

Juniper



HR Compliance: Policies and procedures

A Guide for Schools, Academies, and Trusts

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Introduction:

What are HR policies and procedures?

HR policies and procedures are an essential part of your employment framework, alongside whole school policies such as safeguarding, health and safety and behaviour management.

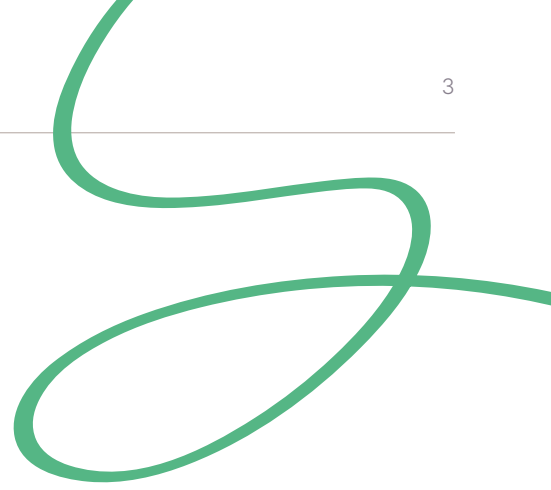
An HR policy typically outlines principles and general rules, while procedures provide specific, step-by-step arrangements; although they serve distinct purposes, the terms can be used interchangeably. Some HR policies and procedures are required by law, while others are best practice. Either way, they:

- Help to articulate the employer's expectations and standards
- Enable employees to understand and access their rights and entitlements
- Set out the responsibilities of managers
- Provide for efficient and consistent management of HR issues
- Provide a clear decision-making framework when issues arise which ensures fairness and integrity and minimises the employer's legal risks

What HR policies should schools and academies have?

Some HR policies are mandatory either through general employment or education specific legislation/statutory guidance. Other HR policies have mandatory elements, and others are strongly recommended.

In addition, the content of some HR policies must comply with statutory guidance.



The table below sets out which policies are required, which are recommended and any specific content requirements.

Policy/procedure	Mandatory (M) or recommended (R)		Review period	Required Elements
	Maintained schools	Academies		
Capability (all staff) Procedure	M	M	Annual	Required content under ACAS Statutory Code of Practice on disciplinary and grievance procedures. Capability as a branch of conduct. Required content under the Teacher Appraisal Regulations – Maintained Schools only.
Code of Conduct	M	M	Annual	Required by statutory guidance Keeping Children Safe in Education 2023.
Cover & PPA Policy	R	R	Bi-annual	
Dealing with Safeguarding Allegations Against Adults	M	M	Annual	Required by Statutory Guidance Keeping Children Safe in Education 2023.
Discipline & Dismissal Procedure	M	M	Annual	Required content under ACAS Statutory Code of Practice on disciplinary and grievance procedures.
Equality & Diversity in Employment	R	R	Bi-annual	There are laws and regulations which require schools to promote equality, diversity, and inclusion. The Equality Act 2010 sets out the legal framework for protecting individuals from discrimination and ensuring equal opportunities. We will cover this in a later chapter.
Flexible Working Policy	R	R	Bi-annual	Policy must meet the requirements of the Flexible Working Regulations.
Grievance Procedure	M	M	Annual	Required content under ACAS Statutory Code of Practice on disciplinary and grievance procedures.
Leave of Absence Policy	R	R	Bi-annual	Some leave entitlements are statutory.
Local Government Pension Discretions Policy	M	M	Bi-annual	Employers must set out how they will exercise their discretions under the Scheme. Maintained schools should follow their home Local Authority Policy.
Menopause Policy	R	R	Bi-annual	
Mental Health & Wellbeing	R	R	Annual	
Pay Policy	M	R	Annual	Maintained Schools must have a Policy setting out how they will apply the Teachers' Pay & Conditions Document.
Performance Management	M	R	Annual	Required content under the Teacher Appraisal Regulations – Maintained Schools only.
Probation Procedure	R	R	Bi-annual	Where employers operate Statutory Induction for Early Career Teachers, they must have a Policy.
Recruitment Procedure	M	M	Bi-annual	Some elements normally found in a recruitment policy are mandatory such as pre-employment checks and employment of ex-offenders' policy. These could be separate policies.
Redundancy & Restructuring Procedure	R	R	Bi-annual	
Sickness Absence Management Procedure	R	R	Bi-annual	
Teachers' Severance Policy	R	R	Bi-annual	
Whistleblowing Policy	R	R	Annual	The Statutory Guidance Keeping Children Safe in Education implies that a Whistleblowing Policy should be in place.

