

# Council and School Responsibilities in regards to the provision of Human Resources and Payroll

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## Introduction

In 2012, the Council reviewed its service provision to schools in line with the need to drive efficiency through its limited resources, and from April 2013 withdrew from some traded services with schools. Since this time Schools were advised to seek alternative HR and Payroll provision.

The following document provides information on the statutory requirements for both the School and the Council to ensure that a relationship is maintained with the Human Resource function of the Council for all Schools that are:

- Community Maintained, Voluntary Controlled (VC), Maintained Nursery Schools and Special Schools where the Council remains the employer; and
- Maintained Foundation (Trust) Schools (in regards to Teacher Pension Returns and where you request the council covers redundancy costs).

The statutory requirements ('retained service') was provided by contractual arrangement by Capita until June 2016. Since this date the retained services (other than pension tasks) are provided directly by Southampton City Council HR.

## Overview of Council's Statutory Responsibilities

**The Council is responsible for the following statutory HR elements for Community, Voluntary Controlled, Maintained Nursery and Special Schools.**

### Appointments/Employment/Termination

- Issuing templates for contracts of employment, contractual changes and termination of employment letters.
- Issuing dismissal letters, where required, in accordance with the School Staffing Regulations 2009.
- Considering applications for the employment of people from outside of the UK and issuing certificates.
- Administration and guidance to schools and individual staff (e.g. starters and those contemplating retirement) on the operation of the Local Government and Teachers Pension Schemes.
- Maintaining relevant data systems and processes to enable an accurate return of service to Teachers Pensions in accordance with the Teachers Pensions Scheme requirements.
- Ensuring that the policies and procedures are adhered to.

### Policy and Procedure/Employee Relations

- To have the option to provide advice to Governing Bodies and represent the Council at the point of dismissal in cases such as redundancy, Ill Health, conduct and capability.
- Attendance at Trade Union/Professional Association Forums where appropriate, to ensure compliance with the regulations contained in Working Together to Safeguard Children 2018.
- Reviewing Southampton City Council's HR policies and procedures for schools that are recommended to governing bodies for adoption. Reviewing, updating and reissuing these policies and procedures in light of changes to employment legislation and best practice.
- Advising the Employment and Appeal Panel relating to the funding of school based redundancies in accordance with the Council's Financial Regulations.
- Carrying out job evaluations for school support employees in accordance with the Council's Job Evaluation Scheme.
- Advising and supporting members and Council managers regarding the Council's employment responsibilities.
- Advising and supporting members and Council managers in matters concerning corporate human resource policy and practice which impact on Council maintained schools.
- Where the Council is named as a co-respondent manage the response to Employment Tribunal (ET) applications.
- Responding to consultation documents from the Department, Local Government Association etc on employment matters.
- Undertaking consultations and negotiations with staff representatives on Council wide issues.
- Providing advice and support to Head teacher and Governing Bodies of appropriately designated schools in relation to particularly sensitive and/or high profile employee relations matters where the reputation of the Council and/or school may be at risk.
- Participation in working groups to support the Council in raising attainment in schools. An example would be membership of a task group where a school is in a category.

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- TUPE processes where transferring staff are employees of the Council, including Academy conversions.
- Providing guidance to schools, where required, on the contractual agreements they should enter into with “traded” providers of HR services.
- Attendance at TUPE meetings as the ‘employer’ representative.

**HR Advisory**

**Obligations of the School and HR Advisory Service Provider to the Council**

The School are obliged to liaise with and alert the Council in the following instances, providing information and documentation as required:

- All misconduct cases that are linked to child protection.
- All employee relations cases linked to complaints of discrimination.
- All cases where the potential outcome could result in dismissal or redundancy.
- All collective grievances
- All grievances that relate to Equal Pay
- All restructures where staff are at risk of being made redundant
- All suspensions
- To provide management information in relation to staff as appropriate

It is a requirement of the Council that you comply with our policies and procedures as we are content that these are sufficient to meet our statutory obligations. Should you / your provider not comply with these policies and procedures, we may pass any liability to you for costs relating to any employment issue that arises as a result.

The Council’s policies and procedures can be found on [Schools HR \(southampton.gov.uk\)](http://Schools HR (southampton.gov.uk))

**Checklist of HR Advisory service functions**

These are activities that a school is responsible for. A school may decide to use an external provider for some or all of the activities listed.

