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**GOVERNORS' RESPONSIBILITIES UNDER EMPLOYMENT LAW**

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An Order made under the School Standards and Framework Act 1998 places Governing Bodies in the role of employer for certain individual rights of complaint which can be pursued under employment legislation.

The CSA continues to be the employer in law but as it has limited powers in certain respects, the Order operates so as to require Governing Bodies to be the respondent in Employment Tribunal proceedings.

The following sub-paragraphs summarise the aspects where the Order transfers the responsibility to Governing Bodies:-

1. **Sex Discrimination, Race Relations and Disability Discrimination**

Discrimination on the grounds of sex, race, marital status or disability within the selection process or the terms of employment offered, access to opportunities for promotion, training etc or by dismissing or subjecting an individual to any other detriment.

Governing Bodies will also be regarded as liable for any discriminatory acts of employees employed to work at the school

Governors must ensure that any contractor engaged does not operate discriminatory practices.

Governors have a responsibility for defining jobs where sex or race is a genuine occupational qualification, ie those exceptional cases where in law there is a justification to select, train or promote a person of a particular sex or race.

1. **Disclosure of Information/Consultation**

Duties related to the disclosure of information for collective bargaining purposes and related to consultation, complaints and notifications to recognised trade unions and the Secretary of State for Education and Employment in respect of redundancy as appropriate.

1. **Industrial Relations**

Where the CSA dismisses an employee following a requirement by a Governing Body, the Governing Body will be the respondent in any unfair dismissal proceedings. The Governors will be responsible for the requirement to provide a written statement of reasons for dismissal; for the right of employees not to have action short of dismissal taken against them for Trade Union reasons; for the rights of employees to look for work or make arrangements for retraining when under notice for redundancy.

1. **Maternity**

The Governors are responsible for permitting any employee who has established a right to return to work following pregnancy or confinement to do so.

1. **Applications to Employment Tribunals**

Governing Bodies must notify the CSA of any action against them within 14 days of them receiving notification of any such action and the CSA will have the right to appear at all Employment Tribunal hearings where the Governing Body is the respondent (See Paragraph 2.18 in respect of costs and expenses arising from Employment Tribunal expenses).

1. **General**

It is again stressed that the information contained in this section is, of necessity, in the form of a brief illustrative summary and that the advice of the CSA is available to provide assistance.

BS/SP/SMS/JH/WR

21 September 2016