

Birmingham City Council's Statutory Duties and Ongoing Compliance and Assurance Role as the Employer in Schools

Following Cabinet's decision that Birmingham City Council (BCC) would cease to trade HR and Payroll services for schools, this document clarifies the ongoing statutory duties BCC holds where BCC is the employer to staff in schools. This document applies to:

 Community Schools, Community Special Schools, Maintained Nurseries, Voluntary Controlled Schools and Pupil Referral Units.

Please note that this document does not provide an exhaustive list of all schools' statutory employment duties – e.g. the requirement to hold a Single Central Record. Rather, it seeks to identify where there is a statutory provision for the school to engage with the Council as the employer in respect of employment duties. It is the school's responsibility to ensure that any external HR and/or Payroll provider is also aware of these statutory responsibilities, including those relating to:

 Conduct and discipline, dismissals, capability/performance of the Headteacher, suspensions, employment tribunals, school's policy framework, appointments, pay and leavers, settlement agreements, redundancy and redeployment, TUPE, pensions.

It is important to note that the School Staffing (England) Regulations 2009 as amended and the Education (Independent School Standards) Regulations 2014 remain in force, and that schools should be aware of the responsibilities placed upon them to comply with these Regulations.

Schools are required to comply with the statutory obligations as set out below, some of which enable the Council to fulfil its requirements as the employer. Non-compliance may lead the Council to pass liability for any costs relating to employment issues that arise, to the school. Such matters of non-compliance will be referred to the Strategic Director of Children and Families to determine appropriate action.

Ongoing Responsibilities

Six areas of ongoing responsibility have been identified and defined as follows:



Statutory Reporting – we still need to report back to various places about what we do, how and how much it costs.



Compliance - we still need to make sure staff in schools have all the right qualifications and checks in place. This might look like checking teaching assistants have appropriate qualifications or someone has the right to work in the UK before they take up a role in a school.



Employee and Industrial Relations - we will remain the employer of some schools staff so we need to make sure we are there in those key steps like dismissals, disciplinaries or managing school union relationships. This might look like reviewing and signing off a school's restructure business case or sending out a dismissal letter.



Assurance - we will need to make sure that schools and their new providers are still operating under BCC terms and conditions and stay compliant with what we would expect. This might involve spot checks of contracts or job adverts or what pay and allowances staff are getting.



Reward and Pay we still need to make
sure that schools
staff are being paid
properly and have
access to all their
usual benefits like
cycle to work
scheme. This might
look like
communicating
policy changes or
pay awards to
schools and
providers.



Pensions - we will still be receiving information in from a number of sources and this will need to be checked and passed on to the pension's funds. This work will likely look very similar to now.

Principles for continued statutory delivery

- The activity will meet statutory requirements in schools where BCC is the employer
- The activity will be to assure that third party suppliers/schools are acting compliantly
- The activity should be aligned with where the same processes occur for other BCC staff

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Pensions

Meet the team

The BCC pensions team sits within HR, OD and Payroll and supports your preparation for the future by making sure pensions contributions are paid over in a timely and organised way. Your contacts initially for all pension matters will be:

For all general pension queries - Externalpensions@birmingham.gov.uk

Peter King – Pensions Internal SME – contact Peter.king@birmingham.gov.uk

Vipul Mistry – Pensions Team Leader – contact Vipul.mistry@birmingham.gov.uk

Summary of responsibilities

Submission of pensions data to pensions funds including details of any additional voluntary contributions

Pensions					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
Submission of pensions data to pensions funds including details of any additional voluntary contributions	Local Government Pension Scheme Regulations 2013 - 67 Teachers' Pensions Regulations 2010 - 30	 BCC will receive the required data from schools or providers BCC will check that files are in correct format BCC will ensure data corresponds with monies received BCC will compile the data and send data and contributions to 	 Schools will notify payroll providers of changes impacting the staff's pay or pensions Schools will pay any penalty associated with late payments where data has been submitted late. Schools will make staff aware of self-services changes 	Where a provider has taken more than one BCC school, payroll providers will provide a single return with a breakdown of schools and values included by specified date (no later than 1st of the month) Payroll providers will accurately calculate pensions	Pension monthly data files in the specified format. (MDC for LGPS and MCR for TPS) Any leaver interfaces and/or individual member data (such as hours changes or breaks in service)

pensions funds (LGPS and TPS) BCC will receive the notification of any changes. BCC will submit change to LGPS or TPS TPS (Help for registration on portal etc is LGPS or TPS) or TPS)	contributions based on policies and legislation. • Payroll providers will pay all contributions deducted to BCC by the specified date (no later than 1 st of the month) and the contributions paid must match those specified on the monthly data files
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Submission of pensions data to pensions funds including details of any additional voluntary contributions

- 1. Where a provider has taken more than one BCC school, payroll providers will provide a consolidated return of contributions, remittance and MDC/MCR files in the correct format for the appropriate funds (Local Government Pensions Scheme and Teachers Pensions Scheme) by 1st of the month. Returns should be sent to externalpensions@birmingham.gov.uk and should reference the month, pension fund and provider in the subject line.
- 2. Schools will be responsible for paying any penalty associated with late payments where data has been submitted late.
- **3.** BCC will check and reconcile all data and contributions received. Any queries on data received will be returned to payroll providers to resolve by 10th of the month.
- **4.** BCC will submit data and contributions to the appropriate funds by the associated deadlines (LGPS 19th of the months and TPS 15th of the month).
- **5.** BCC will complete registration of any new starters and return appropriate details to the providers as required.
- **6.** Where payroll providers receive notifications of changes from schools (leavers, opt ins/out etc) these should be communicated by email to externalpensions@birmingham.gov.uk in the correct format for the appropriate scheme. BCC will then notify pensions funds.

