

# **Apprenticeships for supporting teaching and learning in schools**

## **Employee rights and responsibilities (ERR) workbook**



*developing people, improving young lives*

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# Introduction

## Purpose

This workbook has been produced by the Training and Development Agency for Schools (TDA) to help the learner understand the employee rights and responsibilities (ERR) component of the apprenticeship frameworks for supporting teaching and learning in schools. The workbook applies to apprenticeship programmes in England, where ERR is a mandatory component. Although not formally assessed or separately certificated, evidence of completion, signed by the provider, employer and apprentice must be provided in order to obtain an apprenticeship completion certificate.

## What are ERR?

ERR are an important part of ensuring that apprentices are fully prepared for employment in their chosen role. They cover:

- the rights and responsibilities of workers (including equal opportunities legislation)
- the organisation, disciplines and representative structures of the sector, and
- the impact on the sector of public law and policies.

## Using the workbook

The workbook is designed to help providers, employers and apprentices ensure that ERR within apprenticeship programmes for supporting teaching and learning in schools are achieved. The workbook can be tailored to meet your requirements so long as all aspects are covered by the learner.

The workbook contains, under each section heading, a list of the knowledge that the learner should gain from their ERR programme. There are also a few questions designed to check the learner's knowledge and understanding.

Learners do not need to complete the workbook straight away, nor do they have to work through it in any particular order. However, some aspects of the ERR requirements should be completed within three months of starting the apprenticeship to ensure that apprentices are safe to take on the appropriate level of responsibility for the pupils they support. These include, as a minimum, safeguarding, health and safety, data protection and confidentiality.

Apprenticeship programmes, therefore, should be carefully planned to ensure coverage of these areas within the first few months.

## Planning ERR programmes

It may be possible to demonstrate coverage of the ERR through achievement of the schools as organisations Qualification and Credit Framework (QCF) units:

- TDA 2.5 Schools as organisations T/601/3325
- TDA 3.2 Schools as organisations A/601/3326

Providers and employers will need to agree responsibilities for covering the remaining content and how and when this will be done. It may be, for example, that the provider will be responsible for delivering aspects of ERR that are relevant to all apprentices, such as the

legislation covering contracts of employment. These may be delivered as part of an induction programme and/or as an integral part of the learning programme for the qualifications.

Aspects relevant to individual apprentices, such as their terms and conditions of employment, may be covered by the employer as part of the apprentice's induction to the school/college and their job role. Specialist providers such as human resources (HR) professionals, local authority officers and/or union representatives may be used to deliver relevant parts of the content.

All apprentices should receive a well-planned and comprehensive ERR programme.

Employers and providers will need to select the most appropriate methods and timescales for inclusion in the individual training plan.

### **Monitoring programmes**

The provider should ensure that employers and any other people involved in the delivery of ERR are provided with a copy of the agreed programme. It is also important to ensure mutual understanding of the ERR requirements and to check this at regular intervals. Apprentices also need to understand the ERR requirements and their understanding should be checked at regular intervals. As a signatory to the ERR completion form, it is essential that apprentices are given a copy of the agreed ERR programme in order to monitor and agree satisfactory completion and achievement of the learning outcomes.

As stated above, ERR are a mandatory component of apprenticeship frameworks. However, there is no requirement for formal assessment. It is the responsibility of the provider and employer to ensure that all aspects of the specified content have been covered. Regular reviews with learners, involving both the provider and the employer, should be carried out to measure progress towards achievement of the ERR targets and outcomes.

### **Completion form**

Evidence that ERR have been covered within the apprenticeship programme must be sent with the apprenticeship certification request.

A form is provided at the end of this workbook for this purpose. (Please note that the ERR programme itself is not required to be separately certificated.)

The form must be signed and dated by the provider, employer and the apprentice to confirm that all aspects of employee rights and responsibilities have been covered.

# 1. Statutory rights and responsibilities

The learner knows that employers and employees have a range of statutory rights and responsibilities under employment law and that employment can be affected by other legislation as well, e.g. Employment Rights Act 1996, Equality Act 2010 and Health and Safety legislation.

