



Department
for Education

Staffing and employment advice for schools

Government consultation response

May 2018

Contents

Introduction	3
Summary of responses received and the Government's response	4
Main findings from the consultation	4
Question analysis	5
Question 1	5
Government response	5
Question 2	5
Government response	6
Question 3	6
Government response	6
Question 4	6
Government response	7
Question 5	7
Government response	7
Next steps	8
Annex A: List of organisations and individuals that responded to the consultation	9

Introduction

The Government's previous statutory *Guidance on Managing Staff Employment in Schools* has been withdrawn. Governors and headteachers of maintained schools, and local authorities no longer need to have regard to this guidance. Instead, we expect employers in all schools to make use of the new non-statutory *Staffing and employment advice for schools*, published in February 2017, and the sources of help it identifies, when carrying out staffing and employment duties.

A six-week online public consultation was launched on 17 December 2015 and closed on 10 February 2016. The purpose of the consultation was to seek views on the revised advice and enable it to be refined prior to publication. We received 38 responses to the consultation; the breakdown of respondents is as follows:

Respondent type	Number of respondents	Percentage of respondents
Local Authority	16	42.1%
School/Academy	8	21.0%
Representative Organisation	5	13.2%
Union	4	10.5%
HR Provider	2	5.3%
Regulatory Body	1	2.6%
Alternative Provision	1	2.6%
Individual	1	2.6%

The consultation requested yes/no answers and provided an opportunity for respondents to express their views on each of the five questions.

Prior to the formal consultation, DfE officials held a number of pre-consultation meetings with key stakeholders. The public consultation was the final stage in work to review the effectiveness of the previous guidance and to explore an alternative and more up-to-date means of providing advice and support.

The responses to this consultation informed the DfE's *Staffing and employment: advice for schools*, published on 24 February 2017.

Summary of responses received and the Government's response

This section sets out the main findings from the consultation and the Government's response. The percentages quoted in this section are based on the number of responses received. A list of the organisations and individuals who responded to the consultation can be found at Annex A.

Main findings from the consultation

There were a number of conflicting views and opinions in response to the consultation. Analysis of the consultation responses revealed a split between those who welcomed and supported the new advice and those in the minority who believed that the previous guidance was better suited to providing appropriate staffing and employment support to schools and employers. Responses ranged from brief statements in agreement to the proposed way forward to lengthy analysis and arguments as to why the previous guidance was preferred.

Five specific questions were asked and an analysis of the responses, including the Government response to each, is outlined in the section below.

Question analysis

Question 1

Did you regularly refer to the previous advice that the Department issued; *Guidance on Managing Staff Employment in Schools*, and did you find the guidance it provided to be helpful?

	Total	Percent
Yes	25	66%
No	10	26%

Government response

It was clear from the information received in the consultation that the majority of respondents declared themselves as regular users of the previous guidance. All of the unions that responded stated that they used the guidance, and 75% of the local authorities indicated that they regularly referred to it. There were also a number of comments that indicated that the guidance was in need of revision and was being relied upon less frequently.

The Government acknowledges that the previous guidance was a helpful resource but we believe that the new advice will prove to be a more than suitable replacement that will provide up-to-date advice and signpost users to the best available staffing and employment information.

Question 2

Do you have any comments regarding the format of the new advice as compared to its predecessor; is the change to signposting to relevant sources of advice and guidance preferable to the former approach?

	Total	Percent
Yes	24	63%
No	11	29%

Government response

There was a cross-section of differing views regarding the format of the new advice. Whilst it was clear that many of the respondents felt that a signposting approach offered a significant improvement over the previous guidance, others expressed concerns.

We believe that the revised advice benefits schools, providing it with a much wider and more accessible set of links to where the best advice can be sourced.

Question 3

Do you think the associated regulations: *School Staffing (England) Regulations 2009* are now also in need of revision?

	Total	Percent
Yes	24	63%
No	7	18%

Government response

Publishing the new advice does not change the requirements placed on maintained, voluntary controlled and voluntary aided schools by the *School Staffing (England) Regulations* as amended. Schools and local authorities should ensure that they continue to comply with this legislation. Whilst the consultation produced a number of suggestions about how the Regulations could be changed, we do not consider there is an immediate need to make changes. We will keep on record the suggestions put forward and consider these when we next review the Regulations.

Question 4

Is there anything that you consider as crucial advice for schools, academies and other users that was previously referred to in the *Guidance on Managing Staff Employment in Schools* and which is no longer referenced in the new advice?

	Total	Percent
Yes	16	42%
No	12	32%

Government response

Given there were a number of respondents who had some strongly held views about retaining the previous guidance it was inevitable that there would be a number of comments referring to information that it was felt should be retained in the new advice. The consultation exercise provided officials with the opportunity to revisit the draft advice that was consulted on and incorporate many of the helpful suggestions made by the respondents.

There were several respondents who felt that the chapter on collaborating schools from the previous advice should have been retained. Whilst these views are acknowledged, it was felt that there is no need for a specific section on federation and collaboration to be included. The *School Staffing (England) Regulations* remain in force and can be referred to. Additionally, we have added a short paragraph into the key points section at the beginning of the advice, which directs maintained schools considering federation/collaboration to the Department's Governance Handbook where they can access helpful guidance.

Question 5

Are there any further comments regarding the new advice you wish to make?

	Total	Percent
Yes	26	68%
No	9	24%

Government response

This question provided an opportunity for helpful comments to be submitted by respondents, many of which have been incorporated into the new advice.

There was no obvious pattern in terms of respondents who did not wish to make any further comments, with as many LAs as schools declining to add anything more to the comments they had already provided.

Next steps

Amendments have been made to the original draft advice that was circulated with the consultation in light of the many comments and suggestions that have been made by respondents. The revised advice was published on 24 February 2017 via [GOV.UK](#) and the previous statutory guidance archived.

Annex A: List of organisations and individuals that responded to the consultation

- Whitehill Community Academy
- The Queen Katherine School
- West Berkshire Council
- Sultania Hidayat UI Quran
- Royal Borough of Greenwich
- Babcock 4S
- Derby City Council
- North Somerset Council
- Trinity Academy, Halifax
- Huntington School
- Oasis Community Learning
- Knowsley Borough Council
- Enfield Council
- Croydon Council
- Catholic Education Service
- Hayes Academy School
- FASNA
- Essex Council
- North Tyneside Partnership
- Hampshire County Council
- NAHT
- St Botolph's School
- The Key
- Cumbria County Council
- National Governors Association
- Norfolk County Council
- Independent Schools Inspectorate
- Kirklees Council

- ASCL
- Instill Exchange
- Unison
- North Yorkshire County Council
- Worcestershire County Council
- Newcastle Council
- NASUWT
- Recruitment and Employment Confederation



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About this publication:

enquiries www.education.gov.uk/contactus

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Reference: DFE-00164-2018



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