Assurance

Meet the team

The Pay and Policy Compliance team sits within HR, OD and Payroll and help to spot and correct errors or non-compliance. They are focused on making sure policies are correctly applied and followed. Your contacts initially for all pay & policy compliance matters will be:

Please contact the team through pay.compliance@birmingham.gov.uk

Summary of responsibilities

Ensuring pay is compliant

Assurance						
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement	
Ensuring pay is compliant	School Staffing (England) Regulations 2009 - 17	 BCC will conduct reasonable checks that pay is compliant with BCC, green book, burgundy book pay and conditions and STPCD. BCC will highlight where errors or noncompliance is found and seek to achieve compliance. 	 Schools will comply with BCC, green book, burgundy book pay and conditions and STPCD. Schools will ensure that the required data is provided to BCC (preferably directly from the payroll provider) by the deadline set. Schools will resolve and correct errors or noncompliance where notified. Where necessary, Schools may be 	 Where instructed by school, payroll providers will ensure provision of data to BCC by the deadline set. Payroll providers will process instructions only where they are compliant with BCC, green book, burgundy book pay and conditions and STPCD. Payroll providers will resolve and correct errors or 	Full payroll report - employee details, salary information, contractual elements (hours, SCP, TTO) Allowance report showing stand-in, honorariums, overtime, acting up etc. Details of any overpayments and repayment plans.	

			required to provide additional information such as supporting documentation to aid the investigation into noncompliance.	noncompliance where notified.	Details of any other payments such as paternity pay, sickness pay etc. Variance/change report – detailing changes and transactions against employee records each month.
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Ensuring pay is compliant

- 1. Payroll provider and/or school will send BCC payroll reports as detailed in the data requirements above on a monthly basis. BCC is working with providers to define an achievable and appropriate deadline for the return of this information.
- 2. BCC Pay and Policy Compliance team (P&PC team) will run spot checks on all element types as detailed in the data requirements above to ensure compliance.
- 3. Any non-compliance identified, BCC P&PC team will notify the relevant Payroll Provider and/or school.
- 4. Payroll provider and/or school will be expected to conduct a review of this non-compliance and report back to P&PC team within the agreed SLA. Payroll providers and/or schools to notify employee(s) as appropriate.
- 5. Payroll provider and/or school will ensure the non-compliance is corrected and notify BCC P&PC team.
- 6. Subject to the level of non-compliance, matters may be referred to the Executive Director of Children's & Families or other internal governance boards to determine appropriate action.

Applying annual pay awards

Assurance Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
Applying annual pay awards	The School Teachers' Pay and Conditions (England) Order 2024 BCC Model Pay Policy	BCC will inform schools of annual pay award details. BCC will conduct reasonable checks that pay awards have been applied in a way which is compliant with BCC, green book, burgundy book pay and conditions and STPCD. BCC will highlight where errors or noncompliance is found and seek to achieve compliance.	 Schools will notify and share details of annual pay award with Payroll providers. Schools will comply with BCC, green book, burgundy book pay and conditions and STPCD. Schools will ensure that the required data is provided to BCC (preferably directly from the payroll provider) by the deadline set. Schools will resolve and correct errors or noncompliance where notified. 	 Payroll providers will ensure pay awards are applied in line with BCC, green book, burgundy book pay and conditions and STPCD. Where instructed by schools, providers will ensure provision of data to BCC by the deadline set. Payroll providers will process instructions only where they are compliant with BCC, green book, burgundy book pay and conditions and STPCD. Payroll providers will resolve and correct errors or noncompliance where notified. 	Full payroll report - employee details, salary information, contractual elements (hours, SCP, TTO)

Applying annual pay awards

1. Once BCC receives confirmation of either Local Authority or Teachers Pay Awards, BCC will define a suitable timeline for implementation.

- **2.** BCC will provide instruction to schools and information to payroll providers to implement the pay award alongside updated policies and procedures (where relevant).
- **3.** Schools must instruct their provider to implement the change.
- **4.** Payroll providers will ensure systems are prepared to pay staff correctly from the implementation date.
- **5.** BCC will request a spot check on calculations from providers ahead of payment to check accuracy of implementation.
- **6.** Payroll providers will pay staff in line with the new pay details from the agreed implementation date.

Conducting Head Teacher Pay Band Calculations

Assurance					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
Conducting Head Teacher pay band calculations	The Education Act 2002 S.122 The School Staffing (England) Regulations 2009 (5) and (6)	 BCC will provide schools with Pupil Attendance Numbers annually. BCC will conduct reasonable checks that pay awards have been applied in a way which is compliant with BCC, green book, burgundy book pay and conditions and STPCD. BCC will highlight where errors or noncompliance is found and seek to achieve compliance. 	 Schools will ensure the Head Teacher at the school is appropriately remunerated in accordance with The School Teachers' Pay and Conditions). Schools will ensure that the required data is provided to BCC (preferably directly from the payroll provider) by the deadline set. Schools will resolve and correct errors or noncompliance where notified. 	 Payroll providers will ensure Head Teachers are paid in line with BCC, green book, burgundy book pay and conditions and STPCD. Where instructed by schools, providers will ensure provision of data to BCC by the deadline set. Payroll providers will resolve and correct errors or noncompliance where notified. 	

