



## This month A-Z focus - "E" - Education

We now have a new section on the SEE website: [Education HR](#). These pages will be developed and added to over time and have been designed to include all the relevant details, specifically on school teachers' pay and terms and conditions of employment, together in one place for ease of reference. The next phase is to develop a series of FAQs on the most popular topic areas. Please let us have your suggestions for how we can develop this section of the SEE website. SEE is also developing a new **Education HR newsletter** which will be produced every two months. Look out for the first edition.



Book  
now!

### Upcoming Training

[Managing Restructures and Redundancies - Thursday 2 June](#)

Restructures and redundancies are no doubt one of the most difficult areas for both employers and employees. Following the **correct procedures** cannot only make this a less daunting task but also minimise the disruption to business. This **one day** session will provide you with the knowledge to enable you to effectively restructure your workforce and manage redundancies. [Book onto this training](#)

[Discipline, Grievance and Capability - Wednesday 21 September](#)

Most people will agree that 'Discipline, Grievance and Capability' are probably the three most dreaded words even for experienced HR professionals. This **one day** session covers how to manage process and dismissals relating to discipline, grievance and capability and considers the role of **mediation**.

[Book onto this training](#)

## What's on the horizon

### Tribunal Fines Could Force Firms to Settle in Vexatious Cases

Businesses have criticised the Government's plans that employers who lose a tribunal case would, in addition to paying out any compensation awarded, be fined 50 per cent of the compensation award (up to £5,000) payable to the Exchequer.

However, a survey of 600 employers has found that six out of ten employers have warned that organisations would be forced to settle out of court — even if claims were spurious — rather than risk a fine of extra costs.

If the proposals become a reality, it would be the first time that organisations would be penalised for losing a case. Business groups across the UK have expressed their shock at the proposals, especially as they are contained within the same document that pledges to "remove barriers to growth and job creation".

The survey found that "many employers consider that the proposal to fine employers to have been found to have breached employment rights could improperly increase the pressure on them to settle claims rather than defend themselves".

Overall, however, employers were supportive of the Government's proposals to try to ease the burden on the tribunal system.

### Next Steps in Review of Employment Law

The Government has announced new areas that it will consider reforming as part of its review of employment red tape.

[Read more](#)

### Red Tape Challenge

Do you know there are **151** regulations that relate to employment law? The Government is consulting on these regulations, have your say [here!](#)

## Case Law

### **Eversheds Legal Services Ltd v de Belin (UKEAT/0352/10)**

*Redundancy selection and maternity leave*

The Employment Appeal Tribunal upheld the [Tribunal's finding](#) of sex discrimination and unfair dismissal. This EAT case demonstrates that employers can go too far when trying to compensate for disadvantage suffered by women on maternity leave during a redundancy selection process. [Read more](#)

### **R (on the application of G) v Governors of X School and Y City Council**

*Legal representation at disciplinary hearings*

Should an employee be entitled to legal representation at disciplinary hearings? The Supreme Court is considering this issue in this important case. [Read more](#)

### **Wang v University of Keele**

*When does a notice period begin?*

This case shows that to determine a precise date of termination is not that simple! [Read more](#)

## Other Information

### **Statutory guidance on definition of disability**

The Equality Act 2010 includes the legal definition of a disabled person who is protected from discrimination. The guidance came into force on 1 May 2011. Guidance can be downloaded on the [Department for Work and Pensions](#) website.

### **Agency Workers Regulations Guidance**

The [Agency Workers](#) Regulations 2010 are coming into force on 1 October 2011. The Department for Business, Innovation and Skills (BIS) published draft guidance on the Agency Workers Regulations in April for comment. The final version for employers is now available for [download](#).

### **Quick start guide on the public sector equality duty**

The Government Equalities Office (GEO) has produced guidance to help public bodies comply with the general Equality Duty. This replaces previous guidance on the public sector Equality Duty published by the GEO on 12 January 2011. It is now available for [download](#).

### **A new benchmark in employing disabled people**

The Home Office has become the first organisation to achieve the 'ClearAssured' kitemark, a new benchmark in good practice for employing disabled people. [Read more](#)

