Appendix 2

Version Final

SCHOOLS LEGAL ADVICE ON EMPLOYMENT MATTERS

INSURANCE/ MUTUAL SCHEME – 2018/19

1. The scheme is designed to help schools cover legal costs they may incur on employment issues

2. The scheme will be managed by a committee of up to three headteachers, who will be advised by representatives from Schools HR and/or the legal team. This committee will be empowered to make policy decisions regarding the running of the scheme, accounting arrangements, the level of premiums and consider (and decide on) any exceptional circumstances claims

3. The Schools HR team will administer the scheme.

4. The scheme will be open only to maintained schools in Ealing Borough.

5. A minimum number of schools are required to sign up to the scheme for it to be viable. This number is 40. If less than 40 schools sign up to the scheme it will not operate.

6. The premium for all schools is set at a fixed fee per employee per year. For 2018 - 2019 this fee is £10 per employee. This premium is subject to annual review. Additionally in the event of a scheme deficit in any year, schools will be required to contribute additional funds on the basis set out in the relevant section below.

7. The sum total of all premiums will form the total fund available for the scheme. A figure of 3% of the schemes receipts is payable as an administration charge to cover the costs of the schemes administration.

8. Legal costs that are covered by the scheme are:

    i. Responding to an Employment Tribunal Application and preparation for/attendance at hearing.
    ii. Responding to a claim lodged at another court or with a statutory body, by an employee or ex-employee that relates directly to their employment, and preparation for/attendance at hearing.
    iii. Advising the school on an HR issue that requires legal input, including drawing up Settlement Agreements.

9. Costs that are not covered by the scheme are:

    i. Legal advice or support on non employment issues
    ii. Awards (incl interest) made against the school at a court or tribunal

iii. Advice in relation to any claim being dealt with through the Council's liability insurances

10. The total amount payable to any school under this scheme in any one financial year will be capped at 6 times their annual contribution, not to exceed a maximum payment of £6,000. Any costs above this figure will be picked up by the school and may be reimbursed in part or full under 11 (ii).

11. If the scheme operates at a cash surplus in any year then the management committee will decide how to dispose of the surplus, which could be one of the following ways:

    i. Transfer all or part of the surplus to the schemes reserve to cover deficits in future years.
    ii. Make additional payments to schools that have been capped under the scheme.
    iii. Make refunds to schools that have made no claims
    iv. Reducing premium payments

12. If the scheme overspends or runs at a deficit then the management committee will deal with the deficit in one of the following ways:

    i. Using all or some of any reserves held by the scheme
    ii. Seeking additional contributions from schools in inverse proportion to their use of the scheme in that year

13. The scheme will be suspended in the event that any deficit runs over and above the total fund available to the scheme.

14. Schools will only be able to claim under the scheme if they can show that they have taken and not acted contrary to HR advice.