

HR BYTES

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Recent case law updates

This term we look at two key cases that reached the Employment Appeals Tribunal and consider the implications of these cases for schools.

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Teacher Retention

In the current challenging climate with teacher supply under pressure and record numbers leaving the profession we have summarised some key points to help you to create a retention strategy drawn from the experience of school and college leaders.

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Flexible Working

Last term we covered some forthcoming legislative changes to Flexible Working, and this time we look at new guidance issued by the Department for Education sharing some practical ways to get help with flexible working in schools.

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RECENT CASE LAW UPDATES

Manifestation of Religion or Belief

Higgs v Farmor's School [EAT 2023]

Mrs Higgs had been employed by Farmor's School since 2012, as a pastoral administrator and work experience manager. In October 2018 the head teacher at the school received a complaint about Facebook posts Mrs Higgs had made – under her maiden name – which shared an article criticising the teaching of same sex relationships, marriage, and gender choice, along with a petition. Following an investigation into the complaint, another post was found and other comments critical of the concept of gender fluidity. The posts were shared on her private Facebook profile, which did not name her employer.

At a disciplinary hearing in January 2019 Mrs Higgs was informed of her summary dismissal on the grounds of gross misconduct. Mrs Higgs appealed the decision within the school disciplinary procedure, but the dismissal was upheld. After exhausting all of the internal options, Mrs Higgs brought a claim for unfair dismissal at the Employment Tribunal (ET).

Claims were brought under the Equality Act 2010, arguing that the dismissal amounted to direct discrimination on the grounds of her religion. While the ET accepted that Mrs Higgs' belief failed to be treated as a protected characteristic, it rejected her case against the school, finding it did not directly discriminate or harass her on the basis of her religion. The ruling acknowledged that Mrs Higgs' beliefs are protected by the Equality Act, but found she was dismissed because some of the content in the articles she had linked to could lead someone to think that she "was hostile towards the LGBT community, and trans people in particular". In rejecting the claims brought against the school, the ET found that Mrs Higgs' attitude may impact the relationships she would have with the students at the school.

Mrs Higgs appealed against the ruling, and in a recent judgement the Employment Appeal Tribunal (EAT) sent the case back to the ET to be reconsidered.

The judge said the tribunal should have concluded that there was a close or direct connection between Mrs Higgs' Facebook posts and her protected beliefs, and that the tribunal had been required to assess whether the school's actions were necessary for the protection of the rights and freedoms of others, while recognising the claimant's rights to freedom of belief and freedom of expression.



Comment

This is an interesting case that shows that employers must be very careful when dealing with issues where employees with strong beliefs express opinions that conflict with the beliefs, rights or freedoms of other employees. Such situations can result in morale issues, grievances and complaints as well as potentially becoming the subject of litigation in the Employment Tribunal.

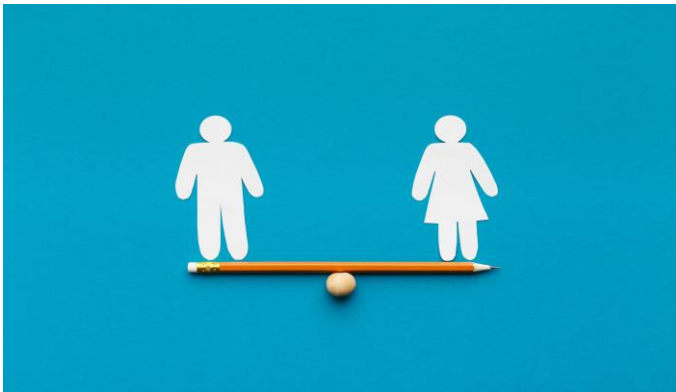
Aside from the matters raised in this case, further issues arose when the Archbishops' Council of the Church of England advised the EAT that one of the lay members due to sit on the tribunal had expressed on social media their opposition to the views in contention in the claim. The judge concluded that the lay member should be excused from the hearing. But there was a further issue when Mrs Higgs' solicitor contended that the other lay member would also be seen as open to bias, being the former Assistant General Secretary of the National Education Union. During the time the lay member was with the NEU their policies were expanded to incorporate strong stances against the issues involved with this case. However, the member in question had made no public statements in relation to these issues whatsoever. The judge ultimately excused the second lay member. In the interests of justice, the judge decided to hear the appeal alone.