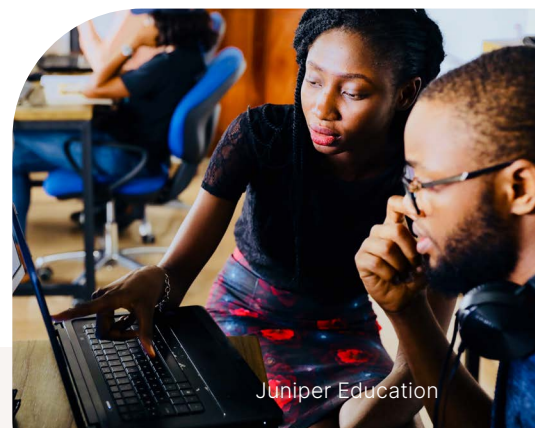
Schools and academies may have additional HR Policies. We recommend consolidating policies wherever possible as the number can become overwhelming for employees and managers.

Developing HR Policies and Procedures

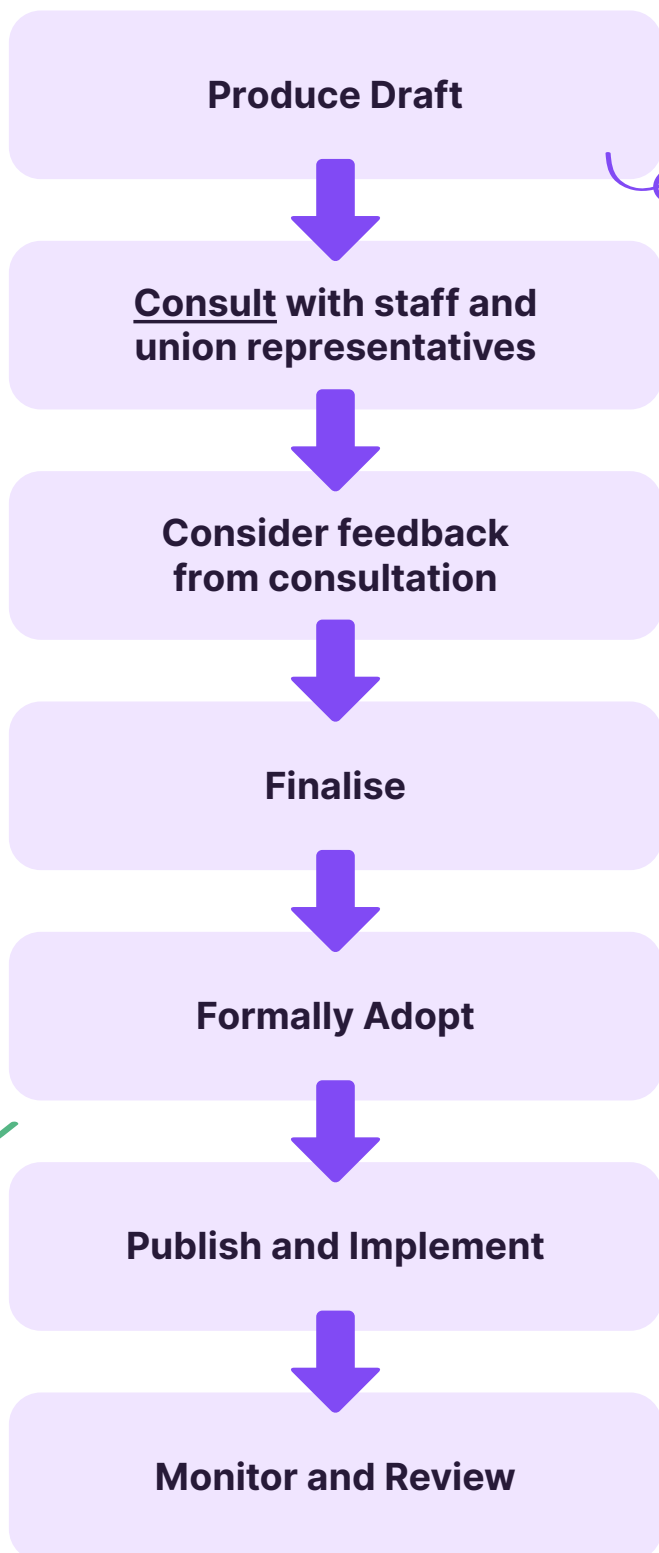
In developing policies and procedures, fairness and transparency are promoted by developing and using rules and procedures. These should be set down in writing, be specific and clear.

