

School workforce: new legal duties for governing bodies

What are they?

Two new pieces of legislation are now in force, designed to make sure that workforce entitlements are in place. Both have implications for governors. **Revised staffing regulations**, in effect from November 2009, make governing bodies responsible for ensuring a headteacher both complies with and benefits from entitlements set out in the School Teacher's Pay and Conditions Document (STPCD). In cases of alleged non-compliance, the **Apprenticeship, Skills, Children and Learning Act**, in force from January 2010, enables local authorities (LAs) to issue a warning notice to a governing body, which may then be followed by other types of intervention.



Why does it matter?

Over the last seven years the focus of workforce reform has been on raising standards and tackling school workload including recognising that support staff are skilled professionals in their own right and introducing entitlements that enable teachers and headteachers to focus on their core roles of teaching, learning, and leadership. The new legislation safeguards those entitlements.

The governing body should also ensure the provision of extended services does not lead to an increase in workload and working hours for teachers and headteachers. And, that the most appropriate person is engaged in developing and delivering extended services.

When issues around entitlements arise all parties should seek to resolve them in line with the national issue resolution process. Governing bodies are involved at school level in this process and should work with the school leadership team, school staff and their union representatives in resolving issues early and locally.

What are governing bodies expected to do?

The governing body is responsible for making sure the school workforce gets their entitlements. It should ensure that the school's provision of teaching and learning:

- provides for appropriate workloads and working hours and takes due account of work/life balance for teachers and headteachers
- helps the school to raise standards
- is carried out in consultation with school staff and representatives of unions and professional associations
- delivers fair pay and rewards
- does not introduce unnecessary bureaucracy, and
- is sustainable.

Why do governing bodies need to act?

If the LA is satisfied that a governing body has failed to either comply, or secure headteacher compliance, with entitlements set out in the STPCD (under section 122 of the 2002 Education Act) it can issue a **'teachers' pay and conditions warning notice'** to the governing body. The Secretary of State can direct an LA to consider doing so if there are reasonable grounds. If the governing body fails to respond to the warning notice and subsequent interventions to the satisfaction of the LA, the LA can withdraw its budget, appoint additional governors, or replace the governing body.

Governing bodies are also encouraged to build relationships with their local social partnership which can provide advice, guidance and support for resolution of issues.

For more information on the ASCL Act 2009 go to www.dcsf.gov.uk/apprenticeshipskillschildrenandlearningact

For more information on workforce reform and the issue resolution process see www.socialpartnership.org

For information on remodelling see www.tda.gov.uk/remodelling