A final general point here relates to the use of social media, the one thing that seems to be present in everyone's lives! Be mindful that anything you or your employees post on social media is out in the public domain, and potentially you could end up having to discuss it in front of your manager or even a tribunal judge!

RECENT CASE LAW UPDATES

Knowledge of Disability

Lingard v Leading Learners Multi-Academy Trust (EAT 2023)



Mrs Lingard had been employed by the Leading Learners Academy Trust since 2002, as a headteacher in a Primary school. She resigned and claimed that this was in response to the actions of the Trust, in particular the Executive Head Teacher, who she felt was determined to force her to leave the school.

Mrs Lingard submitted a claim to the Employment Tribunal (ET) for constructive dismissal and disability discrimination. The Trust initially refuted the claimant's condition could constitute a disability under the criteria set out in the Equality Act.

It was accepted by both sides that the Trust was aware that Mrs Lingard had been suffering from hypertension and was also 'stressed' and following an Occupational Health report, that the stress was work related but temporary in nature. It was not until Mrs Lingard had gone on sick leave that the Trust offered to arrange a psychologist's assessment. However, as this was to be a condition of them finally addressing an outstanding grievance, and after threats of disciplinary action relating to her performance, which Mrs Lingard felt to be the 'last straw', her resignation meant the assessment did not take place.

During the course of the claim, it became apparent from Mrs Lingard's disclosed GP notes and evidence from a hypertension expert, that her symptoms at the relevant time were more indicative of an anxiety disorder and not related to the diagnosed mild hypertension (which on its own would be unlikely to constitute a disability). Further medical evidence was then commissioned (jointly) which found that Mrs Lingard had been suffering from a Generalised Anxiety Disorder that was likely to have been present for over 12 months prior to the resignation.

The Trust therefore withdrew its challenge to the question of disability but argued that they did not have knowledge of this disability at the relevant time.

The ET found that the Trust was aware that the claimant was suffering from 'stress', it could not be said that in the circumstances it could be expected to have known that she was actually suffering from a mental health condition capable of being a disability. As such, the actions of the Trust could not amount to less favourable treatment or have placed her at a disadvantage in connection to her disability. The Disability Discrimination claims therefore failed.

However, the ET found that the behaviour of the Trust demonstrated a fundamental breach of trust and confidence and the constructive dismissal claim succeeded.

Although Mrs Lingard appealed the disability discrimination decision, the Employment Appeal Tribunal agreed with the original judgment.

Comment

In this case, the late diagnosis of a Generalised Anxiety Disorder was not sufficient to counter the Trust's argument that, at the relevant time, it had no knowledge of this condition and therefore could not be held to have discriminated against the claimant.

This case is a great reminder that where an act of discrimination may be connected to a non-physical disability, particularly when the symptoms may be dismissed as 'just stress', it is crucial to identify what that condition is. In the absence of a clear diagnosis, it is important to understand how the condition affects the employee. From the employee's perspective it is important to ensure preferably from the outset, and certainly before making a claim to the ET, that the employer is made aware of the condition. Without this awareness, the respondent (in this case the Trust) can defeat even the strongest of disability discrimination claims.

Teacher Retention

Difficulties with teacher supply and retention have been prominent in newspaper headlines this term. According to new [school workforce data](#) released by the Department for Education this month, last year almost 40,000 working-age teachers left the profession, the highest level since records began in 2010. Other recent research undertaken by [TeacherTapp](#) shows 27% of primary and 39% of secondary leaders reported appointing candidates who may lack adequate qualifications or have performed poorly in interviews, with 28% of primary and 49% of secondary reporting a failure to proceed to interview stage due to a weak or absent field of candidates.

