

# Assessment of Employment Rights Act Update – Questions and Responses Summary

Date of Assessment: 09/03/2026

This assessment reviews the Employment Rights Act Update – Questions and Responses Summary, evaluating its effectiveness in relation to governance, legal compliance, consultation, equality, communication, risk management and implementation within the Schools HR Advisory Service.

## 1. Governance and Decision-Making

The document demonstrates strong governance awareness, particularly in relation to probation, dismissal thresholds, trade union access and collective consultation.

Responses appropriately emphasise early decision-making, evidence-based processes and the role of governing bodies. Uncertainty is transparently acknowledged where national policy or funding remains unclear, supporting defensible decision-making.

## 2. Legal and Policy Compliance

The advice provided is broadly compliant with the emerging Employment Rights Act framework. The summary correctly identifies where statutory provisions override contractual terms and where existing school frameworks intersect with new rights.

However, several areas require formal legal clarification, particularly around teacher probation arrangements and the six-month unfair dismissal threshold.

## 3. Consultation and Engagement

The questions raised reflect strong engagement from schools. Responses reinforce the importance of early consultation, central coordination of trade union engagement and consistent application of recognition agreements.

Commitments to training and the circulation of recognition agreements strengthen consultation practice.

#### **4. Equality, Fairness and Consistency**

The document appropriately highlights risks relating to inconsistent treatment of staff groups, probation extensions and leave arrangements.

Emphasis on documented, timely and fair decision-making supports equality principles, although written guidance will be required to ensure consistent application across schools.

#### **5. Communication and Clarity**

The summary is clear, well structured and accurately reflects advice given during the session.

The explicit identification of additional information required is a key strength, providing transparency and supporting audit and follow-up activity.

#### **6. Risk Management**

Key risk areas are clearly identified, including unfair dismissal exposure, collective consultation thresholds, holiday pay compliance and trade union access.

While risks are well articulated, further work is required to formally log and mitigate these risks through action plans and ownership.

#### **7. Implementation and Follow-Through**

The document provides a strong foundation for implementation, including policy updates, payroll guidance and training.

Delivery will depend on timely production of supporting materials and clear communication of expectations to schools.

#### **Overall Assessment and Recommendations**

Overall, the Questions and Responses Summary is effective and defensible, providing a clear record of advice given and risks identified.

Priority actions include issuing legal clarification notes, publishing payroll guidance, developing a trade union involvement framework, and tracking actions through a formal implementation and risk management process.