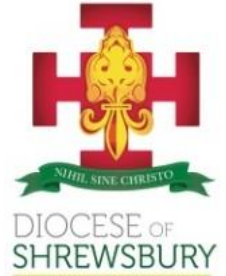
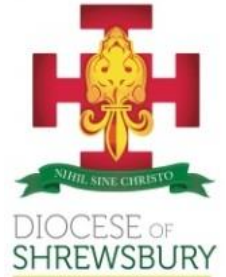


## Model Contracts of Employment and Workplace Policies Training Workshop



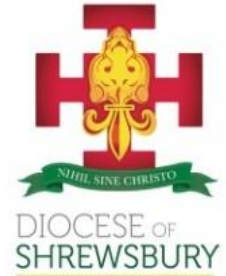
# The Catholic Education Service – who they are and what they do

- Catholic Poor School Committee founded in 1847
- Agency of the Catholic Bishops' Conference of England and Wales



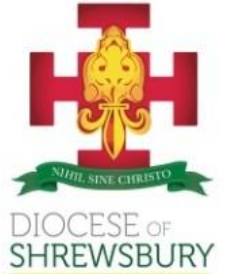
# The Catholic Education Service – who they are and what they do

- Responsible for promoting and securing education on behalf of the Catholic bishops
- Liaise with Government, more particularly the Department for Education
- Serve, support and guide Catholic Dioceses in England and Wales
- Produce model employment documentation for use by Catholic schools and academies



# Why does the CES produce model employment documentation?

- Bishops' Memorandum on Appointment of Teachers in Catholic Schools. Update
- Available for download from the CES website:  
<http://www.catholiceducation.org.uk/employment-documents/bishops-memorandum>
- "...help, and guide employers in Catholic schools to fulfil their responsibilities, including statutory responsibilities, to preserve and develop the Catholic character of the school in relation to the appointment of teachers"

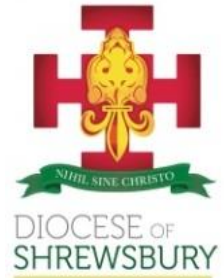


# Why must Catholic schools use the model employment documentation?

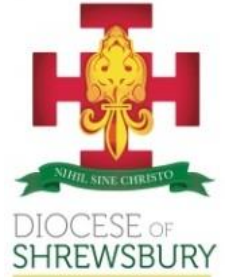
- Bishops' expectation as outlined in their Memorandum
- Governing body's duties to maintain and develop the Catholic character of the school
- Foundation governors duties to ensure this objective is achieved



# The Bishops' Memorandum

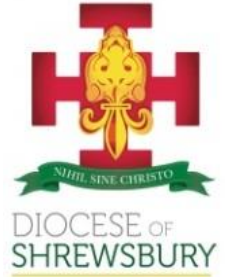


- The Bishops Memorandum on the Appointment of Staff in Catholic Schools' sets out the Bishops' collective requirement on **all Catholic schools and colleges in relation to staffing, the use of CES contracts of employment, workplace policies and associated model employment documents for Catholic schools**. All Catholic school governing bodies must ensure that they have a copy of the Memorandum and that they comply with it.
- The Governing Bodies are the employers of the staff, to whom they should give clear guidelines about the Catholic character of education and life in their school. **As employers the Governing Body must ensure that the appropriate contract of employment and associated documentation, as published by the Catholic Education Service ("CES"), is issued. It is because the contracts reflect the Bishops' requirements that the Catholic character of schools is preserved and developed that the Bishops expect all schools to use CES model contracts of employment for their staff.** The CES model contracts ensure, in the context of the role within the school which the employee is employed to perform, the preservation, maintenance and development of the Catholic character of the school.