Conducting Head Teacher Pay Band Calculations

- 1. For a new head teacher and/or existing head teacher, BCC P&PC team will ensure the individual school range is correct.
- 2. BCC P&PC team will ensure the business case has been received, signed by the Chair of Governors, including the governing body minutes and is fully complete to support the request.
- 3. BCC P&PC team will run all necessary checks to ensure policy has been met
- 4. BCC P&PC team will notify the schools of the outcome
- 5. Schools must notify their provider of the change
- 6. Payroll providers will pay staff in line with the pay details

Statutory Reporting

Meet the team(s)

Statutory Reporting is handled by various teams across BCC including Schools Finance. Where there is a request for information to support statutory reporting schools will be given the appropriate contact details to respond to.

Summary of responsibilities

Complete statement of accounts

Statutory Reporting					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
Complete statement of accounts	BCC Constitution	BCC will receive, check and compile data for publication in annual statement of accounts.	Schools will be responsible for returning the data template to facilitate completion of the statement of accounts by the stipulated deadline.	Where instructed by schools, payroll providers will ensure provision of accurate data in the correct format to BCC by the deadline set.	Details of any staff pay over £100,000 Details of numbers of staff in all schools Details of all redundancy costs All staff costs including NICs, pensions, apprenticeship levy Details of all holiday pay and annual leave carry forward

			All equal pay settlements - long
			term and short
			term

Complete statement of accounts

1. BCC will provide the appropriate template annually. This process will be communicated to schools via Noticeboard. BCC will only request information from schools or providers where it is not already covered in another return.

Complete School Workforce Census statutory return

Statutory Reporting					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
Complete School Workforce Census statutory return		BCC will check that all required data is submitted, cleansed and that all appropriate notes are added to the return before approving it.	Schools will compile and load their annual return in line with DfE deadlines	Where contracted to provide services relating to Schools Workforce Census, HR and Payroll providers will ensure provision/compilation of the data on a school's behalf in line with DfE deadlines.	Access to schools' returns on Collect

Complete School Workforce Census statutory return

1. BCC is currently working to finalise this process and further information will be available in due course.

Office for National Statistics Reporting

Statutory Reporting					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
Office for National Statistics Reporting		 BCC will notify schools of the ONS quarterly and annual reporting. BCC will collate returns from schools and include with BCC's return. 	Schools will be responsible for returning the data template to facilitate the ONS return by the stipulated deadline.	Where instructed by schools, payroll providers will ensure provision of accurate data in the correct format to BCC by the deadline set.	Quarterly reporting on head and FTE count by contract type/full or part time/ gender. Annual report on headcount and hours by location.

Office for National Statistics Reporting

- 1. Where there is a requirement for BCC to complete ONS reporting, BCC may contact schools and payroll providers with a request for data to contribute to a return. This should be responded to swiftly enough for BCC to meet any ONS deadlines.
- 2. BCC will compile and consolidate any data and respond on behalf of all BCC employees.

Year-end financial reporting

Statutory Reporting					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
Year-end financial reporting		BCC will provide a template for completion	Schools will complete the template based on financial information	•	Agreed CFR position for schools in proforma template (year-end workbook)

DfE

Year-end financial reporting

1. BCC will provide the appropriate template annually and work with schools to agree balances. This process will be communicated to schools via Noticeboard and Schools Finance will work with schools throughout.

Reward and Pay

Meet the team

The Benefits team sits within Total Reward, part of HR, OD and Payroll. They are focused on the portfolio of employee benefits BCC offers to its employees ensuring that all related checks, procedures and policies are followed. Your contacts initially for all employee benefits matters will be:

Please contact the team through myrewards@birmingham.gov.uk

Summary of responsibilities

Ensuring BCC staff have access to appropriate rewards

Reward and Pay Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
Ensuring BCC staff have access to appropriate rewards		 BCC will sign up employees to benefits once notified of a new starter BCC will manage any changes to employee benefits BCC will be responsible for curtailing of benefits once notified of a leaver or change to circumstance 	 Schools will advertise benefits to staff Schools will be responsible for the payment of invoices Schools will confirm to BCC that employees requesting benefits meet the criteria required. Schools will ensure that mechanisms are in place for salary sacrifice via payroll. 	 Payroll providers will be responsible for the appropriate deductions from staff in relation to benefits such as cycle to work scheme etc. Payroll providers will conduct check employees are still above NMW before applying deductions. 	Details of any starters and leavers

	 BCC will manage the payment of any benefit BCC will manage the contracts with employee benefit vendors BCC will advertise benefits to staff BCC will issue invoices related to benefits BCC will provide deduction information to schools/payroll providers BCC will conduct checks on payroll data to ensure that national minimum wage and other conditions for continuing benefits are being met 	Schools will conduct checks if there are changes to contracts that conditions are still being met.		
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Ensuring BCC staff have access to appropriate rewards

- 1. Schools or providers should inform BCC of any starters and leavers at Myrewards@birmingham.gov.uk
- 2. BCC will sign up new starters to the appropriate benefits.
- 3. Where an employee seeks a benefit requiring salary deduction schools or payroll providers must check that the individual will not fall below the national minimum wage after deductions.
- 4. BCC should be notified at Myrewards@birmingham.gov.uk and will sign the employee up to the benefit. BCC will provide the school or provider with deduction information.
- 5. BCC will invoice the school for the associated total.
- 6. BCC will terminate access to benefits for any leaver.