## 1.1 Contracts of employment

What the learner needs to know:

- The relationship between an employer and employee is governed by the terms and conditions contained within a contract of employment
- Employment contracts are legally binding on both the employer and employee and serve to protect each other's rights and responsibilities
- A contract of employment comes into force as soon as a firm offer of employment has been made and accepted, even if agreement has only been verbal, e.g. at an interview
- By law (Employment Rights Act 1996) all employees are entitled to a written statement of the key terms and conditions of their employment within two months of starting work, providing the contract is to last for more than one month
- Employment contracts may be open-ended (permanent), for temporary periods of employment or for fixed-terms and for full or part-time work
- Employment contracts for school support staff may also be for a specified number of weeks per year which may cover term-time only (38 weeks), the full year or something between
- Changes to employment contracts must be made following procedures which are designed to protect the employee from unfair treatment and ensure consultation on the nature of any changes proposed
- Termination of an employment contract is governed by rules and rights which protect the employee and employer from unfair treatment
- Codes of practice exist for the management of conflicts between an individual employee and their employer. These are manifested in grievance and disciplinary procedures set out by the organisation
- Employees who believe they have been dismissed or otherwise treated unfairly have the right to take their case to an independent Employment Tribunal, providing certain rules are met about how long they have been employed, and the procedures that have been followed by their employer

### Question 1

Describe the main features of legislation relating to contracts of employment.

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**1.2 Anti-discrimination provisions (age, disability, gender, race, religion or belief, sexual orientation)**

What the learner needs to know:

- The right not to be discriminated against on the grounds of age, disability, gender, race, religion or belief, or sexual orientation is legally protected from the first day of employment and applies during the recruitment process as much as during the period of employment
- Anti-discrimination provisions protect an employee who has made a complaint of discrimination, or who has said they intend to complain, from victimisation by the employer
- Some exemptions from the Equality Act 2010 exist to cover very specific situations such as the employment of ministers of religion
- The right to receive equal pay regardless of whether you are a man or woman (Equality Act 2010) covers not just payment but all the terms of an employment contract
- Some exemptions from the Equality Act 2010 exist to cover very specific situations such as employees working wholly or mainly outside the UK
- Under the Equality Act 2010 a disabled person is defined as one who 'has a physical or mental impairment which has substantial and long-term adverse effect on his ability to carry out normal day to day activities'
- Employers have the responsibility to make reasonable adjustments to working practices and the workplace in order that the needs of disabled employees can be met, for example by providing wheelchair access, or reallocating strenuous activities to another employee if someone develops a heart condition or other form of disability that makes strenuous work impossible
- Unlike discrimination on the grounds of race and sex, the employer can justify discrimination against a disabled person if there are material and substantial reasons why the person's disability would prevent them from doing the job or make it exceedingly difficult for them to do it and there is no adjustment that could be made that would allow the disabled person to do the job. For example, where a person's medical condition requires the taking of a drug which affects concentration and decision-making and poor skills in these areas would be likely to put the safety of others at risk
- The regulations make it unlawful to discriminate against anyone on the grounds of age in relation to recruitment, employment terms and conditions, promotions, transfers, dismissals and training. They do not cover the provision of goods and services
- There are limited circumstances when discrimination on the grounds of age may be lawful, for example for those providing intimate care

**Question 2**

Describe the main features of legislation relating to anti-discrimination provisions.

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### 1.3 Working hours and holiday entitlements

What the learner needs to know:

- The Working Time Regulations 1998 apply to all employers in the UK regardless of sector or organisation size. They set rules about the amount of time that employees can work and the amount of rest time to which they are entitled. They are enforced by Employment Tribunals combined with inspections by the Health and Safety Executive
- There are special provisions which limit the hours that Young Workers aged 16 to 17 can work
- Some categories of employee are excluded from these provisions, and there are some situations which may be exempt from different parts of the provision. For example with regard to seasonal workers in the run-up to Christmas or workers in sectors where the work cannot be interrupted on technical grounds such as with electricity production and transmission, or the fire service
- Both employees and employers have legal rights and responsibilities regarding the amount and timing of holidays taken from work
- There are legal rights to time off work for public duties and other functions, not all of which need be paid for by the employer
- There are specific rights and responsibilities that apply in the case of maternity and parental leave

#### Question 3

Describe the main features of legislation relating to working hours and holiday entitlements.