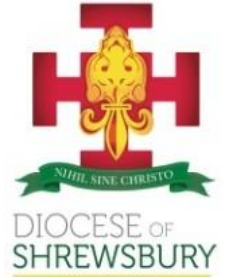
# The different types of model documents the CES produce

- Recruitment stage
- Contracts of Employment
- Workplace Policies



# Recruitment Stage Model Documents

- Model Application Forms
- Guidance
- Contracts

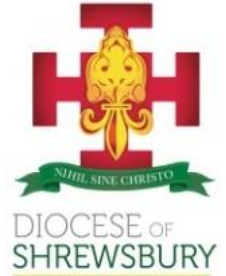


## Model Application Forms

- <http://www.catholiceducation.org.uk/recruitment-process/item/1000042-model-application-forms>



# Personalise The Form



## Rehabilitation of Offenders Act 1974

If you have any convictions, cautions, reprimands or final warnings that are not “protected” as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013 and 2020), then the details of these must be disclosed if you are invited for interview.

Guidance about whether a conviction or caution should be disclosed can be found on the [Ministry of Justice website](#).

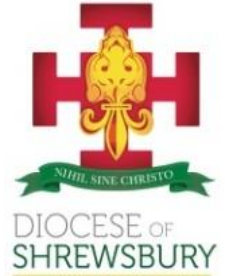
If you are invited for interview, please bring The Rehabilitation of Offenders Act 1974 – Disclosure Form with you to the interview in a sealed envelope marked “Confidential – Rehabilitation of Offenders Act 1974 – Disclosure Form”. You will be asked to hand the form to the interviewer at the end of the interview. If you do not have disclosable convictions, please complete the relevant sections of the Disclosure Form.

## Request for Your Consent to Process Your Data

In compliance with the General Data Protection Regulation (GDPR), we wish to ensure you are aware of the purpose for which we are requesting your consent to collect and process the data we have asked you to provide on this application form.

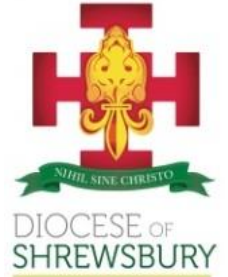
### Important information regarding your consent

1. We are [insert name and address of school and state whether VA, Academy, Independent etc. if you are part of a multi academy trust, state the registered name of the academy trust company and state that the academy trust company is the data controller and explain that the school is part of the multi academy trust].
2. Being a Catholic education provider we work closely with the school's / academy's Diocesan Authority, the school's / academy's Trustees, the Local Authority, the Department for Education, the Catholic Education Service and [insert name(s) of other relevant third party(ies)] with whom we may share the information you provide on this application form if we consider it is necessary in order to fulfil our functions.
3. The person responsible for data protection within our organisation is [insert name of data protection officer] and you can contact them with any questions relating to our handling of your data. You can contact them by [insert method of contact and contact details].
4. We require the information we have requested on this form in order to process your application for employment.
5. To the extent that you have shared any special categories of personal data<sup>1</sup> this will not be shared with any third party except as detailed in paragraph 2 above, unless a legal obligation should arise.



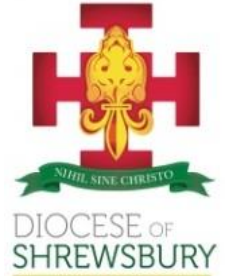
## Guidance

<http://www.catholiceducation.org.uk/recruitment-process/item/1000051-model-recruitment-documents-guidance>



## Model Contracts of Employment

- <http://www.catholiceducation.org.uk/employment-documents/template-contract-for-schools>



# Model Contracts of Employment

- Contracts available in two formats:
  1. Downloadable Microsoft Word versions
    - Yellow text – user to select between two or more options
    - Green text – user to input relevant information

## **PREAMBLE**

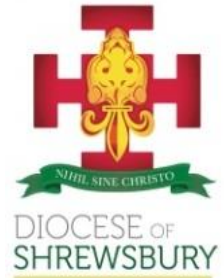
This Statement of Written Particulars contains the terms of Your employment which is given to You in accordance with Section 1 of the Employment Rights Act 1996 by your employer, the Governing Body of **ENTER SCHOOL NAME HERE** (“the School”). It should be read in conjunction with the Governing Body’s **Staff Handbook**, disciplinary, grievance and capability policies and any other policies and procedures the Governing Body operates from time to time. This Statement, together with any such policies and procedures which the Governing Body stipulate as expressly contractual in nature, constitute Your contract of employment with the School.