Employee and Industrial Relations

Meet the team(s)

Paul Tulett - Assistant Director ER and IR

Industrial Relations Team

The Industrial Relations team sits within HR, OD and Payroll and is responsible for maintaining positive and productive working relations with staff and union representatives.

Mike Welch - Head of IR Transformation

Aisla Nicholls – IR Lead (Schools, Children and Families, Adult Social Care, PPS)

Simon Doster – IR Lead (JE Project, City Ops, Housing)

Lisa Crandon – IR Consultant

Employee Relations Team

The Employee Relations Team sits within HR, OD and Payroll and supports Employee relations focus on fostering positive, productive relationships among employees and between employees and management. The Employee Relations team plays a critical role in resolving disputes and implementing fair policies.

Zoe Stanbrook - Head of Employee Relations

Bal Lolay – Employee Relations Manager

Summary of responsibilities

Ensuring restructures are compliant and funded

Employee and Industrial Relations Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
Ensuring restructures are compliant and funded	Education Act 2002 – 37	 BCC will provide a template for restructure business cases BCC will review due process will be followed and the school's plan for compliance Where there are rejections, BCC will return the business case to schools for amendment BCC will support any appeals from staff where there is a procedural flaw in the restructure process - see dismissal 	 Schools will work with their HR provider to complete the restructure business case template. Schools will submit the restructure business case template to BCC for approval before beginning any restructures. 	HR providers will provide compliant advice to complete restructure business case templates and complete restructures compliantly	A restructure business case

Ensuring restructures are compliant and funded

1. Where a school identifies the need for a restructure, they should work with their HR provider and Schools Financial Services to complete a restructure business case.

- 2. Schools should send the restructure business case to Schools Financial Services at sfs@birmingham.gov.uk, Schools Financial Services will assess the financial viability of the restructure proposals and sign off any associated redundancy costs.
- **3.** Once signed off, Schools Financial Services will pass the business case to School Improvement to seek appropriate financial approval from spend control and Industrial Relations to check and sign off the consultation process is compliant.
- **4.** Once all approvals are received (financial and compliance), School Improvement will notify the school.
- **5.** Schools should implement restructures in line with their business plan.
- 6. Where restructures result in terminations, the list of employees requiring termination should be sent alongside the business case to the Employee Relations team via bccHR@birmingham.gov.uk. Employee Relations will send letters to the terminated employees.

Revision of policies and procedures

Employee and Industrial Relations					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
Revision of policies and procedures	The School Teachers' Pay and Conditions (England) Order 2024 Employment Rights act 1996 Equality Act 2010	 BCC will develop employment policies for schools which meet statutory requirements. BCC will reserve the right to audit that school policies comply with legislative requirements. BCC will conduct union consultation on 	 Schools will ensure they adopt appropriate employment policies that comply with current employment law and adhere to the DFE advice on statutory policies for schools. The following are some of the employment related 	HR and Payroll providers will act in line with BCC's policies	

The Education (School Teachers' Appraisal) (England) Regulations 2012 Keeping Children Safe in Education (KCSiE)) School Staffing (England) Regulations 2009 - 17 The Education (School Teachers' Appraisal) (England) Regulations 2012	policy changes where required • BCC will share any updates to policies with schools and HR or Payroll providers	policies required to meet general employment law and various school staffing regulations: Capability of staff Teacher appraisal Teachers Pay Central record of recruitment and vetting checks Staff Discipline and Conduct Staff Grievance Sickness absence Equal opportunities Code of Conduct		
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Revision of policies and procedures

- **1.** BCC will ensure that schools have access to HR policies for schools which meet statutory requirements. On the closure of the Schools HR service, these will be hosted on the BCC website at Working in schools | Birmingham City Council along with relevant guidance, templates and essential documents.
- **2.** Schools will ensure they adopt appropriate employment BCC policies and adhere to the DFE advice on statutory policies for schools.
- **3.** BCC will review and update policies in line with legislative change or best practice. Where changes require consultation, BCC will conduct union consultation with recognised unions.

4. BCC will share any updates to policies with via announcements in noticeboard and updates to policies on the <u>Working in schools</u> webpage. BCC will share any updates to policies with HR and Payroll providers via either routine engagement or email to a nominated contact.

