided schools
- d) foundation schools
- e) community special schools
- f) foundation special schools

7.2 Community Schools

Community Schools are state funded schools (*some were* formerly known as 'county schools'). The staff are employed by the LA to work at the school. National and/or Local Conditions of Service apply.

7.3 Voluntary Controlled Schools

Voluntary Controlled schools are state funded schools which usually have close links with the church authorities. The LA employs the staff. National Conditions of Service and/or Local Conditions of Service apply.

7.4 Voluntary Aided Schools

Voluntary Aided schools are state funded schools maintained by the LA which are mainly of a religious or faith based character. The Governing Body is the employer of the staff. National Conditions of Service apply.

7.5 Foundation Schools

Foundation schools are state funded schools (some were formerly known as grant maintained schools). They may have an association with a foundation or trust that appoints some of the governing body or may have the backing of larger educational charities or partners. They operate a greater degree of autonomy from the LA than community schools. The Governing Body is the employer of the staff. National Conditions of Service apply.

7.6 Trust Schools

Trust schools are state funded maintained foundation schools supported by a charitable foundation commonly known as a trust. They are similar to voluntary aided schools although there are some differences. They may be associated with a charitable trust. The Governing Body employ the staff. National Conditions of Service apply.

7.7 **National Challenge Trust Schools (NCT's)**

NCT's are an option for schools who are having difficulty raising standards but where establishing an Academy may not be the right solution. NCT's will be foundation schools maintained by the local authority.

The school is likely to acquire a trust and enter into arrangements with a strong educational partner to raise standards.

The Governing Body will employ the staff. National Conditions of Service apply.

7.8 **National Challenge Hard Federation**

A National Challenge Federation could involve a national challenge school joining with a high performing school under a single Governing Body and usually an 'Executive Headteacher'. A hard federation may also be supported by a shared trust but is also possible without a shared trust. The category of the schools and partners involved will determine who is the employer e.g in a hard federation between two community schools the local authority would remain the employer. National Conditions of Service apply.

7.9 **Academies**

Academies are state funded independent schools set up as companies with charitable status and under the control of their individual governing body. They are **not** maintained by the LA. They receive funding directly from the DCFS. The governing body employ the staff.

7.10 **Studio Schools**

These are a new type of 14 – 19 stand-alone institution or 'school within a school' offering along with business partners a more vocational 14 – 19 curriculum.

8. EMPLOYMENT OF STAFF IN TRUST SCHOOLS

A Trust school is a local authority maintained school which is supported by a charitable Trust which appoints some of the governors.

Trust schools differ because their charitable Trust establishes a long term relationship with external partners and involves them in the school's governance and leadership.

Trusts can involve one or more partners.

Trusts can support an individual school or groups of two or more schools.

Voluntary aided and voluntary controlled schools already have a foundation which cannot be substituted for a different foundation. They cannot therefore formally join a group of other schools who wish to acquire a different, shared Trust.

The trust will support the school but will not take over and run it. The governing body will include parents, staff, governors from the community, local authority and governors that the Trust appoints.

The staff of a Trust school are employed by the governing body, not the Trust. There is no change of employer if a foundation or voluntary aided school becomes a Trust school. If a community or voluntary controlled school becomes a Trust:

- The employer changes automatically from the implementation date.
- The School Organisation (Prescribed Alterations to Maintained School) (England) Regulations 2007, which came into force on 25 May 2007 provide for all rights, powers, duties and responsibilities in relation to the employment of staff to transfer from the local authority to the governing body (paragraphs 29 -32 of Schedule 1).
- The transfer of staff takes place under Education Legislation, the effect of which is to protect an individual's employment right on transfer. Any agreements entered into by the local authority or governing body before this date, in respect of an individual's terms and contract of employment must therefore be honoured by the new employer.
- New and existing teachers will continue to be covered by the School Teachers' Pay and Conditions Document, and therefore would be able to keep the same pensions arrangements.
- Support staff in trust schools are able to remain in the Local Government Pension Scheme (LGPS). The governing body asks the local authority to pass a statutory resolution enabling support staff to belong to the scheme.
- The governing body is able to set pay and conditions for new support staff.

