



**THE BUSINESS
OF EDUCATION**

HR Services

Key considerations



Herts for Learning Ltd is a not for profit company owned by Hertfordshire schools and the local authority. Providing achievement and business services, it is dedicated to improving standards of education in Hertfordshire and beyond.

Key considerations for academy and MAT transition

The conversion of a School to an Academy, or the establishment of a MAT are complicated and often time-consuming processes. Taking the opportunity to understand the tasks that will need to be completed, as well as the new legislative requirements you will face, will ensure that your endeavour will be successful.

Herts for Learning have produced a range of Key Consideration guides, focusing on all aspects of the business of educational settings. These guides are a great starting point to begin to understand the transition process to becoming an academy or multi academy trust. They may also highlight any skills gap you may have within your setting, and the requirements of any assistance you may need.

To view the full range of Key Consideration guides, please visit

<http://www.hertsforlearning.co.uk/content/mats-preparing-for-change>

HR and people

As a school becoming an academy or establishing a MAT, you will need to consider a range of HR and people implications.

Understanding and taking account of the legal requirements involving people from the outset will allow you to plan effectively, engage staff and avoid costly mistakes . It will also allow you to realise the exciting potential of the next step in the life of the school.

One of the first considerations schools will make is the transfer of staff (TUPE) to the Academy or Multi Academy Trust. What is TUPE?

- The purpose of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (also referred to as 'TUPE Regulations' or 'TUPE') is to protect an employee's terms and conditions when the business in which they work (the school) is transferred from one employer (e.g. the local authority) to another (in this case, the Trustees of the Academy). Transferred employees will have protected employment rights under TUPE. Therefore, in the immediate future when schools converts to Academy status, teachers and support staff will retain their current contractual rights.

TUPE regulations

What does a school need to consider under the TUPE regulations?

Planning

TUPE legislation is complex so it is important to seek the right advice and carefully plan the transfer.

- Understanding the requirements of TUPE legislation
- Setting a timetable to ensure consultation with staff and due diligence happens before the transfer is made

Due Diligence

Certain employee liability information needs to be provided by the current employer (the 'transferor') to the new employer (the 'transferee'), for example, names, addresses and hours worked of all employees. Key things that will need to be considered are:

- Rights of Fixed term workers on conversion
- Understanding which policies should be considered
- Live formal staffing processes/claims against the school
- Pension liabilities and provision for ill health retirement
- Employment policies and payments
- Pay and reward processes

Measures

An employer will need to set out any 'measures' that it intends to take in the form of a 'measures letter'. The purpose of the measures letter is to ensure that full and proper discussions are entered into with the current employer, Unions and staff with a view to achieving consensus about the way the transfer will be carried out. It should be made clear in the letter what 'measures' are to be taken if any.

- Drafting the 'measures' letter
- May include contractual changes e.g. mobility clauses
- Trade Union recognition/facilities time
- Mechanics of delivering pay and conditions e.g. harmonisation of pay dates
- Terms and conditions of service
- Understanding collective agreements and whether the Academy intends to honour future collective agreements post transfer

Consultation

TUPE can be worrying for staff who will be concerned about how they will be affected. It is really important to build in time for consultation with staff, and to have professional HR support on hand to talk through any TUPE issues and what it means for staff in relation to their employment rights and terms and conditions, including their pension provision.

- Consultation with all stakeholders including trade unions, parents, staff, governors
- Understand staff concerns and secure engagement

Future provision and planning

Whilst a lot of focus will be placed on the transfer process, it is really important to be thinking ahead to the future organisation you want to be. This will range from getting your organisation structure right, to ensuring you have the right people in the right jobs with the right skills to deliver the best educational outcomes possible.

- Consider the leadership arrangements that fit the future direction of the organisation and provisions for leadership team development
- Changes to terms and conditions can be made 12 months post TUPE transfer, if staff are consulted and agree
- Skills audit to identify strengths and gaps
- Restructuring to align roles to the strategic plan of the organisation
- Employee engagement
- Team development

HfL HR provides a complete range of Employee Relations, Recruitment, and Organisational Development and Design support to adapt to your changing needs and structural requirements.

Contact us

For further information on the support available, and to view all Herts for Learning MAT services, please visit <http://www.hertsforlearning.co.uk/mats>, email business.matters@hertsforlearning.co.uk or call 01438 845111.