Dismissing staff

Employee and Industrial Relations Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
Dismissing staff	School Staffing (England) Regulations 2009 - 7 The Education Act 2002, Chapter 3 Section 35 part 5	 BCC will allocate resource to oversee cases BCC will consider the information received and will offer advice to or refer to the TRA. In cases where the school determines that a referral is not required BCC may still refer if they determine a referral is necessary. 	 Schools will provide information on the number of cases which could result in dismissal by stipulated deadline Schools will inform BCC of any proposed dismissal of an employee at the earliest opportunity: Schools will ensure any paperwork issued to employees and policies are clear that a local authority officer may attend dismissal hearings. Schools will issue the notification to the local authority that they intend to hold a disciplinary hearing of 	HR providers will hold data in line with requirements	Number of any ongoing cases in schools which could result in dismissal. Details of any case which has the outcome of any member of staff being dismissed

which the outcome may be the dismissal of an employee, including a full copy of the documentation supporting the hearing. To enable the LA to reach a decision for attendance at the earliest opportunity, and a minimum of 10 working days prior to the hearing. In the event of attendance of a local authority representative, provisions should be made to observe all stages of the process, including deliberation. This is to enable advice to be provided and seriously considered before a decision is reached. Where the governing body determines that any person employed or engaged by the authority to work at the school should cease to work there,
cease to work there, it must notify the authority in writing of

	its determination and	
	the reasons for it.	

Dismissing staff

- 1. Where a school identifies a case which could result in dismissal, they should notify Employee Relations by emailing bccHR@birmingham.gov.uk. This notification should include details of the disciplinary, expected investigation end date and expected hearing date. To enable the LA to reach a decision for attendance at the earliest opportunity, and a minimum of 10 working days prior to the hearing.
- **2.** Employee Relations will contact the school within 10 working days to confirm receipt, seek further information, request a hearing bundle or confirm whether BCC intends to attend any formal meetings. BCC will consider the information received and will offer advice to or refer to the TRA. In cases where the school determines that a referral is not required BCC may still refer if they determine a referral is necessary.
- **3.** If BCC attends any stages of the process, including deliberation, this is to enable advice to be provided and seriously considered before a decision is reached.
- **4.** Where the governing body determines that any person employed or engaged by the authority to work at the school should cease to work there, it must notify the authority by emailing bccHR@birmingham.gov.uk of its determination and the reasons for it.
- **5.** BCC will issue a dismissal letter to the individual, confirming the end of their employment with the local authority.
- **6.** Schools should ensure that appropriate provisions are made to remove the employee from the HR and Payroll systems used by the school.

Suspending staff

Employee and Industrial Relations Process	Legislation	BCC Responsibilities	School Responsibilities	Provider	Data requirement
1100000	Legisiation	Dee responsibilities	Seriodi Responsisimaes	Responsibilities	Bata requirement
Suspending staff	The School Staffing (England) Regulations 2009 (19) Keeping Children Safe in Education (KCSIE)	 Upon receipt of the notification of suspension, BCC will: Acknowledge receipt of the suspension notification. Log the notification. For suspensions with safeguarding allegations assurances will be sought that the school have followed appropriate reporting procedures. The LADO will support schools in managing these allegations and will refer any relevant information back to the Local Authority as the employer. Relevant local authority colleagues may attend position of trust meetings. 	 The governing body or the head teacher (with delegated powers) may suspend any person employed or engaged otherwise than under a contract of employment to work at the school where, in the opinion of the governing body or (as the case may be) the head teacher, such suspension is required. The school (whether that be the governing body or headteacher) must immediately inform the local authority when a person is suspended, using the local authority's notification template. Governing bodies should ensure there 	HR and Payroll providers will act in line with BCC's policies	Details of any suspensions for any member of staff.

BCC will conduct TRA	are procedures in	
Referrals where	place to manage	
required	concerns/allegations,	
	against staff	
	(including volunteers	
	and agency staff)	
	that might indicate	
	they would pose a	
	risk of harm to	
	children. Such	
	allegations should be	
	referred to the	
	designated officer(s)	
	at the local authority.	
	 Confirmation that the 	
	Governing Body are	
	meeting their	
	obligations for a duty	
	of care for the	
	suspended employee.	
	In safeguarding	
	allegations, the	
	school must notify	
	the Local Authority	
	LADO in accordance	
	with regulations and	
	manage the outcome	
	of advice received by	
	the LADO ensuring	
	the local authority is	
	informed of any	
	actions or	
	investigations.	
	 Only the governing 	
	body may end a	
	suspension.	

	On ending a suspension, the governing body must immediately inform the local authority and the head teacher using the local	
	authority's notification template.	

Suspending staff

- **1.** Where a school identifies a case which could result in suspension, they should notify Employee Relations by emailing bccHR@birmingham.gov.uk.
- 2. Upon receipt of the notification of suspension, BCC will:
 - a. Acknowledge receipt of the suspension notification within 3 working days.
 - b. Log the notification.
 - c. For suspensions with safeguarding allegations assurances will be sought that the school have followed appropriate reporting procedures.
 - d. The LADO will support schools in managing these allegations and will refer any relevant information back to the Local Authority as the employer.
 - e. Relevant local authority colleagues may attend position of trust meetings.
 - f. BCC will conduct TRA Referrals where required
- **3.** In safeguarding allegations, the school must notify the Local Authority LADO in accordance with regulations and manage the outcome of advice received by the LADO ensuring the local authority is informed of any actions or investigations.