The governing body may make relevant changes to:

- Staff contracts
- School policies

to reflect the change of employer. These changes are likely to take up to 12 months to complete.

9. TUPE

9.1 Transfer of Undertakings (TUPE)

The Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246) is now the main piece of legislation governing the transfer of an undertaking, or part of one, to another. The regulations are designed to protect the rights of employees in a transfer situation when their employer changes and enables them to enjoy the same terms and conditions of employment, with continuity of employment, as previously (except for certain occupational pension rights - see below).

TUPE regulations were introduced to comply with the European Community Acquired rights Directive (77/187/EEC, as amended by Directive 98/50 EC and consolidated in 2001/23/EC).

The regulations apply:

- a) when a business or undertaking, or part of one, is transferred to a new employer; or
- b) when a “service provision change” takes place (for example, where a contractor takes on a contract to provide a service for a client from another contractor).

The Acquired Right Directive and the TUPE regulations make it clear that a re-organisation of a public administration, or the transfer of administrative functions between public administrations is not a relevant transfer within the meaning of the legislation. Most transfers within central or local government are, therefore, not covered by the Regulations. (See Council Directive 2001/23/EC (Article 1, Paragraph 1 (c)) and The Transfer of Undertakings (Protection of Employment) Regulations 2006 (Paragraph 3 (5)).

Such intra-governmental transfers are covered by the Cabinet Office’s Statement of Practice “Staff Transfers in the Public Sector” (January 2000) which in effect guarantees TUPE equivalent treatment for the employees so transferred. In addition Section 38 of the Employment Relations Act 1999 provides a regulation-making power to the Secretary of State to provide TUPE equivalent protections to cases falling outside the scope of the Acquired Rights Directive.

The advice from the Department for Children Schools and Families (DCSF) is that LA’s should aim to safeguard the interests of staff when a school is closing and reopening as a new trust school or a school is changing category. They intend to work with LA’s when staff are transferring or are being redeployed to ensure that appropriate legal step are taken. They are also of the view that TUPE does not apply except where a school becomes an academy but suggest that LA’s obtain their own legal advice. The DCSF state that LA’s should always ensure that conditions are no less favourable than TUPE.

The position with regards to the transfer of staff from one category of school to another is governed by the ‘School Organisation (Prescribed Alterations to Maintained School) (England) Regulations 2007...Statutory Instrument 2007 No. 1289. These regulations are intended to carry forward the provisions of the previous regulations, The Education (Change of Category of Maintained Schools)(England) Regulations 2000 (amended by subsequent regulations) in respect of such transfers. This only applies for Where an Interim Executive Board (IEB replaces the governing body of a weak school and publishes proposals to become a Trust school).

The DCSF suggest that LA's should seek their own legal advice but in their view TUPE does not apply either to changes of category

9.2 Occupational pensions when a relevant transfer occurs

Occupational pension rights earned up to the time of transfer are protected by social security legislation and pension trust arrangements. The new employer is not required to continue identical occupational pension arrangements for the transferred employees (Obligations relating to provisions about benefits for old age, invalidity or survivors in employees' occupational pension schemes do not transfer under TUPE). However, where transferred employees were entitled to participate in an occupational pension scheme prior to the transfer, the new employer must establish a minimum level of pension provision for the transferred employees. This minimum 'safety net' requires the new employer to match employee contributions, up to 6 per cent of salary, into a stakeholder pension, or offer an equivalent alternative (Pensions Act 2004).

10. FREQUENTLY ASKED QUESTIONS

10.1 What is the security for staff involved in any of these reorganisations?

The LA has agreed and well established protocols and procedures for managing staff in a re-organisation. These have been agreed with all teaching and support staff unions allowing the management of staff in a re-organisation with a range of options including slotting in, ring fencing of posts, retraining, re- deployment and explore other personal options for staff before going to external advert for any vacant posts.

10.2 Does this apply to both teaching and support staff?

Yes.