The teacher supply and retention problem cannot be solved by schools and colleges alone. There are, however, steps that senior leaders can take to improve their chances of retaining talent as part of an overall retention strategy.

A retention strategy is not as complex as it might sound. It can be helpful to think of it as an evolving structure which is put together one piece at a time. It can be constructed incrementally at a pace to suit the school or college, adjusted as needs change and as the pieces start to fit together in a logical way.

To help with developing your own strategy, we have collated some tips on teacher retention drawn from the experiences of school and college leaders.

Ensure that opportunities for development are available to all teachers

Use appraisals and half-year reviews to understand the career goals and aspirations of your teachers and facilitate objectives which have these in mind. Whilst there is obviously a place for formal training, this is not the only - or always the best - option. Consider what could be achieved through job shadowing, mentoring or networking opportunities, perhaps with partner schools, or what skills could be developed through involvement with particular projects or secondment to another post. Good teachers who are keen to progress inevitably tend to move elsewhere if they feel that there is no room for growth.



Offer regular performance feedback to teachers and celebrate effort and results, however small

Lead by example by noticing and acknowledging the contribution of all staff and encourage your managers to do likewise: this is not an onerous or time-consuming commitment but is of great value. A simple 'thank you' can be very powerful.

Get to know your teachers and their individual talents

These can be harnessed and engaged, often in unforeseen ways, both for the benefit of the individual's job satisfaction and the organisation as a whole. Stretch your most able teachers: competent performers need both autonomy and encouragement to use their skills and do their jobs in their own way. For some this is enough. Others are easily bored unless regularly challenged to use their skills in different ways, pick up new knowledge and have opportunities to add real value. Make use of temporary or permanent TLRs (or equivalent in other settings) to give teachers a chance to lead on initiatives or areas of the curriculum. If you can map out career paths which link to opportunities this will also feed into succession planning in the longer term.

The contents of this newsletter are for information and guidance purposes and should not therefore be relied upon as a substitute for specific, tailored HR or legal advice.

Teacher Retention



Foster an environment based on mutual respect

None of us feel loyal towards organisations that do not appear to value our contribution, or where we are not listened to or encouraged to put forward ideas. Confront unhelpful attitudes where these manifest but also be prepared to welcome challenges to the status quo where such contributions are intended to be constructive. Consult teachers on changes in teaching and learning and allow them the chance to air their concerns.

Recognise and support teachers' work-life balance

This can be particularly difficult in education settings when term time is in full swing, but offer flexibility where this is possible, empower teachers to take control of their own work-life balance and don't encourage "presenteeism". Teachers still frequently cite workload and stress as chief reasons for leaving the profession. Driving down unnecessary workload is a key organisational commitment of the [Education Staff Wellbeing Charter](#). Work with teachers to identify the main stressors for them in your school or college and look for solutions to mitigate the impact.

Create opportunities for people to succeed

Individuals feel satisfied and motivated by a role where they can carry out their job requirements without feeling so pressurised that they are unable to cope. Even a heavy workload immediately feels more manageable when there is a supportive line manager able to offer advice as needed as well as regular, manageable milestones with the chance to reflect back on achievements. Don't suppress opportunities for pay progression on financial grounds:

where budgets are tight this often seems like one of the only areas left to make savings. This is a false economy in the long run as teachers will eventually seek acknowledgement of their contribution elsewhere, leaving you with recruitment and supply cover costs instead, as well as the loss of skills and knowledge built over time.

Supporting staff wellbeing doesn't have to involve grand gestures

Small and inexpensive ventures really do make a difference. Some schools arrange activities such as after-school fitness or skills sessions or occasional social events. Others focus more on aspects of the environment that can be appreciated every day, like providing good quality hand soap in the toilets, fruit or snacks during long meetings, or ensuring that the staff room is well maintained. Other initiatives could focus on work-life balance such as a regular staff wellbeing day when all teachers are encouraged to leave straight after school.