### **1 THE POST**

You are appointed by the Governing Body to serve as a **Teaching Assistant (Level 1) (Level 2) (Level 3) (Level 4)** **Temporary Welfare Assistant** **Classroom Assistant** **Nursery Employee** **Support Staff Member (Not Teaching Assistant) - being a [INSERT JOB TITLE HERE]** (“the Post”) at the School. Your job description will be provided to You by the Governing Body and may be attached to this contract at Appendix 1. The terms and conditions of Your employment set out in this contract may be subject to periodical review following consultation with You.

### **2 COMMENCEMENT OF CONTRACT**

2.1 Your Post commences on **ENTER DATE HERE**.



# Model Contracts of Employment

- Contracts available in two formats:
  1. Electronic Contract Generator
    - Form fill exercise which automatically populates a tailored PDF contract
    - Quick, easy and effective way of producing staff contracts
    - Currently only available to schools

## Role Details

School Logo:

 Browse...

Role:

Teacher Type (eg science teacher):



Contract type:

Full Time or Part Time?:

 Full Time  Part Time

Date post commences:

Duration Additional Info:



Midday supervision required?:

 Y  N

## School Details

Name:

Address 1:

Address 2:

Town:

County:

Postcode:

Diocese:

Is the school located in England or Wales?:

 England  Wales

## Employee Details

Employee First Name:

Employee Surname:

Employee Address 1:

Employee Address 2:

Town:

## Role Details

School Logo:

Role:

Teacher Type (eg science teacher):

Contract type:

Full Time or Part Time?:

Date post commences:

Duration Additional Info:

Midday supervision required?:

## School Details

Name:

Address 1:

Address 2:

Town:

County:

Postcode:

Diocese:

Is the school located in England or Wales?:

## Employee Details

Employee First Name:

Employee Surname:

Employee Address 1:

Employee Address 2:

Town:

Browse...

Select Role

- Teacher
- Instructor
- Teaching Assistant (Level 1)
- Teaching Assistant (Level 2)
- Teaching Assistant (Level 3)
- Teaching Assistant (Level 4)
- Temporary Welfare Assistant
- Classroom Assistant
- Nursery Employee
- Support Staff member (not TA)
- Lay Chaplain employed by Governing Body
- Lay Chaplain employed by Diocese
- Headteacher
- Acting Headteacher
- Deputy Headteacher
- Assistant Headteacher
- Joint Headteacher
- Lead Practitioner
- Unqualified Teacher

Select Diocese

England  Wales

Town:

County:

Postcode:

## Salary Details

Salary:



Area:

Spine Point:

Other Allowances:



Pay Date:



Paid in Arrears or Advance?:

Arrears  Advance  Part Advance / Part Arrears

Pay Method:



Does the employer have a written pension policy?:

Y  N

## Documents

Does the employer have a staff handbook?:

Y  N

Location of Sickness Policy:

Staff Handbook

Location of Disciplinary Policy:

Staff Handbook

Location of Grievance Policy:

Staff Handbook

Location of Capability Policy:

Staff Handbook

Location of Health and Safety Policy:

Staff Handbook

The contract refers to Appendices 1 and 2, being the employee's job description and any local, collective agreements to which the employee will be bound. Please ensure that such documents are appended to the contract once generated and are clearly marked as being "Appendix 1" and "Appendix 2", if appropriate.