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### 1.4 Sickness absence and sick pay

What the learner needs to know:

- There is a statutory right to a prescribed level of sick pay which all employers must abide by. Some employers go beyond this and pay additional entitlements if employees are unwell
- There are rules about who can claim Statutory Sick Pay which relate to how much the employee earns and whether they have or are claiming any other form of statutory benefit, for example statutory maternity pay or incapacity benefit

#### Question 4

Describe the main features of legislation relating to sickness absence and sick pay.

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## 1.5 Data protection

What the learner needs to know:

- The Data Protection Act 1998 applies to data held about an employee by an employer and covers both computerised and manual filing systems
- There are a range of principles which govern what sort of information it is acceptable to collect, how it should be processed, how inaccuracies should be dealt with, who should have access to it and the protection that should be in place to ensure that no unauthorised person gains access to it
- The Data Protection Act also applies to personal information relating to pupils/students

### Question 5

Describe the main features of legislation relating to data protection.

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## 1.6 Health and Safety

What the learner needs to know:

- The Health and Safety at Work Act 1974 is the main legislation covering health and safety in the workplace
- Under this act, employers and employees have certain responsibilities. These are as follows:
  - Employers must safeguard as far as is reasonably practicable, the health, safety and welfare at work of all the people who work for them. This applies in particular to the provision and maintenance of safe plant and safe systems of work and covers all machinery, equipment and substances used
  - People at work (employees) have a duty to take reasonable care to avoid harm to themselves or to others by their work activities, and to co-operate with employers and others in meeting statutory requirements. Employees must not interfere with or misuse anything provided to protect their health, safety or welfare
- There are specific health and safety requirements relating to the employment of young people
- There are many health and safety regulations and codes of practice which relate to different kinds of work and different sorts of workplaces



**Question 6**

Describe the main features of legislation relating to health and safety.

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**1.7 Legislative frameworks in the sector**

What the learner needs to know:

- Legislation and regulations are established to provide a framework of acceptable practice which all who are governed by that framework must adhere to. Legislation and regulation provide a protection for the public against practice that is thought to be unacceptable in the light of commonly agreed moral or other ethical beliefs
- The name and role of regulatory bodies relevant to the education sector which exist to monitor and enforce the legislative frameworks, to include general bodies such as the Health and Safety Executive as well as sector specific regulatory bodies
- Areas of specific legislation, as set by national government and the EU, which relate to the education sector, for example, national curriculum, children’s rights and child protection

**Question 7**

List the main areas of legislation and regulation relevant to your role and school/college.

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**Question 8**

Explain how legislation exists to recognise and protect the rights and responsibilities of individuals, organisations and the public.

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## 2. Procedures and documentation

The learner knows that there are procedures and documentation in their organisation which recognise and protect their relationship with their employer.

### 2.1 Contracts of employment

What the learner needs to know:

- The candidate's own contract of employment and/or written terms and conditions statement
- The grievance and disciplinary procedures that should be followed in the candidate's own workplace
- The system of payments used in the candidate's workplace and the documentation associated with that

#### Question 9

Describe the main terms and conditions of your contract of employment.

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#### Question 10

What would happen and who should you contact if you have a grievance at work?

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#### Question 11

What would happen and who should you contact if you are involved in a disciplinary procedure?

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#### Question 12

Describe what information is shown on your pay statement or other statement of earnings.

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**2.2 Anti-discrimination provisions (age, disability, gender, race, religion or belief, sexual orientation)**

What the learner needs to know:

- Equal Opportunities policies and procedures in the candidate’s workplace
- The steps which the candidate should take if they experience or witness discrimination or harassment at work
- Any exemptions from the sex, race, disability and/or age discrimination legislation which are relevant to the candidate’s role

<p><b>Question 13</b></p> <p>State the steps which you should follow if you experience, or witness, discrimination or harassment at work.</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><b>Question 14</b></p> <p>State any exemptions from equalities legislation relevant to your role.</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
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**2.3 Working hours and holiday entitlements**

What the learner needs to know:

- The working hours for the candidate’s role and rest periods to which they are entitled
- The candidate's holiday entitlement
- Steps the candidate should take to request a period of time off work and the school/college rules that apply to time off work for different reasons

**Question 15**

State the working hours, rest periods and holiday entitlement for your role.