Start off on the right foot with new recruits

The first few weeks in a job form a lasting impression, whether negative or positive. There is an excellent - and easily overlooked - opportunity here to help new teachers settle in, understand the culture and ways of working, feel accepted and become effective and loyal members of staff. The effects of a bad or non-existent induction tend to linger for a long time. Teachers in their first few years in the profession can be particularly vulnerable and should have access to extra support beyond the 2-year period covered by the Early Career Framework to navigate the more difficult and unexpected trials they may face.

Make sure you have an honest picture of what your teachers think about where they work

It is very difficult to truly engage teachers if you aren't clear what motivates them, how they feel about the school or college and how it is run. Get the most out of appraisals by collating feedback on what teachers think works well and less well. Hold exit interviews or distribute exit questionnaires to leavers to understand what influences their decision to move on. Conduct staff surveys where teachers can provide anonymous ratings and comments. It might not always be pleasant to hear but you can often learn a lot from this process, both good and bad, about your effectiveness as a leader. Create action points which can be taken forwards for the benefit of the rest of the staff.

Flexible Working in Schools



In the post-pandemic era flexible and hybrid working have become the norm in many industries. Research undertaken by [Gallup](#) in 2022 directly asked workers if they would look for a new job if their employer stopped offering remote-work options going forward. 54% of employees currently working exclusively from home said they would likely look for another job; 38% of hybrid workers said the same. Failing to offer flexible work arrangements is a significant risk to an employer's hiring, employee engagement, performance, wellbeing and retention strategies. [TES](#) recently reported that 90% of ITT providers say increased opportunities for flexible working would attract more applicants to the sector. Recent recruitment to ITT courses has dropped steeply with secondary recruitment on track to meet less than half of its 2023/24 target.

Implementing flexible working in schools faces its own set of unique challenges. The DfE has recently expanded its [range of resources](#) to assist schools in implementing flexible working practices. A commitment to flexible working forms one of the eleven organisational commitments enshrined in the DfE [Education Staff Wellbeing Charter](#).



Updated guidance from the DfE includes support available from Flexible working ambassador multi-academy trusts and schools (FWAMS). They have been appointed by the DfE to support school leaders in implementing and embedding flexible working in their schools.

FWAMS can offer advice on topics such as:

- designing a flexible working policy
- flexible hiring
- overcoming common challenges such as timetabling and budgeting

Training is also available for senior leaders and teachers on topics including:

- the benefits of flexible working
- co-headship and applying and working as a job share
- supporting equality of opportunity and diversity through flexible working
- Overcoming barriers to flexible working

Flexible Working arrangements: Key Considerations for Schools

Schools report the following benefits from implementing flexible working:

- retaining experienced staff
- recruiting from a broader pool of teachers
- promoting wellbeing
- improving work-life balance

Offering flexible working arrangements can help to ensure that teaching suits employees at different stages of their life, such as those:

- with caring responsibilities
- planning a phased retirement
- returning from a career break
- combining work in a school with professional development or work in their field of study

Any statutory requests for flexible working must be responded to within 3 months. For detailed guidance on this process visit our [website](#). Schools could also consider consulting with education trade unions to develop a flexible working policy to clarify the process. Schools may find it helpful to consider flexible working on a whole-school level. Implementing a whole school approach involves speaking to staff about their flexibility needs and designing solutions that work for wider groups of staff. Actions could include:

- sharing with staff the best times in the year to submit a request to align with the timetabling process
- reviewing arrangements for when staff can work from home
- looking at how planning, preparation and assessment (PPA) time is scheduled

SPOTLIGHT ON:

BEST PRACTICE INDUCTION & ONBOARDING NEW RECRUITS

Looking ahead to the start of the new academic year we are focussing on best practice when onboarding and inducting new members of staff into your school. It is up to your school to design a bespoke induction for each new recruit (although the parameters of the induction provided to Early Career Teachers is defined by the DfE).