Submit

**THIS AGREEMENT IS A CONTRACT  
OF EMPLOYMENT BETWEEN  
(1) THE GOVERNING BODY OF  
X CATHOLIC SCHOOL**



**SITUATED AT  
1 PARK ROAD  
LONDON  
W1U 0AB**

**A CATHOLIC VOLUNTARY AIDED SCHOOL IN THE DIOCESE OF  
WESTMINSTER  
("THE GOVERNING BODY")**

**AND**

**(2) SARAH THOMAS**

**OF**



**2 MILTON LANE  
ENFIELD  
MIDDLESEX  
EN2 9RR**

**("YOU")**

**FOR SERVICE AS A  
TEACHING ASSISTANT (LEVEL 4)**

## **PREAMBLE**

This Statement of Written Particulars contains the terms of Your employment which is given to You in accordance with Section 1 of the Employment Rights Act 1996 by your employer, the Governing Body of X Catholic School ("the School"). It should be read in conjunction with the Governing Body's Staff Handbook, disciplinary, grievance and capability policies and any other policies and procedures the Governing Body operates from time to time. This statement, together with any such policies and procedures which the Governing Body stipulate as expressly contractual in nature, constitute Your contract of employment with the School.

### **1 THE POST**

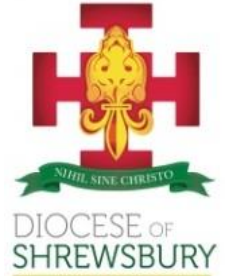
You are appointed by the Governing Body to serve as a Teaching Assistant (Level 4) ("the Post") at the School. Your job description will be provided to You by the Governing Body and may be attached to this contract at Appendix 1. The terms and conditions of Your employment set out in this contract may be subject to periodical review following consultation with You.

### **2 COMMENCEMENT OF CONTRACT**

- 2.1 Your Post commences on 03 March 2014.
- 2.2 Your continuous service under the Employment Acts will usually be calculated from the date You started working at the School unless Your employment with a previous Governing Body of a Voluntary Aided or Foundation School, or Local Authority, counts as continuous service under the Employment Acts.
- 2.3 For determining redundancy payments, continuous service with Local Authorities and with certain other specified employers will be aggregated with Your service at this School in accordance with the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999 (as amended) and/or the Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1997 (as amended) as appropriate.

### **3 DURATION OF CONTRACT**

- 3.1 Your post is a permanent full time Post.



# Model Workplace Policies

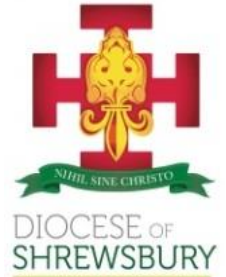
- Separate model policies for schools and academies located in England and Wales
- Model policies underpin model contracts of employment
- CES model policies:
  - Disciplinary Policy and Procedure
  - Grievance Resolution Policy and Procedure
  - Sickness Absence Policy and Procedure
  - Appraisal Policy and Procedure for Teachers
  - Appraisal Policy and Procedure for Support Staff
  - Capability Policy and Procedure

## Schools

<http://www.catholiceducation.org.uk/employment-documents/model-policies-and-procedures/itemlist/category/77-england-schools>

## Academies

<http://www.catholiceducation.org.uk/employment-documents/model-policies-and-procedures/itemlist/category/78-england->

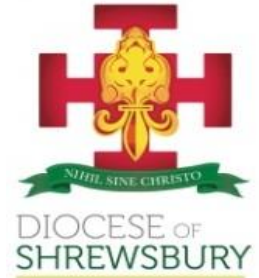


# Model Workplace Policies

- Consultation with national trade unions
- Governing Body must adapt and adopt the model policies to meet the needs of their school
- Governing Body must consult the workforce and regional/local trade union representatives/officials
- Governing Body must communicate the policy to staff