DETAIL	✓
Provide telephone, email and on-site support to school managers relating to:-	
Performance Management	
Discipline	
Grievance	
Harassment, bullying and victimisation	
Re-organisation, restructures and redundancy	
Management of sickness and attendance	
Liaison with Occupational Health provider for the administration of ill health retirement process	
TUPE (including due diligence)	
DBS disclosures	

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Recruitment and selection (including pre-employment checks)	
Applying Council policy and procedures	
Review of draft letters and other documents	
Consultation with relevant trade unions/professional associations on behalf of the Governing Body, in accordance with statutory requirements and local agreements	
Advice on the preparation and presentation of cases at hearings and Employment Tribunals	
Advice on the preparation of Council reports to Employment and Appeal Panel on the funding of redundancies.	
Advice on referring employees to the Disclosure and Barring Service and/or Teacher Regulation Agency	

## Payroll

### Obligations of the School and Payroll Provider to the Council

- Ensure that contracts for payroll services include a requirement for Council and third party access to data for audit purposes, management information and equal pay claims including:
  - details of pension deductions and remittances to the Council
  - Council access to its employees' payroll information
  - the release of payroll records to external auditors in accordance with pensions regulations and upon request
- Ensure that the payroll provider has adequate arrangements to hold data securely particularly when transferring data between them and the school.
- Schools must provide the Council (or direct its payroll provider to provide) the information in an electronic format on a monthly basis as set out in Appendix C.
- Ensure that payroll queries are resolved in a timely manner

### Checklist of Payroll service activities

These are activities that a school is responsible for. A school may decide to use an external provider for some of all of the activities listed.

DETAIL	✓
General:	
Establish and maintain an audit trail of payroll records	
Ensure payroll system meets changing legislative requirements	
Provide the facility to make employee payments by BACS	
Carry out post payroll processing including reconciling payrolls and deductions, processing Third Party (e.g. HMRC, LGPS) payments and employee producing payslips.	
Respond to payroll enquiries and correspondence from employees or third parties e.g. Dept for Work and Pensions, proof of earnings as part of mortgage applications, Benefit Agency enquiries.	
Complete return for Office for National Statistics Earnings	
Ensure compliance with HMRC legislation in respect of e.g. income tax, tax codes, Student Loans, National Insurance.	



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Produce and issue appropriate HMRC documentation e.g. P45s, P60s, at the relevant time	
Submit periodic RTI returns and reconcile financial data for HMRC (including providing Council Finance with reconciliation data)	
Provide financial monitoring data as required by Head teachers, Governors and SCC	
Administer pensions auto-enrolment and enrol employees into the appropriate pension scheme e.g. Teachers Pension, LGPS	
Administration:	
Implement and administer a standard overpayment recovery scheme	
Process annual pay awards and other increases as instructed, including arrears where necessary, retaining full records of all pay awards	
Process annual increments where due	
Administer payroll deductions relating to new and outstanding Season Ticket, Welfare and Cycle Loans including deduction of loan amount from employees salary (send details of payments to SCC for outstanding Season Ticket, Welfare and Cycle Loans)	
Administer relocation and mortgage assistance schemes	
Administer payroll deductions for unpaid leave, third party (including Court Orders, Child Support Agency, Union deductions), post entry training costs, Give As You Earn and salary sacrifice schemes including e.g. childcare vouchers and cycle to work	
Process authorised overtime, expenses and mileage payments in line with published terms and conditions	
Process timesheets for supply teachers and casual staff	
Calculate employee pay increases or changes to employee pay arising from career breaks	
Process Occupational / Statutory Sick Pay	
Process Occupational /Statutory Maternity/Paternity/Adoption pay	
Calculate and process and pay leavers' final payments	

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Calculate and process redundancy payments for staff	
Provision of TUPE information for due diligence	
Teachers Pensions (TP)	
Provide pension information to all new appointees, both full and part time including provision of new Member Information Pack to all new entrants to teaching. All other new appointments should be provided with the link to the TP website to access the latest Guide to the Scheme.	
Inform new starters that they are automatically members of the scheme unless they opt out.	
Advise teachers new to the profession that an application for a transfer of pension rights from a previous pension scheme must be made within twelve months of commencement of employment	
Ensure that the teacher DFE number is noted in school payroll records and is correctly shown on communication with the Council	
Ensure that any existing part time teachers who were not members of the TPS as at 31 December 2006 are correctly defaulted to the TPS on a change of employment by informing the Council	
Inform the Council if a teacher returns to work after receiving ill-health retirement	
Provide information about new starters and leavers to the Council including leaving date, address and where going to work if at another school in the same Local Authority and whether leavers have less than 2 yrs in the teaching profession.	
If teachers move to a different Authority or Foundation school, provide information to the new employer	
Provide the leaver with a copy of the TP fact sheet "Leaving Pensionable Employment"	
Inform Council if new starters have opted out of the pension scheme	
Inform Council, via EOY details, of employment changes such as changes of incremental point, part time hours, addition or deletion of allowances, return from maternity leave etc, details of any extra duty claims made for part time teachers (and any other type of staff eligible to join) in the TPS	

