

## SCHOOLS FORUM

### Continuous Service - Request to extend the provisions for Teachers

#### Purpose of the Report

1 Request to allow the Local Authority to extend the provisions of the Burgundy Book Terms and Conditions for Teachers to include the recognition of service accrued by teachers in academy schools, for the purposes of calculating sickness and maternity entitlements, on their return to the employment of a local authority maintained school.

For representatives of primary and secondary schools to consider:

- Recognising service for teachers employed in academies, including free schools, for calculating entitlements to sick pay and occupational maternity pay when they move from an Academy voluntarily to a Wokingham Borough Council maintained school.

#### Suggested Action

2 The Forum is asked to agree the recommendations in this report.

#### Background

3 For conditions of service other than redundancy, support staff in maintained schools and local authorities are bound by the terms and conditions of the Green Book. Under paragraph 14, support staff are able to count their period of academy service when joining or re-joining a local authority or a maintained school for the purposes of calculating aggregated or continuous service entitlements.

For conditions of service other than redundancy, teaching staff in maintained schools and local authorities are bound by the terms and conditions of the Burgundy Book. The terms of which are limited, for the purpose of the calculation of aggregated or continuous service, to that accrued in local authority employment.

The table below summarises the position resulting from the terms of the Green and Burgundy books.

<b>Provision</b>	<b>Teachers</b>	<b>Support Staff</b>
Notice – to be given by employer	Does not count	Does not count
Redundancy	Counts	Counts
Statutory Maternity Pay	Does not count	Does not count
Occupational Maternity Pay	Does not count	Counts
Sick Pay	Does not count*	Counts
Annual Leave	Not applicable	Counts

\*Note that teachers' sick leave is cumulative for service in Local Authorities. For example if a teacher has four years' LA service before joining an academy they will retain full sick leave entitlement on any subsequent return to another LA school.

4 Most local authorities, including Wokingham Borough Council, have extended their interpretation of the Burgundy Book to also include service with maintained schools where the authority is not the employer (voluntary aided, foundation and trust schools).

Local authorities therefore need to determine whether they wish to further extend the provisions to include the recognition of service in academy schools.

Many Local Authorities have already decided to recognise the service as follows:

Hampshire, Kent, Essex, Portsmouth, Windsor and Maidenhead, Brighton and Hove and East Sussex.

### **Financial Implications of recognising service**

5 The financial implications of recognising service would be:

**Redundancy costs** – no extra liability as service in both academies and maintained schools is counted anyway

**Statutory maternity pay** - no extra liability

**Occupational maternity pay** – by recognising service there may be extra cost to the maintained school/LA. This would only be for teachers as support staff already have the right to count academy service. A teacher must have 63 weeks continuous service before the baby is due to qualify for Occupational Maternity Pay. Occupational Maternity pay is 12 weeks half pay – funded by the LA. By agreeing to the proposed clause the LA would be paying more maternity pay, but only for teachers who haven't been back in a maintained school for at least 63 weeks before the birth.

**Sick Pay** - Limited risk as sickness entitlement for teachers is aggregated across current and previous service in maintained schools. Support staff service in academies is counted automatically.

**Annual leave** - No extra cost.

Overall the liabilities for staffing costs would be consistent with those that would be incurred were staff to be recruited from other local authorities or maintained schools

### **Benefits of recognising teachers' service in academies**

6 The benefits of recognising teachers' service in academies would be:

- It would provide parity of entitlement for academy teachers with academy support staff whose service is subject to recognition through provisions in their Green Book terms and conditions.
- It would facilitate recruitment of staff into maintained schools and the local authority from the academy sector.

### **Recommendation**

7 The Local Authority and its maintained schools agree to extend the provisions of the Burgundy Book Terms and Conditions for Teachers to include the recognition of service accrued by teachers in academy schools, including free schools, for the purposes of calculating sickness and maternity entitlements, when they move from an academy voluntarily to a Wokingham Borough Council maintained school.

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