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 pensions funds (LGPS and TPS)	• 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 (Help for registration	• 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 contributions based	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) Details of any retirements/death

Pensions					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
		• BCC will receive the notification of any changes. • BCC will submit change to LGPS or TPS	on portal etc is LGPS or TPS)	on policies and legislation. • Payroll providers will pay all contributions deducted to BCC by the specified date (no later than 1st of the month) and the contributions paid must match those specified on the monthly data files	in service, etc. (templates provided)

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. A separate consolidated return should be provided for any AVCs.
2. Returns should be sent to externalpensions@birmingham.gov.uk and should reference the month, pension fund and provider in the subject line.
3. Schools will be responsible for paying any penalty associated with late payments where data has been submitted late.
4. 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.
5. 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).
6. BCC will complete registration of any new starters and return appropriate details to the providers as required.
7. 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 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.

Assurance					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
			• Where necessary, Schools may be 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.

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

Statutory Reporting					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
					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

For the 2025 SWFC

1. Schools HR will provide uncleansed SWFC reports from Oracle for contract, for the relevant period until the school offboarding date.
2. The schools will need to combine the data provided with their data post offboarding to provide a complete data set.
3. The school will collect their own on census date (6 November 2025) data relating to qualifications and members as BCC does not have access to this data.

4. BCC will provide a timeline for SWFC submission.
5. Schools and or their providers (depending on the service purchased) will submit the SWFC through the DFE collect portal.
6. BCC will authorise the submission on collect.
7. BCC will not be validating the data provided by the school.

For SWFC submissions from 2026 onwards

1. BCC will provide a timeline for SWFC submission.
2. Schools and or their providers (depending on the service purchased) will submit the SWFC through the DFE collect portal.
3. BCC will authorise the submission on collect.
4. BCC will not be validating the data provided by the school.

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 Noticeboard - 03 April 2025 - Noticeboard	• Schools will complete the template based on financial information	•	Agreed CFR position for schools in proforma template (year-end workbook)

Statutory Reporting					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
		• BCC will agree balances based on reconciliation • BCC will upload to collect and submit to 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 Transformation. 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 platform upon application from the employee • BCC will manage any changes to employee benefits • BCC will be responsible for curtailing of salary sacrifice benefits once notified of a leaver or change to circumstance • BCC will manage the payment of salary sacrifice benefits	• 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. • Schools will conduct checks if there are changes to contracts that conditions are	• 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 employees check that they are still above NMW before applying deductions.	Employee data relative to the each benefit requirements. Such As Employee Name, Annualised data, Date of Birth, Actual Salary, Start date and (if employee is on a FTC) employment End date

Reward and Pay					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
		• BCC will manage the contracts with employee benefit vendors • BCC will advertise benefits to staff • BCC will issue invoices related to salary sacrifice 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	still being met. For example National Minimum Wage check.		

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 employees to our benefits platform upon application from the employee.
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 approve the application for the employee 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

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.

Sally-Ann McKevitt – 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 seek appropriate financial approval from spend control, and pass the business case to Legal and Industrial Relations to check and sign off the consultation process is compliant. At this stage school improvement will be notified and consulted on the business case for comment and suggestions.
4. Once all approvals are received (financial, compliance and school improvement), Schools Financial Services 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 BCC ER via bccHR@birmingham.gov.uk. BCC ER will review the business case and the list and if approved, will issue a LA dismissal letter(s) to the school for the school to send to the employee(s), confirming the end of their employment with the local authority. BCC ER will require a minimum of 10 working days for the review and issue of the LA dismissal letter(s) to the school.
7. Where there are any appeals hearings against redundancies, the school should notify BCC ER by emailing bccHR@birmingham.gov.uk. this notification should include details of the appeal, all relevant documents and expected hearing date. To enable the LA to reach a decision for attendance at the earliest opportunity and review, a minimum of 8 working days is required prior to the 10 working days' notice provided to the employee for the hearing.
8. BCC ER will contact the school within 8 working days to confirm receipt, seek further information, request a hearing bundle or confirm whether BCC intends to attend the hearing.

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	• 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.	• 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.	• HR and Payroll providers will act in line with BCC's policies	

Employee and Industrial Relations					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
	Equality Act 2010 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	• BCC will conduct union consultation on policy changes where required • BCC will share any updates to policies with schools and HR or Payroll providers	• The following are some of the employment related 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		

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 where necessary.
4. BCC will share any updates to policies with via announcements in noticeboard and updates to policies on the Working in schools 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.	• 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

Employee and Industrial Relations					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
			• Schools will issue the notification to the local authority that they intend to hold a disciplinary hearing of 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		

Employee and Industrial Relations					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
			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.		

