



NCC Maintained Schools Not buying the LA HR service – Responsibilities and costs

Applies to: Nottingham City Council (NCC) maintained schools who do not purchase the Local Authority (LA) Schools HR Advisory Service.

1. Purpose

This protocol sets out the minimum notifications'/involvement requirements for maintained schools that do not purchase the NCC Schools HR Advisory Service to:

- Inform Nottingham City Council, as the legal employer
- Enable NCC to fulfil its statutory duties, including safeguarding and employment responsibilities
- Ensure appropriate oversight of high-risk employment matters

This is a mandatory protocol, regardless of whether the school buys into the HR Service

2. Key Principle – Role of the Local Authority

Nottingham City Council is the legal employer for staff in maintained schools. While governing bodies are responsible for managing staffing matters and making staffing decisions, the LA must:

- Be appropriately informed of key employment matters
- Be able to take formal employer action where required (e.g. dismissals)
- Ensure compliance with employment law, safeguarding requirements and national/local policy frameworks.

3. Requirement to Follow NCC Policies and Guidance

All maintained schools are required to:

- Follow Nottingham City Council employment policies and procedures – irrespective of who supports with HR advice
- Implement any updates or changes issued by the Schools HR Team
- Apply the pay scales, job evaluation levels for every support role and ensure that all staff comply with contractual working hours and weeks
- Ensure practice is aligned with statutory guidance (e.g. KCSIE, employment law requirements)

The Schools HR Team will brief schools via Teams when policies are updated. For Schools who don't buy back the HR Service this will be chargeable at £100 per attendee).

Expectation: Schools must ensure that relevant leaders (Headteachers, SBMs, Governors) are familiar with and apply current policies. Failure to do so may result in legal and financial risk to the school.

4. Training Expectations (Chargeable)

To support compliance:

- The Schools HR Team will provide training and briefings on key HR policies and processes
- Schools are expected to ensure appropriate staff attend.

Please note:

Attendance at HR training sessions for non-subscribing schools will be chargeable and the fee will be based on length and method of delivery.

Failure to attend training will not remove the expectation that the school complies with all HR policies and procedures. **It is the School's responsibility to ensure they are up to date with all policies and procedures and if it is found there is a cost to a lack of knowledge then the liability of this cost is from the school's budget.**

5. When the Local Authority Must Be Notified / Involved

A. Dismissal / Potential Termination Cases

The school must notify the Schools HR Team at least 10 working days in advance of any hearing convened to consider a potential dismissal decision.

This ensure NCC can be sighted on the case as the legal employer, identify risks such as procedural, safeguarding and reputational and prepare to enact any dismissal decision where required.

NCC reserve the right to attend any hearing where dismissal is a potential outcome and advise on risks. The cost of this is £700 plus vat per hearing to cover preparation time and attendance.

B. Safeguarding Allegations (KCSIE / LADO)

For any allegation against a member of staff, volunteer or contractor that may meet the harm threshold must be reported to NCC's LADO immediately (same working day).

C. Regulatory Referrals (DBS / TRA)

Where a referral to the DBS, Teaching Regulation Agency or other regulator is being considered or made, the Schools HR Team must be notified within one working day and provided with copies of referral documentation.

D. Sexual Harassment Allegations

For any allegation against a member of staff, volunteer or contractor that is in relation to sexual harassment, the Schools HR Team must be notified within one working day. If a review of the case is deemed necessary from a risk perspective this will be charged at an hourly rate of £120 plus vat.

E. Media coverage

If court action is known about and this is likely to include media coverage the school must inform the Director of School Improvement in advance.

6. Important – Tribunal and Legal Risk

Where a case progresses to an Employment Tribunal:

- If the school has followed NCC policies and procedures and engaged appropriately with the LA, the LA will work with the school in line with its role as employer.

However, where it is identified that:

- NCC policies have not been followed, and/or
- NCC were not invited to attend and advise at a dismissal hearing, and/or
- The school has chosen to act on alternative or external HR advice, and/or
- The school has not informed the LA in line with this protocol

The Local Authority will charge the school for all legal and HR support.

In such circumstances:

- The full cost of advice, defending the claim, any awards, and associated legal costs will fall to the school's delegated budget. If a maintained school chooses to be supported by an alternative HR provider written confirmation is needed by the Director of School Improvement to confirm understanding of this via the signing of this agreement.

7. Overpayments and pay errors

These give rise to a risk of an unfair deduction of wages claim and therefore the HR team must receive a summary of the issue, proposed approach and risks anticipated so that we can review and advise avoiding a claim to the employment tribunal. Charges for this work will be based on £120 per hour plus vat.

8. Notification Route

All notifications must be sent to School.HRQueries@nottinghamcity.gov.uk

I confirm on behalf of [insert school] my understanding and commitment to comply with NCC's Schools HR Notification Protocol.

Signed:Date.....

Name:

Job title: Headteacher

Signed:Date.....

Name:

Job title: Chair of Governors

Appendix A – ‘When you must involve the LA’ Checklist

Dismissal / Termination

- School name and contact (Headteacher/SBM)
- Employee name, role, teacher/support staff
- Type of process (disciplinary, capability, redundancy, ill-health)
- Hearing date for attendance by the LA
- Proposed termination date and notice arrangements
- Appeal status
- Case information (investigation report, all appendices, employee invite letter)

Safeguarding Allegations – LADO

- Staff member name and role
- Summary of allegations
- Immediate actions taken
 - Initial fact find statements

LADO involvement

- External agency involvement (if any)

Regulatory Referrals

- Referring body (DBS/TRA)
- Referral date
- Reason for referral
- Current employment status

Appendix B – Notification Template Email

Subject: EMPLOYER NOTIFICATION – [School] – [Type of Case]

Dear Schools HR Team,

I am notifying the Local Authority in line with the Nottingham City Council Schools' HR Notification Protocol. This relates to a matter where LA employer and/or safeguarding oversight may be required. We understand that costs will be incurred if HR advice or attendance is needed and this will be charged at £120 per hour plus vat.

[Insert sections: school details, employee details, summary, key dates, attachments]

Kind regards,

[Name]

[Role]

[School]