TUPE processes

Employee and Industrial Relations Process	Legislation	BCC Responsibilities	School Responsibilities	Provider	Data requirement
1100033	Legisiation	Dec Responsibilities	School Responsibilities	Responsibilities	Data requirement
TUPE processes	1981 European Acquired Rights Directive. Transfer of Undertakings (Protection of Employment) Regulations 2006. Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014 (TUPE)	 BCC will receive and exchange final due diligence information. Consult with staff representatives as required. Inform staff in writing of the proposed TUPE transfer. Attend staff consultation meetings where appropriate. Education Infrastructure Team are required to notify when a TUPE of school employees is required. ensure procedural compliance throughout the process 	 Where TUPE does not relate to academisation, schools will notify BCC of the TUPE and submit the appropriate restructure business case. For all TUPE processes, Schools will inform BCC of a proposed TUPE situation at the earliest opportunity but as a minimum requires three months' notice. To provide BCC with employment information to ensure that it is able to comply with its statutory obligation in the collation of due diligence information and consultation with staff representatives. 	HR and Payroll providers will provide relevant information for the completion of a restructure business case or CTA in the requested format by the specified deadline.	Restructure business case Data for completion of Commercial Transfer Agreement

TUPE processes

1. Where a School intends to perform a TUPE in or out of the School they should inform Employee Relations by submitting an email to bccHR@birmingham.gov.uk. BCC require a minimum of 3 months notice of any TUPE.

Authorisation of Settlement Agreements

Employee and Industrial Relations Process	Legislation	BCC Responsibilities	School Responsibilities	Provider	Data requirement
1100035	Legislation	DCC Responsibilities	ochool Responsibilities	Responsibilities	Data requirement
Authorisatio n of Settlement Agreements	Employment Rights Act 1996 (138) (139)	 BCC will ensure that appropriate legal and senior management approval is sought. Once a settlement has been agreed BCC will provide a standard template which forms the basis of a tripartite agreement signed by the employee, school and Local Authority. 	 Where the governing body determines that any person employed or engaged by the authority to work at the school should cease to work there, it must notify the authority in writing of its determination and the reasons for it. Where the school intends to enter into a settlement agreement it must: Notify the Local Authority of the potential for a settlement agreement and the reasons for it. 	Where instructed by schools, HR providers will draft a settlement using the appropriate template, to be signed off by the employee, school and Local Authority.	Details of any situation where the school intends to enter into a settlement agreement.

Seek prior agreement from the DCS or nominated officer before entering into discussions with the employee. Use the DMBC standard settlement agreement template. Adhere to KCSIE to ensure that confidentiality clauses are not used that prevent safeguarding allegations being followed up and referred as appropriate.
 Ensure the Council is a signatory to the agreement. Meet the cost of the independent legal advice that is given to the employee, a statutory requirement, N.B. Settlement agreements can also be used in circumstances when the contract of employment continues. In these cases, the same process should be followed

Authorisation of Settlement Agreements

- 1. Where a school and their HR provider determine that a settlement agreement is required to terminate an employee's employment, they should complete the Settlement Agreement Business Case template. This should be sent to bccHR@birmingham.gov.uk
- 2. Employee Relations will review the business case and revert with any further questions.
- 3. Once ER are content, BCC will obtain sign off from Director ER and IR, as well as Head of Employment Law.
- 4. BCC will revert the signed off business case to the School/HR provider to progress settlement negotiations in line with the business case.
- 5. Once the settlement agreement is agreed, they draft agreement should be provided to BCC via the bccHR@birmingham.gov.uk email address. Employee Relations will obtain BCC signatory.

Attendance at Safeguarding/ POT meetings and appropriate referrals to regulating bodies

Employee and Industrial Relations Process	Legislation	BCC Responsibilities	School Responsibilities	Provider	Data requirement
Attendance at Safeguardin g/ POT meetings and appropriate referrals to regulating bodies	Education Act 2011 (141D) and Keeping Children Safe in Education (KCSiE)	 BCC will consider the information received and will offer advice to or refer to the TRA. In cases where the school determines that a referral is not required the local authority may still refer if they determine a referral is necessary. The local authority should always be one of the named 	 Schools will provide BCC with employment information to ensure that it is able to comply with its statutory obligation in the collation of due diligence information and consultation with staff representatives. Schools will notify the local authority in writing of the action it proposes to take in the light of the 	Responsibilities	Information as appropriate to allow BCC to conduct responsibilities.

contacts on a TRA referral. • Where BCC has any serious concerns about the performance of the Head Teacher of a school, BCC will make a written report of its concerns to the governing body of the school and at the	authority's report of concerns about the performance of the Head Teacher.	
school and at the same time send a copy of the report to the head teacher.		

Attendance at Safeguarding/ POT meetings and appropriate referrals to regulating bodies

- 1. Where a Safeguarding/POT meeting is arranged, the School/HR provider should provide background information and details of the meeting to Employee Relations via bccHR@birmingham.gov.uk.
- 2. Employee Relations will arrange to attend to oversee formal ER processes.
- 3. The School/HR provider should inform the BCC Compliance team of any referral that should be made to a regulating body by emailing bccHR@birmingham.gov.uk.