Inducting a new employee into the organisation is the final stage in the recruitment and selection process and is just as important as the previous stages that precede it. Onboarding and Induction is the process by which the employee gets to know their new role, the culture and working environment, the work rules and procedures they are expected to adhere to and the people with whom they will interact. The responsibility falls on the new employer to ensure that the induction process is well-designed and implemented: it is easy for an employee to receive only a cursory induction and for performance concerns to then arise as a result of their lack of understanding and/or motivation.



Compliance

As an employer there are certain compliance requirements you

should be aware of. Firstly, you have a *common law duty of care* to avoid harming your staff and you are also subject to the requirements under the Health and Safety at Work Act 1974. So, you must ensure as far as is reasonably practicable, the health, safety and welfare of employees are protected. Part of this responsibility means you must be sure new members of staff are competent to carry out their jobs and understand any procedures and processes in place at the school to ensure the safe and effective running of the workplace.

By developing a comprehensive induction programme, you can satisfy these compliance requirements. The DfE determines certain requirements of the statutory induction of new teachers (now known as Early Career Teachers).

Probationary Periods

It is common for many employees to serve a time limited 'probationary period, the purpose of which is to satisfy the employer of their ability to perform the role to the required standard and it is therefore intrinsically linked to induction. However, the terms on which any probationary period will operate are defined within the contract of employment. Where the employment contract contains a probationary clause, it will enable the employer to terminate employment (with notice) at the end of the probationary period or

prior to this point if the employer determines that performance has been inadequate. Generally, a much shorter notice period will apply during probation (subject to minimum statutory notice provisions).



Most non-teaching staff will have a 'probationary' period included within the contract of employment, usually served over 6 months (although this may be defined in working weeks).

Teaching staff in maintained schools do not usually complete a probationary period, as they are deemed to have completed 'probation' by successfully undertaking their induction period as Early Career Teachers.

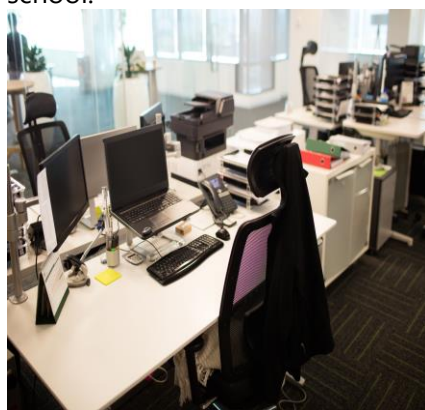
This does not mean that you can't ask teachers to serve a probationary period in other settings. Academies and other independent settings sometimes require teachers to serve a probationary period on appointment - if your school chooses to do this it is essential to ensure that this is included in the contract of employment.

SPOTLIGHT ON:

BEST PRACTICE INDUCTION & ONBOARDING NEW RECRUITS

There will be some cases where a school wants to **terminate probation early**, for example, where performance is inadequate. If you find yourself in this situation the school must give the member of staff notice that the contract will end and allow a right of appeal - the notice period is usually shorter than you would usually expect - but this will be subject to minimum statutory notice provisions.

An ideal induction process should allow the new staff member to openly discuss his or her areas for improvement and have a fair opportunity to improve their performance if needed before the contract is terminated. Schools should remember their obligations under the Equality Act 2010 and ensure that expectations during probation are applied fairly and consistently to all employees required to complete a period of probationary service at the school.



Managing probation - a formal process?

There is no statutory requirement to have a formal policy or procedure for managing

probation. However, if you do find yourself in the position of needing to terminate employment at the end of the probationary period, or before, you will find using a formal procedure consistently will minimise any future legal risks for the school. However, simply setting up a probationary period does not give employers any additional rights to terminate the contract of employment at will.

Some contracts of employment may commit the school to following a disciplinary or some other type of procedure before dismissing a member of staff on probation. If you are in this situation and the member of staff is dismissed without the correct procedure being followed, they could claim for breach of contract – even if they do not have the qualifying service for unfair dismissal. This would be reliant on them arguing that conducting the procedure would have taken time and would have had the effect of extending the period of employment for the length of time the procedure would take. So, any damages awarded would be equal to lost wages for the time that the disciplinary procedure would have taken, likely to be around three to four weeks' pay.