Employees and, where appropriate, their representatives should be involved in the development of rules and procedures. It is also important to help employees and managers understand what the rules and procedures are, where they can be found and how they are to be used.

– ACAS



The Process for Developing and Implementing HR Policies and Procedures.



Tip



Use a template to save time and effort. You can download model policies and procedures online in our Knowledge Hub. If you do not subscribe to our Knowledge Hub [contact our team](#) and we will set you up.

Operating HR policies and procedures

Once policies and procedures have been established, it is essential that they are followed and applied consistently by all managers.

An otherwise reasonable decision to dismiss under an HR policy can be deemed unfair by an Employment Tribunal if there are flaws in the procedures followed.

Case Example

In August 2014, the former BBC Head of Technology was found to be unfairly dismissed (although the Tribunal ruled, he had partially contributed to his dismissal), and the Tribunal said they were “astonished” at the BBC’s “cavalier disregard for any of the norms of a fair disciplinary process”. This disregard includes discussions of his dismissal in advance, as a foregone conclusion, interviewing replacements before the disciplinary procedure had begun, failing to conduct an investigation before the hearings and sending him 16,000 documents one day before the hearing.

Tribunals may also view a failure to follow a fair process as justification for an employee to resign and claim constructive unfair dismissal on the basis that the employer has fundamentally breached the employment contract by undermining the employees trust and confidence in the employer to treat them fairly.

Case Example

In *Blackburn v Aldi Stores Ltd* a grievance and the appeal were decided by the same person, the latter hearing lasting only 20 minutes. The EAT held that Aldi’s failure to follow its own grievance appeal procedure could entitle the employee to resign, even though the grievance procedure was non-contractual. The judge said that the right to an impartial appeal is an important feature of the ACAS Code of Practice on Disciplinary and Grievance Procedures and that an organisation of the size of Aldi should be able to provide an independent hearing by a manager not previously involved in the case.



In addition, a Tribunal can increase an award in an unfair dismissal case by up to 25% if an employer has not followed the ACAS Statutory Code of Practice on disciplinary and grievance procedures. They can also decrease it by up to 25% if an employee did not follow it.

Case Example

In *Lund v St Edmonds School Canterbury*, the EAT held that the ACAS Code applied even though the employee was dismissed for some other substantial reason and awarded an uplift to the employee in addition to their compensation for unfair dismissal.

Training

Training is crucial to ensure that those involved in operating HR procedures have a clear understanding of the policies and have the capability to implement their respective roles sensitively and fairly.

This includes:

- Senior Leaders
- Line managers
- Governors/Trustees who sit on formal HR hearing and appeal panels

These parties should also have access to [expert advice and support](#) in the operation of policies.





**Need help?
Talk to an HR expert.**

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