



Orleton CE Primary School



Kimbolton St James CE Primary School

STAFF CONDITIONS OF SERVICE POLICY SUITE

This policy will be reviewed and updated by the Governing Body at least annually.
All references to 'the school' imply both Orleton and Kimbolton Primary Schools.

Date signed off by Full Governing Body: Kimbolton: November 2021

Signed Adam Breakwell, Headteacher

Camilla Argyle, Orleton Chair of Governors

Gill James, Kimbolton Chair of Governors

Date next review due: Kimbolton: November 2022

Introduction

Our vision is rooted in 1 Corinthians 16:13-14: 'Keep alert, stand firm in your faith, be courageous, be strong. Let all that you do be done in love.' To this end, and in order to create a positive learning environment, it is essential that all staff are treated fairly and with dignity.

This suite of policies aims to provide an overview of policies relating to staff conditions of service. It does not replace the Hoople policies on these topics, which have been consulted on with Trade Unions, but provides a quick overview of key points. The detailed Hoople policies can be obtained from the school office.

This policy suite contains the following chapters:

[Chapter 1](#): Staff dignity at work

[Chapter 2](#): Staff parental leave, including shared parental leave

[Chapter 3](#): Redundancy policy

Complaints and whistleblowing

Complaints should follow the procedures as set out in the Complaints Policy on our website. Staff also have a responsibility to raise any concerns following the school's whistleblowing policy.

Compliance

This policy is set out in line with the Hoople HR policies, which are available from the school office.

CHAPTER 1: STAFF DIGNITY AT WORK

This chapter covers working relationships between work colleagues in school. The governing body is committed to developing and maintaining a working environment where its employees behave, and are treated, respectfully, and where the environment is free from harassment, bullying, or any other form of offensive behaviour.

Sometimes, issues will arise between colleagues. It is our policy to try and resolve matters informally if possible. This is most likely to achieve speedy, effective solutions and restore positive working relations. However, sometimes the issue may need formal resolution, particularly where these involve alleged bullying or harassment. An employee found guilty of behaviour in breach of this policy will face disciplinary action up to and including dismissal, depending on the seriousness of the case.

Informal resolution

Where appropriate, attempts should be made to address the issue informally. Where appropriate, the complainant may speak directly to the respondent to explain how their behaviour makes them feel. Where this is not appropriate, the headteacher may be informally notified and may speak to the respondent. Where informal conversations do not work, formal procedures may be necessary.

Formal procedure

A formal complaint must be put in writing to the headteacher (or chair of governors if the complaint is about the headteacher) and must explain the details of the complaint. The school will notify the Local Authority, acknowledge the complaint in writing, determine whether conciliation, mediation or arbitration may be appropriate; if not, initiate an investigation.

Investigation

An investigation will be carried out by the headteacher (or chair of governors), sometimes with support from an external advisor from the Local Authority or Diocese. It will include discussions with the complainant, the respondent and any witnesses. If it is serious enough to potentially constitute gross misconduct, the respondent may be suspended. A report will be completed within 15 days of receipt of the complaint. The outcome may be:

- addressing the complaint through informal means, or with the assistance of an external expert
- invoking the disciplinary procedure in respect of the respondent (or the complainant if the complaint is deemed to be malicious or frivolous)
- compiling an action plan, with timescales and monitoring arrangements, if necessary to help resume effective working relationships
- some other action as appropriate e.g. to mitigate the harmful effects of the harassment or bullying and deal with the risk of further distress to the employee

Appeals

Appeals about the process may be submitted to the headteacher, or chair of governors if the headteacher has been leading the investigation.

Appeals about the outcome may be submitted to the clerk to the governors who will convene a panel of governors to review the decision.

CHAPTER 2: PARENTAL LEAVE, INCLUDING SHARED PARENTAL LEAVE

Parental leave

The right to take parental leave is available to employees with one year's continuous service with the school (by the date on which the parental leave is to start) who have, or expect to have, responsibility for a child. In the case of adoptions, parental leave may be taken from the time of placement with the prospective adopters. Parents do not have to live with the child to qualify for the right to take parental leave.

Parental leave is to be taken for the purpose of caring for the child for example to:

- spend more time with the child
- accompany a child during a stay in hospital
- assess new schools
- help a child settle into new childcare arrangements
- enable the family to spend more time together – for example taking the child to stay with grandparents.

Parental leave may be added to maternity, birth or adoption support leave (paternity) subject to the terms and conditions of this policy and procedure.

The right to parental leave applies up to the child's 18th birthday. A total of up to 18 weeks unpaid parental leave may be taken for each qualifying child, including each child in a multiple birth or adoption. The total includes parental leave already taken for the child in question with a previous employer.

An employee may not normally take more than four weeks parental leave per year. If the leave is for less than 4 weeks, an employee is entitled to return to the same job; if it is for more than 4 weeks they are entitled to either the same job or suitable alternative.

An employee wishing to request parental leave must write to the headteacher, who will consider whether the request is valid and, if so, whether granting it would cause undue disruption to the school. The request may be granted, turned down or a postponement proposed. The requestor can appeal a decision by writing to the clerk to the governors who will convene a panel of governors.

Where an employee takes parental leave, at least one return-to-work meeting will take place prior to their return.