Although staff on probation are unlikely to have the required length of service to be able to claim unfair dismissal, they would be able to bring a claim if the dismissal is for an automatically



unfair reason, such as pregnancy or whistleblowing.

On our website you can find a [probationary review process](#) we have developed based on the ACAS Code of Practice on Disciplinary and Grievance Procedures.

If you find yourself needing to end probation early or terminate a contract at the end of a probationary period, we would always suggest seeking HR advice on the particular case. If there is a contractual probationary procedure in place, or the employee has continuous service from a previous school/college (e.g., multi-academy trusts, maintained schools), or in cases where another claim other than unfair or wrongful dismissal could be made, such as discrimination, you will need to examine any potential risks before deciding on a course of action.

Key Principles

- Be clear around **expectations** - make sure the new starter has an up-to-date Job description and has clear understanding of the expectations within it.

SPOTLIGHT ON

BEST PRACTICE INDUCTION & ONBOARDING NEW RECRUITS

- First impressions count - the process of onboarding a new starter includes getting all the pre-employment checks done. This is a large administrative task, make sure that communication is effective, efficient and friendly as this will create a positive first impression of the school.
- You might want to consider having a member of SLT phone the new employee to introduce themselves to the new starter in advance of the start date - it can go a long way in terms of making them feel welcomed and valued by the school right from the start.
- Remember induction is important when **re-engaging existing staff** -for those that are returning to work after a long period of absence - such as maternity, adoption, parental leave - consider what do they need to know, what has changed and how can you help them to successfully re-engage in the new working environment. When you deal with long term sickness, there is usually a phased return and more of a plan in place, but think beyond the medical adjustments, for example, have you updated any policies while they were away that they need to be made aware of.

The 3 Stages of Induction

There are 3 stages:

- Before employment starts
- First Day
- First three/six months.

An effective induction is an essential part of the process of helping all new starters to settle in and feel part of the school.

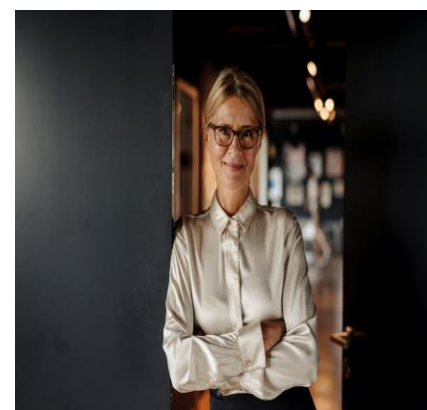
Before employment:

- Paperwork - Make sure the new employee has received all paperwork relating to their appointment. (The right to a written statement of particulars became a 'day one' right on 6th April 2020 for all employees and workers).
- Pre-employment checks must have been carried out / completed before the first day.
- Instructions – Ensure the employee is given all the details of what they need for their first day e.g., parking.
- Ensure all the access has been requested and payroll has been set up.
- Induction appointments - the manager should arrange any useful induction appointments / meetings for the first week and for relevant training to be booked.

- Consider allocating a buddy - a person for day-to-day queries - as they may not always feel comfortable in approaching their manager to ask questions.

On the first day:

- Ensure the manager will be available to welcome the new starter and ensure that all the basics are covered (health and safety procedures in the building, facilities, breaks etc).
- Introductions – Show the employee around the school/college and to meet other members of staff. Ensure staff are informed and not surprised when they see someone new.



SPOTLIGHT ON

BEST PRACTICE INDUCTION & ONBOARDING NEW RECRUITS

- **Communication** – let the new employee know how communication works within the building, e.g., when meetings take place where noticeboards are, and what newsletters or electronic communications may be received.
- Schools have an overwhelming number of **procedures** in place which are all necessary - provide the new employee with copies of any relevant procedures and give them the time to familiarise themselves with these and have the opportunity to ask questions.



During the 3 - 6-month period following the start date:

- Schedule regular meet ups with the line manager to discuss how things are going.
- Ensure the line manager provides feedback to the employee on his/her progress. This is not just about raising concerns but also about letting people what they are doing well.
- Make sure that the employee is set some relevant and achievable targets.