Employment tribunals

Employee and Industrial Relations Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
Employment tribunals	Education (Modification of Enactments relating to Employment) (England) Order 2003 (section 6, part 4a and b). The Education Act 2002, Part 3 Section 35.	 The authority, on written application to the employment tribunal, is entitled to be made an additional party to the proceedings and to take part in the proceedings accordingly. BCC will consider the notification and decide whether it should be a joint respondent. The authority is then able to make a written application to the employment tribunal and is entitled to be made an additional party to the proceedings and to take part in the proceedings if they wish. 	 Where any application is made against a governing body under paragraph 2 the governing body must notify the authority within 14 days of receiving notification. The Governing body is required to notify the authority within 14 calendar days of receiving notification of an application/proceedings in the ET. At the earliest opportunity the school must provide a copy of the ACAS / employment tribunal documentation (n.b conciliation deadlines can be as short as two weeks and therefore documents 		Details of any notification of an application/ proceeding in the ET. ACAS / employment tribunal documentation

documentation.

Employment tribunals

- 1. Where the School is made aware of an Employment Tribunal, they should inform BCC by submitting the details of the tribunal and case to bccHR@birmingham.gov.uk.
- 2. Employee Relations and Employment Law will consider whether it is suitable to be party to the proceedings.

Union consultation/Trade dispute resolution

Employee and Industrial Relations					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
Union consultation /Trade dispute resolution	Trade Union and Labour Relations (Consolidation) Act 1992.	 BCC will attend consultation and engage with unions to ensure policies are followed correctly. BCC will be responsible for the ownership and 	 Schools will act on behalf of the employer to adhere to policy and procedures. Schools will communicate with BCC to enable the 	Providers will Refer to BCC on all statutory consultation.	Details of any local disputes or unresolved issues/failures to agree. Strike day sit rep information.

and respondent declaring BCC will of manage of	on consultation where appropriate. acknowledge ond to letters of dispute. chair and consultation where appropriate. Schools will engage in resolution processes. Schools will work to provide solutions to	
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Union consultation/Trade dispute resolution

- 1. Formal consultation with recognised Trade Unions via the JCC forum will now be owned and run by the Industrial Relations team with relevant information being shared with schools as appropriate/necessary.
- 2. Facilities time and recognition agreements for Trade Unions will be administered by Industrial Relations team (for schools where BCC remains the employer as per letter from Dr Sue Harrison).
- 3. Any formal dispute correspondence received by a school should be forwarded to Aisla Nicholls (aisla.nicholls@bham.gov.uk for formal acknowledgement & adherence to process; schools will be advised directly by Industrial Relations of the specifics relating to the resolution process.

Compliance

Meet the team

People Operations Resourcing, Recruitment and Compliance sits within HR, OD and Payroll and consists of four team members and are here to ensure that processes are followed appropriately. Please contact the team through: bcchr@birmingham.gov.uk

Summary of responsibilities

Ensuring BCC staff are employed legally

Compliance	Compliance				
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
Ensuring BCC staff are employed legally	School Staffing (England) Regulations 2009 - 18 Immigration, Asylum and Nationality Act 2006 - 15 Keeping Children Safe in Education (KCSiE)	 BCC will conduct reasonable checks that processes are being followed compliantly. BCC will highlight where errors or noncompliance is found. Where any concerns are flagged on preemployment checks BCC will act in line with appropriate safeguarding and referral/reporting policies. 	 Schools will check relevant paperwork to confirm a candidate has the right to work in the UK at interview. Schools will be responsible for conducting DBS checks ahead of employment. 	Where instructed by schools, HR providers will conduct preemployment checks such as DBS or reference checks in line with regulation and BCC policies.	Pre-employment checklist including evidence of DBS, new starter details and evidence of right to work.

Ensuring BCC staff are employed legally

Ensuring Compliance

- 1. HR/Payroll providers will send BCC People Operations Compliance payroll reports of all New Hires from previous payroll month.
- 2. BCC People Operations Compliance will identify records where spot checks will be required to be completed by Compliance Team to identify Right to Work in the UK and DBS checks have been completed at the appropriate level.
- 3. BCC People Operations Compliance will then request this documentation from the HR/Payroll Provider. Schools are required to provide all relevant documentation to the HR Provider and evidence documents are recorded on their Single Central Record and retained on the employee's personnel file.
- 4. Any non-compliance identified, BCC People Operations Compliance will notify the relevant Provider and or School.
- 5. HR/Payroll Provider will be expected to conduct a review of this non-compliance and report back to BCC People Operations Compliance within the agreed SLA. HR/Payroll providers to notify the school/employee(s) as appropriate.
- 6. HR/Payroll provider and/or school will ensure the non-compliance is corrected and notify BCC People Operations Compliance.
- 7. Subject to the level of non-compliance, matters may be referred to the Executive Director of Children's & Families or other internal governance boards to determine appropriate action.

Ensuring BCC staff have the appropriate qualifications

Compliance					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
Ensuring BCC staff have the appropriate qualification s	The School Teachers' Pay and Conditions (England) Order 2024	 BCC will conduct reasonable checks that processes are being followed compliantly. BCC will highlight where errors or noncompliance is found. 	Schools will check relevant paperwork to confirm a candidate has the appropriate qualifications in line with BCC, green book, burgundy book pay and conditions and STPCD ahead of beginning employment.		Pre-employment checklist including evidence of qualifications.

