

Post-election Checklist for Education HR Teams

Checklist

Introduction

Following the recent election and change to the Labour party in government, schools may want to plan ahead for changes that will be coming over the next few months.

In this checklist we focus on the key employment law manifesto pledges, the potential impact for Education HR Teams and actions you may want to consider.

Area for reform	Manifesto Proposal	Suggested Actions	Complete	Resources available on our HR Hub
<ul style="list-style-type: none"> Employment Law 	<p>Day 'one' right to claim unfair dismissal</p>	<ul style="list-style-type: none"> Check whether or not your contracts of employment include a clause covering a probationary period. If unfair dismissal becomes a 'day one' right it will be essential to manage any concerns effectively within the probationary period. Probationary service is not customarily applicable to teaching staff in maintained schools as they are deemed to have completed 'probation' by successfully undertaking their induction period as early career teachers. There isn't any particular restriction on teachers being required to service a probationary period – maintained schools should take advice from their LA regarding contractual changes. Academies and other independent settings more often require teachers to serve a probationary period on appointment in which case this should be explicit within the contract of employment. 		<p>Probation and Induction Strictly Education HR Hub</p> <p>Recruitment, Selection and Appointment Strictly Education HR Hub</p> <p>Offer Letters and Contracts Strictly Education HR Hub</p>

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		<ul style="list-style-type: none"> • If you don't already have a clear probationary process in place that your employees are confident in how to use, consider establishing one. • With dismissal potentially becoming a riskier prospect for employees with less than 2 years of service it will become even more important to get recruitment right. • Consider reviewing your recruitment process to ensure it is aligned with HR best practices. • Dismissal at the end of a fixed-term contract will still be fair if, for example, the contract has a clear end date such as the end of a period of maternity cover. • As is the situation at present it is necessary to follow a fair process to dismiss at the end of a fixed-term contract – so if you have fixed-term contracts ending between now and the start of the Autumn term ensure this process is underway. 		

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Employment Law	Outlawing exploitative zero-hour contracts, ensuring all workers have a contract that reflects their regular hours, based on a 12-week reference period.	<ul style="list-style-type: none"> • Consider auditing the contractual arrangements of any employees on zero-hours contracts of workers engaged on a casual basis to ensure the nature of the role is suited to this type of contractual arrangement. • Casual worker contracts are generally used when work needs to be undertaken for a fixed period or for a particular task or event, for example, Exam Invigilators or cover for temporary sickness absence. • A 'zero hours' contract is suitable for circumstances where the employer wants to engage the individual under a contract of employment, as an employee with no guaranteed minimum hours. 		Offer Letters and Contracts Strictly Education HR Hub
Employment Law	Making flexible working the default from 'day one' for all workers	<ul style="list-style-type: none"> • Consider developing a flexible working policy if you don't already have one in place. 		Flexible Working Strictly Education HR Hub
Employment Law	Introduction of a new 'right to disconnect'—sometimes called the 'right to switch off'.	<ul style="list-style-type: none"> • Consider developing a communications policy that includes protocols around expectations when sending/ receiving communications outside the usual school day if you don't already have one in place. 		

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Equality Law	Strengthening rights to equal pay and protections from maternity and menopause discrimination and sexual harassment	<ul style="list-style-type: none"> Consider implementing a menopause policy to support employees through this natural transition if you don't already have one. 		The Menopause at Work Strictly Education HR Hub
Equality Law	Introduction of the full right to equal pay for disabled people Introduction of disability and ethnicity pay gap reporting for large employers (>250 employees)	<ul style="list-style-type: none"> Review the published guidance that is already available on Gov. uk for voluntary ethnicity pay gap reporting. Consider reviewing the data you hold already on these protected characteristics within your workforce identifying any gaps that need to be addressed in order to prepare annual reports if you are within scope. 		Equality Diversity & Inclusion Strictly Education HR Hub