

Outcome of review meeting to explore the reported concerns of Sinfin School employees about the impact of the proposed Academy on their Terms and Conditions of Employment

SUMMARY

- 1.1 At the Children and Young People Commission meeting on 4 November 2008, Dave Wilkinson of the National Association of Schoolmasters Union of Women Teachers (NASUWT), who is a statutory co-opted member of the Commission, voiced concerns about the effect on the terms and conditions of employment of existing Sinfin School staff of the proposal to close the school and re-open it as an Academy.
- 1.2 As a consequence of his comments the Commission resolved to hold a short review meeting to explore Mr Wilkinson's concerns. It was made clear from the outset that the review would only consider issues relating to the effect of the Academy proposal on the terms and conditions of existing staff and that no other aspects of the proposal to close the school and re-open it as an Academy would be considered.
- 1.3 The review meeting took place on 11 December 2008 and the Commission heard evidence from:
 - Dave Wilkinson – NASUWT
 - Steve Monks – Head Teacher, Sinfin Community School
 - Howard Jones – Deputy Head Teacher, Sinfin Community School
 - David Croll – Principal and Chief Executive, Derby College
 - John White – Appleyards Consulting
 - Andrew Flack – Corporate Director for Children and Young People
- 1.4 Commission members were pleased to hear that so far as terms and conditions of employment were concerned, many of the concerns of the employees of Sinfin School had been addressed within the Academy proposal. The Commission was also pleased to hear the intention stated at the meeting, that as well as the law itself, the spirit of TUPE would also be applied for school employees who transferred to the Academy.
- 1.5 Members were however concerned that clear information about what was proposed by Derby College and the Council did not seem to have

been given to school employees, trades union representatives and the school governors.

- 1.6 The Commission considered that Derby College and the Council needed to make School employees aware of how their existing terms and conditions of employment would be protected if the proposed change to Academy status was approved.

RECOMMENDATIONS

- 2.1 That Derby College and the City Council should, as a matter of urgency, inform the employees of Sinfin Community School of how their terms and conditions of employment will be protected if the proposal to close the school and re-open it as an Academy is approved by Cabinet.
- 2.2 The Council and the Derby College should if practicable confirm that the terms and conditions of employment of school employees who transferred to the Academy would be no less favourable than their existing terms and conditions.
- 2.3 The Council and Derby College should if practicable confirm that the trades unions currently recognised by Sinfin Community School will be recognised by the Academy

REASONS FOR RECOMMENDATIONS

- 3.1 To ensure that all school employees are aware of how their existing terms and conditions of employment will be protected if the Academy proposal is approved.
- 3.2 To address a specific comment made by Mr Wilkinson (see 4.2 below)
- 3.3 To confirm the information given to the Commission

SUPPORTING INFORMATION

- 4.1 At their review meeting the Commission members were told by witnesses:
 - That to attract and retain the best teaching staff the Academy would need to offer the best terms and conditions.
 - When staff were transferred under TUPE their existing terms and conditions were protected and that this protection was not time limited
 - The intention was to apply the 'spirit of TUPE' as well as the law itself.
 - The sponsors wanted to work positively with the trades unions
 - Employees of the Academy who had previously been employees

of the City Council would retain the pension rights that had as Council employees

- 4.2 Dave Wilkinson confirmed to the Commission that he found the comments made at the review to be encouraging and said he thought it would be helpful if the Council and the College could make a statement to the effect that the terms and conditions of school employees who transferred to the Academy would be 'no less favourable than their existing terms and conditions'.

OTHER OPTIONS CONSIDERED

5. None.

For more information contact: David Romaine 01332 255598 e-mail david.romaine@derby.gov.uk
Background papers: Background Papers - None
List of appendices: Appendix 1 – Implications

IMPLICATIONS

Financial

1. None arising directly from this report.

Legal

2. None arising from this report.

Personnel

3. None arising from this report.

Equalities impact

4. A large number of people who work at the school or who have children who attend the school are affected by the Academy proposal.

Corporate Priorities

5. This report has the potential to link with the following Corporate priorities
 - Supporting everyone in learning and achieving
 - Giving you excellent services and value for money