Ensuring BCC staff have the appropriate qualifications

- 1. HR/Payroll providers will send BCC People Operations Compliance payroll reports of all New Hires from previous payroll month.
- 2. BCC People Operations Compliance will identify records where spot checks will be required to be completed by Compliance Team to identify appropriate qualifications as identified on the Person specification.
- 3. BCC People Operations Compliance will then request this documentation from the HR/Payroll Provider. Schools are required to provide all relevant documentation to the HR Provider and evidence documents are recorded on their Single Central Record and retained on the employee's personnel file.
- 4. Any non-compliance identified, BCC People Operations Compliance will notify the relevant Payroll Provider.
- 5. HR/Payroll Provider will be expected to conduct a review of this non-compliance and report back to BCC People Operations Compliance within the agreed SLA. HR/Payroll providers to notify the school/employee(s) as appropriate.
- 6. HR/Payroll provider and/or school will ensure the non-compliance is corrected and notify BCC People Operations Compliance.
- 7. Subject to the level of non-compliance, matters may be referred to the Executive Director of Children's & Families or other internal governance boards to determine appropriate action.

Skilled worker sponsorship

Compliance							
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement		
Skilled worker sponsorship	The School Teachers' Pay and Conditions (England) Order 2024 BCC Model Pay Policy The Immigration and Nationality (Replacement of Tier 2 and Fees) (Amendment) (EU Exit) Regulations 2020	 BCC will hold a Sponsor Licence and issue Certificates of Sponsorship where applicable to eligible members of staff. Where BCC agrees to sponsor a skilled worker visa for a member of staff, BCC will organise appropriate legal, finance and governance approvals within BCC. BCC will complete relevant paperwork and apply for the Certificate of Sponsorship on behalf of the school. 	 Schools will seek approval from BCC before offering sponsorship or employment to any individual. Schools will be responsible for communication with the candidate throughout the process and gathering the required information from the candidate to complete the associated paperwork. Schools will comply with all BCC policies regarding visa sponsorship. 	Where instructed by schools to assist with skilled worker sponsorship, HR providers will act in line with regulation and BCC policies.	Pre-employment checklist including any details of sponsorship requirements.		

Skilled worker sponsorship

- 1. Schools must not make any offer of employment without relevant Right to Work in the UK.
- 2. At interview stage, the school must ensure that the candidate is able to identify Right to Work.
- 3. In instances where the candidate is unable to provide evidence and the school wishes to consider Skilled worker sponsorship the school must contact sponsorship@birmingham.gov.uk requesting further guidance and instruction.

Ensure contracts are issued on time and are accurate

Compliance							
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement		
Ensure contracts are issued on time and are accurate		 BCC will conduct reasonable checks that contracts are compliant with BCC, green book, burgundy book pay and conditions and STPCD. BCC will highlight where errors or noncompliance is found. 	 Schools will be responsible for the issuing of contracts in line with BCC templates and policies to any new member of staff. Schools will hold copies of all contracts for staff in line with GDPR regulation. Schools will provide copies of issued contracts for checking when requested by BCC. Schools will resolve and correct errors or noncompliance where notified. 	 Where instructed by schools, HR providers will act in line with BCC, green book, burgundy book pay and conditions and STPCD. HR providers will issue contracts on time. HR providers will resolve and correct errors or noncompliance where notified. 	Copies of contract on request.		

Ensure contracts are issued on time and are accurate

- 1. HR/Payroll providers will send BCC People Operations Compliance payroll reports of all New Hires from previous payroll month.
- 2. BCC People Operations Compliance will identify records where spot checks will be required to be completed by Compliance Team to identify whether the contract issued is correct as per BCC or Teachers Pay and Terms and Conditions of service and whether the contract has been issued prior to commencing employment as per The Good Work Plan.

- 3. BCC People Operations Compliance will then request this documentation from the HR/Payroll Provider. Schools are required to provide all relevant documentation to the HR Provider and retain on the employee's personnel file.
- 4. Any non-compliance identified, BCC People Operations Compliance will notify the relevant HR/Payroll Provider.
- 5. HR/Payroll Provider will be expected to conduct a review of this non-compliance and report back to BCC People Operations Compliance within the agreed SLA. HR/Payroll providers to notify the school/employee(s) as appropriate.
- 6. HR/Payroll provider and/or school will ensure the non-compliance is corrected and notify BCC People Operations Compliance.
- 7. Subject to the level of non-compliance, matters may be referred to the Executive Director of Children's & Families or other internal governance boards to determine appropriate action.

Quick Reference Contacts

Pensions

externalpensions@birmingham.gov.uk

Schools Finance/Schools Financial Services

<u>Schoolsfinance@birmingham.gov.uk</u>

sfs@birmingham.gov.uk

Employee Relations

bccHR@birmingham.gov.uk

Industrial Relations

paul.tulett@birmingham.gov.uk

mike.welch@birmingham.gov.uk

aisla.nicholls@birmingham.gov.uk

Pay and Policy Compliance

Pay.Compliance@birmingham.gov.uk

Resourcing Compliance

bccHR@birmingham.gov.uk

sponsorship@birmingham.gov.uk

Reward

Myrewards@birmingham.gov.uk

	Version Control	Sign Off	Issued	Review Date
V.1	Confirmation of BCC's statutory duties and ongoing compliance and assurance role developed as part of the Schools HR, Payroll and Finance Project.	Director of Children and Families – Dr Sue Harrison Director of People Services – Katy Fox	30/01/2025	23/01/2026
V.2	Sections and detail added - Principles for continued statutory delivery, contents, process guidance for each process, quick reference contacts	Process Owners	28/04/2025	28/04/2026