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**Question 16**

Describe what to do if you need time off for any of the following reasons:

a. a medical/dental appointment

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b. for a holiday

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c. for family reasons

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d. to take part in public duties (e.g. jury duty) or trade union duties

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**2.4 Sickness absence and sick pay**

What the learner needs to know:

- Organisational sick pay arrangements relevant to the candidate's role
- The rules about how and when the candidate must notify their employer if they are unable to come to work because of ill-health and the implications of not following these

**Question 17**

Describe what you need to do if you are ill and cannot go to work.

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## 2.5 Data protection

What the learner needs to know:

- Who the candidate reports to on matters to do with their personnel record and the procedure to follow to report any changes in their circumstances
- What type of information is in their personnel record and who has access to it

### Question 18

List the types of information held in your personnel record and why these are needed.

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### Question 19

How do you make sure your personal information, held by your employer, is accurate and up to date?

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## 2.6 Health and Safety

What the learner needs to know:

- What are the specific health and safety regulations and codes of practice that apply to their workplace and role
- What steps can they take to keep themselves and others safe while at work in relation to the environment, materials, tools and activities involved
- How does the way they work comply with relevant health and safety requirements

**Question 20**

State which specific health and safety regulations and codes of practice apply to your workplace and role.

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**Question 21**

Describe the steps you can take to keep yourself and others safe while at work in relation to the environment, materials, tools and activities involved.

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**3. Sources of information and advice**

The learner knows that there are a range of sources of information and advice available to them on their employee rights and responsibilities.

**3.1 Internal sources**

What the learner needs to know:

- The range of information made available to the candidate by their employer on matters relating to their employment and working practice and where this can be obtained, for example staff handbook, line manager, health and safety officer

**Question 22**

List the sources and types of relevant information, and advice on employment issues available within your workplace.

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### 3.2 External sources

What the learner needs to know:

- Other information sources that may be available outside of the workplace, what they provide and how to use them, for example, local authority, trade unions, professional associations, internet

#### Question 23

List the types and sources of relevant information, and advice on employment issues available from sources outside of your workplace.

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## 4. Occupational role

The learner understands how their role fits within their organisation and sector.

### 4.1 The sector

What the learner needs to know:

- The roles and responsibilities of national and local government for education policy and practice
- The different sectors of education (nursery, primary, secondary, special, further and higher) and how they relate to each other
- Which sector(s) of education the candidate's school/college operates within
- How the candidate's school/college relates to others within the locality in relation to pupil/student pathways and transitions
- The characteristics of the candidate's school/college in terms of the following factors, and how typical this is of schools/colleges within the relevant sector:
  - the number of people they employ
  - the number of pupils/students on roll
  - the catchment area
  - the type of school/college (e.g. Community, Foundation, Voluntary Aided, Voluntary Controlled, specialist, grammar)
- What sort of changes have been taking place in the candidate's sector over recent years which have affected individuals' working practices and the way in which schools/colleges operate

- The impact, if any, that these changes have had on the candidate’s school/college and the way in which their role is carried out

**Question 24**

Outline the roles and responsibilities of national and local government in education policy and practice.

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**Question 25**

Describe the main sectors of education and how they interrelate.

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**Question 26**

Describe the main changes that have taken place in your sector over the last few years and explain how these have affected your school/college and role.

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**4.2 Roles and organisational structure**

What the learner needs to know:

- How the candidate’s school/college is structured and how typical this is of other schools/colleges
- The range of roles within the school/college (e.g. teaching, administration, catering). Different roles are associated with different functions
- What the main purpose and responsibilities are of the candidate’s role, which functional part of the school/college they fit into and what part their role plays in the school/college operation



**Question 27**

Describe the characteristics of your school/college and state how typical this is of schools/colleges in your sector.

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**Question 28**

Describe your main responsibilities at work.

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**Question 29**

Explain how your role fits into the school/college structure and how it supports the operation of the school/college.

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**5. Career pathways**

The learner has an informed view of the types of career pathways that are open to them.

**5.1 Roles and career pathways**

What the learner needs to know:

- The main specific roles represented in the candidate’s sector, including the role for which they are preparing
- The main stages and requirements of the development programme which the candidate is pursuing and what training and development opportunities their school/college provides in relation to this

- The requirements and characteristics of typical career paths associated with the candidate’s role (including progression to higher level teaching assistant (HLTA) status and qualified teacher status (QTS)) and other roles that may be closely related to it (e.g. different disciplines within the same broad field such as teaching assistants and learning mentors)

**Question 30**

List the main career pathways available to you.

