

Sector-specific advice

Governors and trustees, as part of their risk management duty, are required to be satisfied that their legal advisers are competent. But the regulatory burden of the employment and anti-discrimination laws is now so great that we believe competence can only be achieved in this field by specialist lawyers who are immersed in the sector.

The following are some examples of concerns that arise in an education setting but may be outside the experience of employment lawyers working in different sectors:

- The full range of child protection procedures including amendments to the rules for making checks in the Criminal Records Bureau.
- The specialist terminology in academic contracts, the important differences between the calendar year and the academic year, and particular provisions that apply to teaching and house staff.
- Proper handling of allegations of abuse and historical complaints; including liaising with the police, local authority children's services and the DCSF.
- Drafting statements for the press and related letters to parents and others.
- The discrete legal and taxation rules that apply to peripatetic staff.
- The interaction between the employment contract and the House contract.
- Correct handling of disputes with an employee who is also the parent of a child at the school.
- The interaction between Teachers' Pensions, equal pay and claims of unequal treatment.
- Those parts of executive remuneration that are "pensionable" and those that are not.
- The application of the Working Time Regulations to boarding staff, matrons and caretakers.
- Tax implications and particular rules as to tenure and other matters relating to staff accommodation and resident staff.
- Intellectual property rights in original work created by teachers.
- Fee discounts and scholarships for the children of teachers and whether governors have power to make these allowances in the case of a child who is a close relation of a governor. Phased changes to the teacher-discount scheme.
- Equal pay issues arising from historical differences in pay calculation.
- Contractual issues arising from contracting-out services involving long-serving staff .
- Work experience/case studies:
- Advising Malvern College in defending a nationally publicised national minimum wage claim based around 'on call' working
- Amending employees' contracts terms and conditions of two schools with one governing body to harmonise pay and conditions and ensuring compliance with equal pay legislation.

- We regularly advise on all stages of the redundancy process including advice on consultation and selection and consultation with trade unions. For example, we recently advised on redundancies following the merger and TUPE transfer of two schools.
- Advice on formal recognition of teaching unions and implementing a collective bargaining agreement.
- Advising on TUPE consultation with employees in several school mergers/sales.
- Successful defence for an independent school, against a claimant who alleged unequal treatment over pay, trade union membership, sexual orientation and exclusion from Teachers' Pensions (2005).
- Sensitive investigation and handling of accusations against teachers including advice on dealing with the police, local authorities, children's services and DCSF.