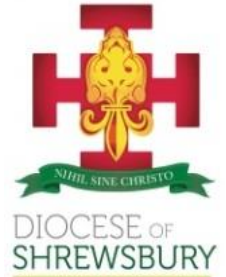
# CES Policies and Union Activity



- A number of you will be aware the professional associations have been meeting with members regarding schools adopting CES policies as they believe they are detrimental to employees' working conditions. They have to date been unable to provide any evidence to substantiate this claim. However, it is useful to revisit the position regarding CES workplace policies:
- The Bishops' Memorandum requires that CES model policies and contracts are adopted.
- The CES model policies and contracts **have been subject to a national consultation process**, but they are **still subject to local consultation**.
- The model policies are models, and schools and academies are **free to make minor amendments** (such as triggers, number of objectives, number of days' notice etc) to the policies in response to local consultation, provided that the consent of the Diocese has been obtained.
- The involvement of local union representatives in the local consultation process will need to be considered on **an employer-by-employer basis and HR advice needs to be taken by schools in order to determine what an appropriate process would look like**.
- The union want the Diocese to act in a similar way as the LAs do and agree the policies with the Diocese so that they do not have to consult with individual schools. However, this is not possible as the Diocese is **not the employer** whereas the LA is. Therefore Governing Bodies **must consult** with employers and unions, and unions must respond to the Governing Body as the employer.



# Consultation

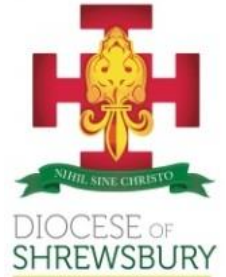


## Consultation requirements for schools and academies

- Governing bodies and academy trust companies are under an obligation to consult with their staff when they are looking to implement revised workplace policies.
- This consultation should be meaningful, and staff should be given ample time to consider the suggested changes and seek advice from their unions if they wish.
- The amount of time that should be given will need to be determined by looking at the level of changes being proposed.
- A suitable consultation period would be between 4 and 6 weeks.
- The consultation must be meaningful and where comments are raised, they should be appropriately responded to, it should be a two-way conversation and records should be kept of any meetings held to discuss policy changes or concerns raised and responses provided.
- Records should also be kept of any deliberations by the governing body or board of directors which consider the adoption of the policies.



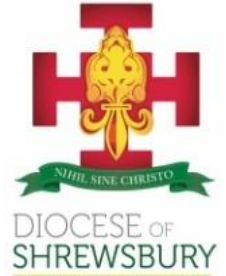
# Consultation



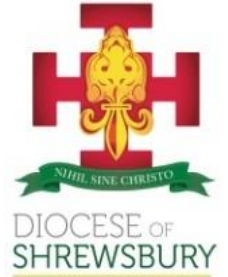
- Once the consultation process has been completed, the final versions of the policy should be approved by the governing body/board of the academy trust company (as appropriate) and the policies should be published in an accessible place so that staff have access to them.
- The approval by the relevant body should be minuted so that there is a clear evidential record of the policy being approved and adopted.
- Confusion arises at local level as to whether or not schools and academies should be actively seeking to consult with local union representatives and whether or not there is any requirement to negotiate with unions or agree the content of the policies with them.
- In reality, there is no simple answer to this question because the answer will depend on whether or not there is a recognition agreement in place, and it may depend on the arrangements that have been put in place with local authorities.
- For this reason, it is important that all schools and academies look at their own local arrangements and take HR advice about the best way to proceed.



# Consultation



- Further information is also provided in paragraphs 5.36 -5.38 of the Staffing and Employment Advice for Schools issued by the Department for Education:
- [Staffing and employment: advice for schools - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- This states clearly that employers must recognise those trade unions with which they have a voluntary recognition agreement or which they are required to recognise by the Central Arbitration Committee.
- In voluntary aided schools, it will be the governing body as the employer that will recognise such unions and in academies it will be the academy trust company.
- Trade union recognition and the continuation of consultation and bargaining rights are protected under TUPE, and this may mean that rights have transferred where voluntary aided schools have joined an academy trust company.
- This creates an added layer of complexity and is another reason why it is not possible to provide blanket advice as to what the requirements are and why it is important that appropriate advice is taken by individual employers.



# The risks of failing to use CES model documents

- Contravention of Bishops' Memorandum
- Preserve Catholicity of the school – contractual obligations
- Workplace Policies – invaluable Diocesan assistance