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<p>Deduct pension from salary every pay period and pay the Council the appropriate contributions by BACS/CHAPS, to be received by the first day of each month and supported by a salary and contribution notification.</p> <p>Additional information including the amount of employee and employer contributions, previous year refunds taken by the school/third party provider and any payment of short term pension payments to be included with the payment with a clear explanation of any variances.</p>	
Inform Council of underpayment of pension contributions	
Process refunds of contributions in accordance with scheme membership and opt out rules	
Inform Council of teacher's death in service, including name, reference number, date of death and the name and address of the next of kin.	
When employee dies in service pay short term pension to surviving beneficiaries as instructed by Council/TPS	
Provide contribution information to Council as required for the purposes of making such information available to Auditors	
Provide final service details as outlined on part B of the Retirement Claim form and send completed form to Council for certification and submission to TP	
If a school wishes to offer premature retirement to a teacher, adhere to Council policy on Premature Retirement. (Note: If the school compensate a teacher beyond the Council's policy this will have to be funded from school budget).	
Provide Council with details of service, salary and additional contributions on an annual basis	
Liaise with the Council in cases of teachers' ill health	
If employing a teacher in receipt of retirement benefits, arrange for teacher to complete a certificate of re-employment immediately	
Co-operate with any enquiries which arise as a result of TP statutory returns completed by the Council	
Local Government Pension Scheme (LGPS)	
Make payment of support staff Local Government Pension Scheme (LGPS) contribution deductions (including added years) to Hampshire County Council (HCC)	

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Liaise with LGPS regarding support staff pension estimates for non-teaching staff	
Administer LGPS Pension forms	
Provide Hampshire County Council with information necessary to carry out their duties as administering authority of the LGPS	

## HR Administration

### Obligations of the School to the Council

- To have recruitment and selection processes in school which are legally compliant and adhere to safeguarding principles.
- The governing body must notify the Council in writing of
  - a) any vacancy for the head teacher; and
  - b) where it identifies either a current or new post of deputy head teacher as one to be filled.
- The governing body must send the names of the shortlisted candidates for the post of head teacher to the Council.
- To issue Council Statements of Employment and variations to Council employees.
- To ensure that a Single Central Register for recruitment checks is held and is updated.
- To follow Council policies and procedures in regards to maternity, paternity and adoption leave.
- To use the Council’s bank of 80 school job descriptions.

### Checklist of HR administration activities

These are activities that a school is responsible for. A school may decide to use an external provider for some of all of the activities listed.

DETAIL	✓
Administer annual salary statements including notification to payroll provider where appropriate	
Administer paternity, maternity and adoption leave paperwork including handover to Payroll provider	
Administer requests for premature retirement in accordance with the relevant Council procedures	
Administer the resignation/termination of employment including handover to Payroll provider	
Advertise vacant posts based upon job descriptions	
Adhere to Council guidance on completion of new starter, variations and termination forms	
Adhere to guidance on Pay, Terms and Conditions teachers and support staff	
Administer annual salary statements for all teachers, including head teacher, by end of September.	

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Process amendments to Contracts of Employment including extension of fixed term Contracts and temporary promotions where applicable	
Respond to third party requests for information in relation to Employment references (confirmation of employment, etc)	
Provide due diligence information to new employer when converting to an academy	
Transfer employee records to new employer upon school becoming an academy	
Administration connected to TUPE, closures and mergers of schools as appropriate	
Management information as requested by SCC as the employer	
<a href="#">New Starters</a>	
Carry out administration related to recruitment	
Inform the Council of the need for a Job Evaluation for a new non teaching role (if required) and ensure <b>any new Job Evaluations</b> are carried out by the Council	
Conduct salary assessments for newly appointed teaching staff	
Produce contracts of employment for each new employee and store these on site at the school	
Maintain a record of asylum and immigration checks	
Check eligibility to work in the United Kingdom	
Create and maintain personal files	
Process Children's Barred List (formerly List 99) checks where appropriate	
Process DBS checks for employees and volunteers	
Obtain pre-employment medical checks	
Obtain two references	
Check qualifications including QTS	
Maintain an on site single central record of the recruitment and vetting checks carried out on staff, including DBS checks	