Advice and guidance should continue to be given to the employee throughout the first six-month period. If at any stage there are doubts about the progress of an individual, these should be brought to his/her attention as early as possible in order to give them the opportunity to improve with the appropriate support. For staff who are subject to a probationary period, where such concerns arise, advice should be sought from the school's HR Consultant as soon as the concern has been identified.

A well-designed induction programme results in a positive first experience of an organisation. It means the employee:

- Settles in quickly
- Integrates into their team.
- Understands the school's values and culture.
- Feels supported.
- Becomes productive quickly.
- Works to their highest potential

An unsuccessful induction has a number of detrimental effects - staff can get off to a bad start and lack clarity on their role and how it links to the school goals, which could impact on their intention to stay in the role.



Increased turnover leads to:

- Increased costs (time and money spent recruiting and training the new starter)
- Additional cost and time for recruiting a replacement.
- Wasted time for the inductor and any future recruits needing to repeat the learning curve of the leaver.
- Staff choosing to leave after a short period of time may lower morale for the remaining staff.
- Damage to the school's employer brand.

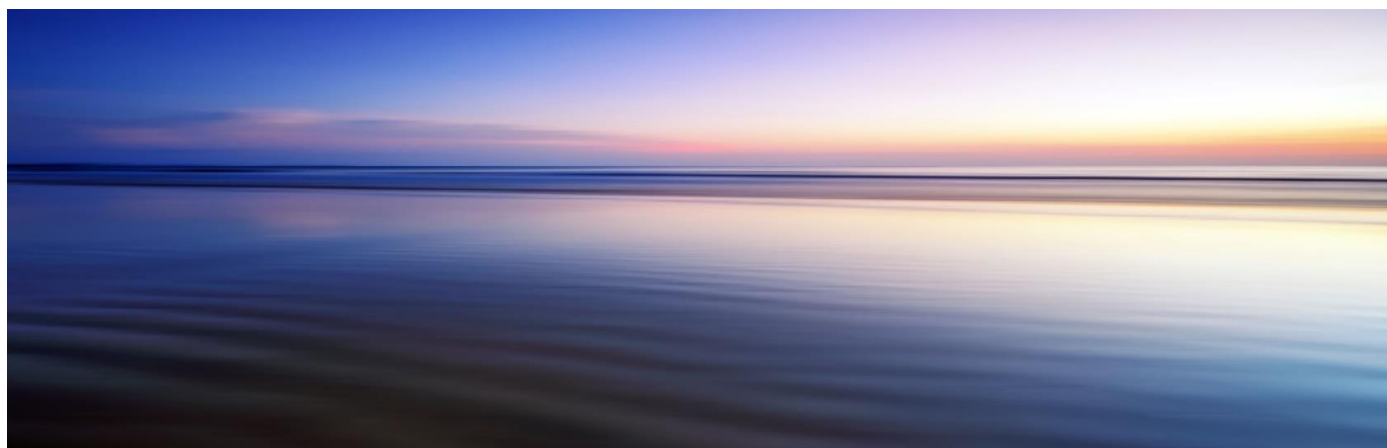
Essentially, the time you spend on getting it right will pay dividends in the long term.

You can find more information on making onboarding and induction as success on our [website](#), including a recording of our webinar '[How to get the best out of newly recruited staff](#)'.

SPOTLIGHT ON

HOT WEATHER HR ISSUES

With the arrival of the recent heatwave the issue of hot classrooms and offices tends to resurface. Here is a quick summary of some of the most commonly seen HR related queries and the relevant facts and considerations.



Can staff refuse to work if the workplace is uncomfortably hot?

No, there is no maximum permitted workplace temperature in the UK. In some industries it is necessary to work in higher temperatures, e.g., bakeries and metal and glass production, so ultimately it is not possible to set an appropriate limit for a maximum temperature. It comes down to a question of what is 'reasonable' taking into account the type of work and the nature of the workplace.