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**Question 31**

Describe the training and development opportunities provided to you by your school/college and what you need to do to make use of them.

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**6. Representative bodies**

The learner knows the types of representative bodies relevant to their sector and organisation, and their main roles and responsibilities.

**6.1 Representation**

What the learner needs to know:

- Within any sector there are a range of representative bodies that provide a mechanism for promoting the views of a group of people with common interests
- Representation occurs both within an organisation and between an organisation and other bodies. Representation between different bodies can occur at local and national levels
- The name and role of trade unions at school/college and national levels, relevant to the candidate’s role, in representing and protecting the common interests of employees in a given sector and/or role
- The name and role of employer organisations relevant to the education sector and candidate’s school/college, in representing and protecting the common interests of groups of employers in a given sector

- The name and role of professional bodies relevant to the education sector, in representing and protecting the common interests of members of a given professional level
- The role of user and special interest groups relevant to the education sector, in representing the views of consumers of services provided
- The name and role of regulatory bodies relevant to the education sector in representing and protecting public interests
- The name and role of the sector body responsible for promoting training and development of the school workforce

**Question 32**

List the main types of representative bodies relevant to the education sector and your school/college.

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**Question 33**

Name the main trade unions, professional bodies and employer organisations relevant to your role and sector and outline what they do.

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**Question 34**

Name the body responsible for promoting workforce training and development in schools and outline what it does.

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# 7. Information on the sector, role, training and career

The learner knows where and how to get information and advice on their sector, role, training and career.

## 7.1 Sources of information and advice

What the learner needs to know:

- The information and advice made available to the candidate by their school/college on matters relating to their education sector, role, training and career and how this can be obtained
- Other information sources that may be available outside of the workplace, what they provide and how to use them

**Question 35**

List the sources of information and advice about your sector, organisation, role, training and career that are available within your organisation.

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**Question 36**

List the sources of information and advice about your sector, organisation, role, training and career that are available from outside sources.

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# 8. Principles and codes of practice

The learner can describe and work within their organisation’s principles and codes of practice.

## 8.1 Codes of practice and operating principles

What the learner needs to know:

- The mission statement (if appropriate) and/or codes of practice, documentation and procedures which the candidate must follow in carrying out their work

- Which aspects of the codes of practice which the candidate must follow relate to the following sources:
  - the legislative and regulatory framework within which the candidate’s school/college operates
  - principles established by professional or trade organisations
  - principles established by the school/college itself
  
- How the candidate’s school/college makes its ethos and operating principles known to employees, pupils/students and their parents, professional colleagues from outside the organisation, suppliers and the community in which it operates
  
- Ways in which sector, organisational and occupational values influence the way in which the school/college operates and the kind of implications which can arise for the individual and school/college from failure to meet expected codes of practice

**Question 37**

Describe the codes of practice which apply to your role and state whether these are sector wide, professional or organisational.

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**Question 38**

Explain the consequences that might arise from failure to meet these codes of practice, for you, for the school/college and for pupils/students.

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**9. Issues of public concern**

The learner recognises and can form a view on issues of public concern that affect their organisation and sector.

**9.1 Issues in the sector**

What the learner needs to know:

- Current issues of public concern that are particularly relevant to the education sector and the views of different representative bodies on them

- Key shifts in public opinion that have affected the education sector, the candidate's school/college and/or role, and the impact they have had on a general level and in relation to the candidate's own working practice
- Examples of how the views and values of the candidate's school/college and/or relevant representative bodies have been made known to the wider community on a local, regional or national level

**Question 39**

Outline the different viewpoints around one issue of public concern that is relevant to your sector, school/college and/or role.

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**Question 40**

Explain how this or any other relevant issue of public concern has affected how you think about or carry out your role at work.

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## **Completion form**

We confirm that all aspects of employee rights and responsibilities as specified in the guidance issued by the Training and Development Agency for Schools (TDA) have been completed by the apprentice named below.

### **Apprentice**

Name:

Signature:

Date:

### **Employer/line manager**

Name:

Position:

Organisation:

Signature:

Date:

### **Training Provider**

Name:

Position:

Organisation:

Signature:

Date:

Please ensure that a signed and dated copy of this form is sent with the certification request form and other evidence of achievements for issue of the apprenticeship completion certificate.