Dismissing staff

1. Where a school identifies a case which could result in dismissal, they should notify BCC ER 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, a minimum of 8 working days is required prior to 10 working days' notice provided to the employee for the hearing.
2. BCC ER will contact the school within those 8 working days to confirm receipt, seek further information, request a hearing bundle or confirm whether BCC ER intends to attend any formal meetings. BCC ER 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 ER 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 ER will review the determination to cease letter and if approved, will issue a LA dismissal letter to the school for the school to send to the employee, confirming the end of their employment with the local authority. BCC ER will require a minimum of 10 working days to review and issue the LA dismissal letter to the school.
6. Schools should ensure that appropriate provisions are made to remove the employee from the HR and Payroll systems used by the school.

7. Where there are any appeals hearings against dismissal, the school should notify BCC ER by emailing bccHR@birmingham.gov.uk. this notification should include details of the appeal, all relevant documents and expected hearing date. To enable the authority to reach a decision for attendance at the earliest opportunity and review, a minimum of 8 working days is required prior to the 10 working days' notice provided to the employee for the hearing.
8. BCC ER will contact the school within those 8 working days to confirm receipt, seek further information, request a hearing bundle or confirm whether BCC ER intends to attend the hearing.

Suspending staff

Employee and Industrial Relations					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data 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. • BCC will conduct TRA Referrals where required	• 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 are procedures in place to manage concerns/allegations, against staff (including volunteers and agency staff)	• HR and Payroll providers will act in line with BCC's policies	Details of any suspensions for any member of staff.

Employee and Industrial Relations					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
			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		

Employee and Industrial Relations					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
			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 BCC ER as soon as possible and no longer than 24 hours by emailing bccHR@birmingham.gov.uk.
2. Upon receipt of the notification of suspension, BCC ER 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 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 BCC ER by submitting an email to bccHR@birmingham.gov.uk with full details including the indictive transfer date, the reason(s) for the TUPE transfer, the affected area, the affected number of staff etc
2. BCC ER will acknowledge within 8 working days and review in conjunction with BCC legal. As part of this review, BCC ER and BCC legal may contact the school for further clarification or information.
3. The school should have an incoming/outgoing employer identified prior to submitting their email to BCC ER. If an incoming/outgoing employer has not been identified, BCC ER will not be able to commence with the TUPE process with the school. Please note, BCC ER will not be able to support the school in identifying the incoming or outgoing employer.
4. The TUPE process requires a minimum of 3 months to be completed however the school will need to factor school holidays/term time dates as this could also impact on the TUPE timescales. Please note that BCC ER may not be able to support a TUPE transfer if the school does not adhere to the timescales.
5. BCC ER will support the TUPE process and attend any necessary consultation meetings with staff and unions.
6. BCC Legal will provide the Commercial Transfer Agreement (where required) to the incoming employer with a minimum 28 days prior to the transfer date

Authorisation of Settlement Agreements

Employee and Industrial Relations					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
Authorisation 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 agreement template which forms the basis of a tripartite agreement	• 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 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.

Employee and Industrial Relations					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
		signed by the employee, school and Local Authority.	• 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. • 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		

Employee and Industrial Relations					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
			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. BCC ER will acknowledge within 8 working days and forward the business case to BCC legal to review. As part of this review, the school may be contacted for further clarification or information.
3. Once the business case has been reviewed by BCC legal, BCC ER will obtain sign off from Director ER and IR, Head of Employment Law and Head of Schools Financial Services.
4. Once all approvals have been obtained, BCC ER will inform the school that the business case has been approved and to progress with the settlement negotiations in line with the business case.
5. Once the settlement negotiations have been agreed, the school will need to notify BCC ER and BCC legal. Please note, if the negotiations have not been agreed in line with the approved business case for example if the financial amount has been increased, the school will need to send a revised business case and approvals will need to be sought again from BCC.
6. Following the school's notification, BCC legal will draft the agreement and email it to the school. The school and their HR provider will obtain the relevant signatures from the employee and their legal representative.

7. Once the agreement has been signed by the employee and their legal representative, the school will need to email the agreement to BCC ER and BCC legal to obtain the final signature from the Director of ER and IR.
8. Following the sign off, BCC legal will email the agreement back to the school for their HR provider to process.

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

Employee and Industrial Relations					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
Attendance at Safeguarding/ 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 contacts on a TRA referral. • Where BCC has any serious concerns about the performance of the Head Teacher of a school, BCC will make	• 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 authority's report of concerns about the performance of the Head Teacher.		Information as appropriate to allow BCC to conduct responsibilities.

Employee and Industrial Relations					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
		a written report of its concerns to the governing body of the 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 BCC ER via bccHR@birmingham.gov.uk.
2. The School/HR Provider should provide sufficient notice to BCC ER to attend this meeting, at least a minimum of 48 hours in advance of the meeting
3. BCC ER will arrange to attend to oversee formal ER processes.
4. 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 are required as soon as possible). • The school will act as the intermediary between the local		Details of any notification of an application/ proceeding in the ET. ACAS / employment tribunal documentation

Employee and Industrial Relations					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
			authority and the school HR provider. • The school should cooperate in providing all relevant documentation.		