There are no special rules on maximum temperatures in classrooms either, although the NEU has a policy of treating 26°C as the maximum for teachers to work in for a prolonged period. The TUC recommended limit is 30°C (or 27°C for those doing strenuous work).

However, schools should remember their duty of care to provide a safe environment where staff are not at risk of falling ill from the heat. Under the Management of Health and Safety at Work Regulations 1999, employers are required to assess health and safety risks to their employees. The temperature of the workplace is one of the potential hazards that employers should address. In practice this means keeping the temperature at a comfortable level as far as possible and providing clean and fresh air through adequate ventilation measures.

What can an employer do if staff are unhappy with the temperature in the workplace?

If staff are unhappy with the temperature the conditions should be assessed, and appropriate measures taken to alleviate the situation.

There are a range of possible measures available and these could include:

- Opening windows, providing fans or air coolers
- Increasing access to water
- Using blinds or reflective screens to reduce heat
- Allowing those working near windows to move to a cooler location
- Turning off heat-generating equipment
- Reducing level of physical activity (e.g., in PE)
- Adjusting timetables and/or moving classes from the hottest rooms where possible
- Relaxing dress codes

Some individuals, such as pregnant women, will be more vulnerable to the effects of heat and may need additional measures to support them to remain at work, such as additional rest breaks or provision of fans.

SPOTLIGHT ON:

HOT WEATHER HR ISSUES

If we relax the dress code, how can we be sure that staff will not dress inappropriately?

Most schools have a strict dress code for staff. Schools can choose to still enforce a dress code during a heatwave and potentially discipline or send home staff who refuse to follow it, provided they follow proper procedures. However, in the interests of taking a common-sense approach, when working in very high temperatures allowing a temporary relaxation of the dress code can help to keep staff happy and productive. To avoid problems around staff wearing inappropriate items (such as flip-flops and beachwear) be sure to provide staff with clear communication and clarity around clothing and what is not acceptable in the workplace under the relaxed rules.

What if heat related transport issues mean that staff arrive at work late?

Hot weather can often lead to problems with transport, with train tracks buckling and tarmac road surfaces melting. There is no legal obligation on employers to pay employees who arrive late, even if this is down to a heat-related transport problem, as the obligation to pay under the contract of employment arises only where they are ready, willing and available for work.

However, it is reasonable for staff to expect employers to make allowances for employees having problems getting to work due to public transport disruptions, such as allowing more flexible hours or working from home (neither of which are easy to implement for most members of school staff), or as an alternative allowing employees to make any missed time up later.

School Workforce 2022: Headline Results

The latest [data release](#) on the school workforce in England (based primarily on the School Workforce Census which covers state-funded schools) was published last month. Here are some of the headlines:

	Primary	Secondary	
Pupil to Teacher Ratio	20.7 : 1 (similar to 2021)	16.8 : 1 (similar to 2021)	
	Classroom Teacher	Leadership	Head
Median Salaries	£40,300 (up £1,300)	£56,800 (down £200)	£70,800 (down £3,300)

WASTAGE RATES

- **87.2%** of teachers who qualified in 2021 were still teaching a year later (similar to 2021)
- **58.7%** of teachers who qualified 10 years ago are still teaching (down 1% from 2021)
- **9.7%** of qualified teachers left the profession in 2022 (up from 7.8% in 2021)

GENDER PAY/ ETHNICITY

- Nursery/primary: Female teachers paid on average **£120 (down from £655)** more than male teachers
- Secondary: Male teachers paid on average **£507 (down from £709)** more than female teachers
- **15.6%** of teachers are from a minority ethnic group (up from 14.9% in 2021)

Online Training Next Term

We are in the process of finalising next term's training schedule and will update you soon.

Bespoke training

Don't forget that we also provide a wide range of group training workshops in the management of human resources, as well as whole staff workshops which can be delivered at your individual school or setting at a time to suit you. The precise content and duration can be tailored to the particular requirements of your organisation.

[Find out more >>](#)



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