Shared parental leave

Shared parental leave entitles parents (birth parents or adoptive parents) to share leave (including being off at the same time) during their child's first year of life. A mother may give up some of her maternity leave in order for her partner to be eligible for shared parental leave. The mother must take at least two weeks of maternity leave so the maximum amount of leave that can be shared between parents is 50 weeks (although only 37 weeks of this is entitled to be paid). The mother may remain on maternity leave whilst her partner is on shared parental leave so long as the total amount of leave taken is not more than 50 weeks (plus the 2 weeks that the mother has to take on the baby's birth). In order to take shared parental leave, both mother and father must:

- be an employee
- share the primary responsibility for the care of the child with the other parent at the time of the birth
- have been continuously employed for at least 26 weeks by the end of the 15th week before expected week of birth
- provide their respective employers with a notice of entitlement, including necessary declarations and evidence

- give the employer a period of leave notice in order to book the leave period or periods that they wish to take

In addition a mother must satisfy a 'continuity of employment test' and their partner must meet the 'employment and earnings test':

Continuity of Employment Test	Employment and Earnings Test
Has worked for the same employer for at least 26 weeks at the end of the 15 th week before the child's expected due date and is still working for the employer at the start of each leave period.	In the 66 weeks leading up to the baby's due date, the person has worked for at least 26 weeks and earned a minimum amount per week (see DWP website for current weekly minimum) in any 13 weeks

Shared Parental Leave can be taken as a single block or continuous period, or as up to three separate blocks or discontinuous periods. Parents may take leave simultaneously or separately. A request for a continuous period of leave cannot be refused.

Requests for Shared Parental Leave must be made in writing using the forms noted in the Hoople policy that is available from the school office. A meeting will be arranged to discuss the request, and a letter will be sent summarising the outcomes of the meeting. An employee may subsequently withdraw or amend the request.

Arrangements for keep-in-touch and return-to-work meetings will be agreed with the employee.

The amount of shared parental pay available for parents to take between them is up to 37 weeks. Shared parental pay is paid as follows.

- 37 weeks at the lower of:
 - The statutory prescribed rate (see DWP website for current rates); or
 - 90% of the relevant parent's normal weekly earnings (subject to lower earnings limit)
- The remaining 13 weeks of any SPL are unpaid.

Unlike statutory maternity pay, the shared parental pay has no provision for the first 6 weeks to be paid at 90% of parents' actual weekly earnings to be claimed. This is the case even if the mother returns from maternity leave during the period when the higher level of maternity pay would have been available. However, the mother can remain on maternity leave whilst her partner is on shared parental leave.

If either mother or partner wished to claim shared parental pay then the mother must give notice to reduce or end their maternity pay.

CHAPTER 3: REDUNDANCY POLICY

The headteacher is responsible for continuously reviewing the best staffing structure to deliver the school's objectives. Occasionally, this may result in substantial changes to roles, or in redundancies. Where this is likely to be the case, the headteacher will consult with the Local Authority (Orleton) or Diocese (Kimbolton) and prepare a detailed proposal. This proposal will be considered by the governing body. If adopted, the governing body will agree with the headteacher the process to be followed. Key elements of the process will be:

Informing staff, representatives and trade unions of the potential need for redundancies as soon as is reasonably practicable via an initial meeting that will explain the reason for the redundancies and the process to be followed:

- seeking opportunities to avoid redundancies e.g. reducing staff numbers through natural turnover, seeking volunteers for voluntary redundancy or early retirement;
- the headteacher will invite employees where redundancies are needed to be made to complete a skills audit, which will be used as the basis to implement relevant selection criteria should this be necessary in later stages;
- meaningful and constructive consultation throughout with employees and trade unions;
- ensuring that employees are treated equitably and fairly throughout the process;
- if, following consultation and the exploration of voluntary options, there remain more people than posts, redundancy processes will be implemented; job matching will identify those who will 'slot in' to roles in the new structure (where their post is an 80% or more match for a new job; this may still be a competitive process if more people are eligible to be slotted in than there are posts), those who are eligible for ring-fencing (where there is a 60-79% match to a new post) and those whose posts are redundant;
- all those in a competitive position will be identified as 'at risk' of redundancy; individuals identified within the pool for redundancy will be dealt with sensitively and will have the right to make representations to a panel of governors (Panel A) before any final redundancy decision is made;
- appropriate selection processes will be put in place and may involve selection interviews or selection criteria that are applied by managers; in either case, staff will be notified of the decision within 48 hours of when the process takes place;
- individuals identified as 'at risk' will be given the right to appeal to a separate panel of Governors (Panel B);
- any individual whose post is selected for redundancy will be given appropriate guidance and support including exploring alternative work options. For Orleton, the Local Authority is legal employer and therefore has a responsibility to seek alternative employment for those made redundant. This is done via the alternative work scheme where schools across the county are encouraged to consider those at risk of redundancy from other schools prior to putting out an open advert. Kimbolton also works with the Local Authority to give staff access to this scheme.

Notice periods for teachers are:

Notice Period	Relevant Dates
2 Months for the Autumn Term	To leave at 31 December, issue notice by 31 October
2 Months for the Spring Term	To leave at 30 April, issue notice by 28 (29) February
3 Months for the Summer Term	To leave at 31 August, issue notice by 31 May

Notice periods for support staff will be in line with the provisions of statutory notice in line with length of service. A minimum of four weeks' notice up to twelve weeks' notice, e.g., if an individual has six years' service, they will be entitled to six weeks' notice. HR Services will advise Headteachers regarding the notice period that applies to each individual selected for redundancy.