Employment tribunals

1. Where the school is made aware of an Employment Tribunal, they should inform BCC ER by submitting the details of the tribunal and case to bccHR@birmingham.gov.uk. The school should inform BCC ER within 72 hours of receiving the Employment Tribunal notification
2. BCC ER and BCC legal will consider whether it is suitable to be party to the proceedings. As part of this consideration, BCC ER and BCC Legal may contact the school for further information.
3. The school will be notified within a reasonable period by BCC legal whether BCC will be 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 updating of	• Schools will act on behalf of the employer to adhere to policy and procedures. • Schools will communicate with BCC to enable the local authority to join	• 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.

Employee and Industrial Relations					
Process	Legislation	BCC Responsibilities	School Responsibilities	Provider Responsibilities	Data requirement
		recognition agreements. • BCC will acknowledge and respond to letters declaring dispute. • BCC will chair and manage dispute resolution process.	consultation where appropriate. • Schools will engage in resolution processes. • Schools will work to provide solutions to resolve dispute where it relates to schools operations.		

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: Peopleoperationscomplianceteam@birmingham.gov.uk

Summary of responsibilities

Ensuring BCC staff are employed legally

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 pre-employment 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 pre-employment 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. Schools will send Pay and Policy Compliance team all the data returns to be sent to Pay.compliance@birmingham.gov.uk.
2. BCC Resourcing and Compliance team will identify records where spot checks will be required to be completed by the 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. BCC Resourcing and Compliance team will then request additional documentation from the Schools. School's are required to provide all relevant documentation to BCC and evidence documents are recorded on their Single Central Record and retained on the employee's personnel file.
5. Any non-compliance identified, will be working closely with Pay and Policy Compliance to ensure appropriate actions are completed and sustained. BCC Resourcing and Compliance team will escalate, formally record, and followed up with corrective action and, where appropriate, reported to Senior Leadership and Head of Resourcing and Compliance.
6. Schools will be expected to conduct a review of this non-compliance and report back to BCC Resourcing and Compliance within the agreed SLA.
7. School will ensure the non-compliance is corrected and notify BCC Resourcing and Compliance team.
8. 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 qualifications	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. Schools will send Pay and Policy Compliance team all data returns to be sent to pay.compliance@birmingham.gov.uk
2. BCC Resourcing and Compliance team will identify records where spot checks will be required to be completed by the Compliance team to identify appropriate qualifications as identified on the Person specification.
3. BCC Resourcing and Compliance team will then request this documentation from the School's. Schools are required to provide all relevant documentation to the Resourcing and Compliance team and all evidence documents are recorded on their Single Central Record and retained on the employee's personnel file.
4. Any non-compliance identified, BCC Resourcing and Compliance team to ensure appropriate actions are completed and sustained. BCC Resourcing and Compliance team will escalate, formally record, and followed up with corrective action and, where appropriate, reported to Senior Leadership and Head of Resourcing and Compliance.
5. Schools will be expected to conduct a review of this non-compliance and report back to BCC Resourcing and Compliance within the agreed SLA.
6. 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. Schools will send Pay and Policy Compliance team all data returns to be sent to pay.compliance@birmingham.gov.uk.
2. BCC Resourcing and Compliance will identify records where spot checks will be required to be completed by the 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 Resourcing and Compliance team will then request this documentation from the School. Schools are required to provide all relevant documentation to the Resourcing and Compliance team and retain on the employee's personnel file. In addition, the team will require a copy of the recruitment advert for the position advertised.
4. Any non-compliance identified, BCC Resourcing and Compliance team to ensure appropriate actions are completed and sustained. BCC Resourcing and Compliance team will escalate, formally record, and followed up with corrective action and, where appropriate, reported to Senior Leadership and Head of Resourcing and Compliance.
5. Schools will be expected to conduct a review of this non-compliance and report back to BCC Resourcing and Compliance within the agreed SLA.
6. 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

Schoolsfinance@birmingham.gov.uk

sfs@birmingham.gov.uk

Employee Relations

bccHR@birmingham.gov.uk

Industrial Relations

paul.tulett@birmingham.gov.uk

mike.welch@birmingham.gov.uk

Pay and Policy Compliance

Pay.Compliance@birmingham.gov.uk

Resourcing Compliance

Peopleoperationscomplianceteam@birmingham.gov.uk

sponsorship@birmingham.gov.uk

Reward

Myrewards@birmingham.gov.uk

Subject Access Request (SAR)

infogovernance@birmingham.gov.uk

Number	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
V.3	Process details updated based on feedback from schools, providers and BCC teams	Process Owners	15/08/2025	15/08/2026