10.3 Will you have to apply for your own job?

The new Governing Body will determine a new staffing structure and there will be a process for implementing this. This includes slotting in, ring fencing of posts where there is more than one person (this may entail interviews) or re-deployment to other schools. However there are national requirements for Headteacher and Deputy posts.

10.4 What is the timescale for confirming staff into posts?

There will a timescale for each reorganisation that will indicate the milestones; this will depend on the statutory consultations that have to take place. All staff will be informed of progress.

10.5 If staff are redeployed somewhere which is a greater distance away from where they work currently will their additional travel be funded?

If employees have to travel further as a result of the re organisation, this will be managed within the provisions available.

10.6 What CPD opportunities will be available to me?

The organisation is working to develop a CPD programme for 2009/10 for staff this will include new training to enhance the existing skills for the new school roles.

10.7 What about staff who are on temporary contracts and the new school is not due to open until 2010/11?

If your current contracts are renewed or extended during the period up to the time decisions are taken regarding staffing structures, where staff have accrued employment rights they will be considered in line with our protocols.

10.8 I am a member of teaching staff interested in retirement options

If you are interested in exploring the possibility of retirement please contact Geraldine Yehya Payroll Personnel Admin Officer (Pensions) on (01484) 225269.

10.9 I am a member of support staff interested in retirement options

If you are interested in exploring the possibility of retirement please contact the Human Resources team on (01484) 225213.

10.10 Will I be forced to accept a job at a lower level?

Careful thought is given to identifying appropriate 'slots' and 'ringfences', taking into account the nature of the current and new role. Where the salary of the new post is lower than the current salary, access to protection for teachers and the salary framework for support staff will be discussed.

11. WHERE DO I FIND INFORMATION ADOPTED BY MY GOVERNING BODY?

Please note Foundation and VA Schools may not have adopted Kirklees policies. Your Headteacher will be able to advise. Kirklees policies are available at:-

<http://www.kirklees-ednet.org.uk/management/hrdocuments.htm>

11.1 More details on Surplus Staff Partnership Scheme; Implementation Agreement; Salary Framework and the above policies adopted by your Governing Body can be viewed on the internet on the above link.

11.2 Voluntary Early Retirement / Severance

The Council recognises the advantages of using early retirement and severance schemes as a means of fostering good employee relations in the achievement of organisational change.

Early retirement is however not an employee's right. Early retirements are at the sole discretion of the council and or Governors. In all cases discretion will be exercised and based on the merits of each case and the needs of the organisation.

The Authority and schools forum have worked together to provide funding each year to support Early Retirement which falls within an agreed criteria.

11.3 Flexible Retirement

We need to take account of the new pension provisions which can be considered alongside other initiatives in the Council's Work-Life balance 'portfolio'.

With effect from 6 April 2006, new flexible retirement provisions were introduced within the Local Government Pension Scheme which gives the Council discretion to allow employees aged 50 and over to claim their pension benefits whilst continuing to work for the Council.

More details on Retirement options can be found on the internet on the following link; <http://www.kirklees-ednet.org.uk/management/payrollformshtm.htm>

11.4 **Worklife Balance**

Worklife balance requests can cover the following areas; Flexible Working / Annualised and averaged hours / Part-time hours / Term time working or part year contracts / Job share / Voluntary reduced work time (V time) / Compressed working week / Flexiplace or Home working scheme.

Information, advice and support can be provided if you wish to enquire about any of the above schemes and may support our employees to achieve a healthy balance between their work and personal lives.

11.5 **Career Break Scheme**

Our Career Break Scheme aims to encourage employees who need to or want to give up work for a period of up to 5 years then come back into the Council workforce. This allows the Council to retain skills and experience and to protect its investment in the development of the individual employee. Further details are available at; <http://www.kirklees-ednet.org.uk/management/HR/typesOfLeave.htm>
Please contact the HR Team for further advice.

11.6 **Stepping Down**

As part of achieving a Worklife Balance, consideration may be given to undertaking a role which carries less management responsibility. See also 10.4 Worklife Balance. For further information please contact the HR team.