

Southwark Schools HR Bulletin

9th October 2026

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Employment Law Changes – 1st October 2026

Employment Tribunal Time Limits Increase to Six Months

From 1 October 2026, the time limit for bringing most Employment Tribunal claims increased from three months to six months, giving employees more time to pursue claims and extending the period during which schools may need to respond to employment disputes.

For schools, this change reinforces the importance of maintaining clear, accurate and comprehensive records throughout all employee relations processes. Decisions that may previously have been challenged within a three-month window could now be scrutinised up to six months later, making robust record-keeping more important than ever.

Records should clearly demonstrate:

- The concerns raised and actions taken.
- Evidence considered during investigations and decision-making.
- Advice received from HR or legal advisers.
- Meetings held and correspondence issued.
- Decisions reached and the reasons for those decisions.
- Compliance with school policies and procedures.

Well-maintained records not only support fair and transparent decision-making but can also be critical in defending Employment Tribunal claims if they arise months after a matter has concluded.

School Checklist

When managing employee relations matters, managers should:

- Keep clear notes of meetings, conversations and actions taken.
- Record the evidence considered before reaching decisions.
- Clearly document the rationale for decisions and outcomes.
- Retain relevant emails, letters, investigation reports and meeting notes.
- Seek HR advice at key stages and keep a record of that advice.
- Follow policies and procedures consistently.
- Ensure records are dated, factual and stored securely.
- Make notes as soon as possible after discussions or meetings.

Tips for record keeping

Do

- ✓ Keep records factual, objective and evidence-based.
- ✓ Date all notes, correspondence and decisions.
- ✓ Store records securely and in line with data protection requirements.
- ✓ Record both what action was taken and why it was taken.
- ✓ Retain supporting documents, including emails, witness statements and investigation reports.
- ✓ Ensure records demonstrate fairness, consistency and adherence to procedure.

Don't

- ✗ Include personal opinions, speculation or subjective commentary.
- ✗ Alter records retrospectively without clearly documenting the reason.
- ✗ Rely on memory alone to evidence conversations or decisions.
- ✗ Use informal messages or personal devices as the sole record of a formal process.
- ✗ Discard records before the appropriate retention period has elapsed.
- ✗ Assume a matter is closed simply because no immediate complaint has been raised.

ACAS Code on Disciplinary and Grievance Procedures – Proposed Changes

The Acas Code of Practice on disciplinary and grievance procedures is a key document for employers. Whilst it is not law, Employment Tribunals are required to take it into account when considering relevant cases. Where an employer or employee has unreasonably failed to follow the Code, a tribunal can increase or reduce compensation by up to 25%. For this reason, Southwark's model employment policies are developed with the Acas Code as a minimum standard, alongside employment legislation and wider HR best practice.

Following consultation on a revised Code, [Acas](#) is proposing a number of changes which reflect a growing focus on preventing workplace issues from escalating into formal disputes.

The most significant change is the emphasis on early and informal resolution. The draft Code recognises that many workplace concerns are low-level and do not need to be dealt with through formal procedures. It states that trying to resolve concerns informally first is usually the best approach and would require employers and employees to demonstrate what informal steps have been considered or taken before progressing to a formal grievance or disciplinary process.

The draft Code also places greater emphasis on:

- Mediation and facilitated conversations as a way of resolving workplace conflict before formal procedures become necessary.
- Manager capability and training, recognising the importance of managers having the confidence and skills to deal with concerns promptly and effectively.
- Reasonable adjustments and avoiding discrimination, ensuring that disciplinary and grievance procedures are accessible and fair to all employees.
- Careful use of suspension, making clear that suspension should not be an automatic response and that alternatives should be considered where appropriate.

Schools will recognise that much of this reflects the direction Southwark has already taken. This term we introduced a revised Grievance Policy and launched a new Resolution Toolkit, both of which place a stronger emphasis on early intervention, informal resolution, mediation and facilitated conversations. These changes were introduced to help schools resolve issues quickly, maintain professional relationships and avoid matters escalating unnecessarily.

Schools HR Action:

Our next area of focus will be a review of the Disciplinary Policy. Once the final Acas Code is published, we will consider whether any further changes are required to ensure our policies continue to reflect both the Code and current best practice.

Flexible Working in Schools

Flexible working is a key component of a modern, sustainable workforce strategy. For schools, it can support the recruitment and retention of talented staff, improve wellbeing, widen career opportunities and help employees balance their professional and personal responsibilities while maintaining high standards of education for pupils.

DfE guidance highlights that schools already adopting flexible working arrangements report benefits including improved staff wellbeing, enhanced work-life balance, better retention of experienced employees and access to a broader recruitment pool

Recognising these benefits, the DfE encourages schools and trusts to take a strategic, whole-school approach to flexible working, supported by clear policies, workforce planning and open dialogue between leaders and staff. Schools and trusts are expected to have a flexible working policy that reflects both organisational requirements and the needs of their workforce.

Flexible Working in Practice

Flexible working is defined as arrangements that allow employees to vary the amount, timing or location of their work and can include:

- Part-time working
- Job sharing
- Compressed hours
- Staggered start and finish times
- Annualised hours
- Phased retirement
- Personal or family days
- Time off in lieu arrangements
- Home or remote working where appropriate to the role

The guidance recognises that different forms of flexibility may be suitable for different roles and career stages and that arrangements should be considered in the context of both employee needs and operational requirements.

Changes in Employment Practice

Flexible working continues to be highly valued by employees. Recent research commissioned by [Acas](#) found that 78% of employees consider flexible working to be important in a job.

In response to the Employment Rights Act 2025, [Acas](#) has updated its Code of Practice on requests for flexible working. The revised Code reflects forthcoming changes to employment law

and strengthens the expectation that employers engage in meaningful consultation with employees when considering a flexible working request. Employers will be expected to consult with employees before rejecting a request and demonstrate that any decision is reasonable and evidence-based.

The revised Code is underpinned by four key principles:

- Reaching decisions based on evidence.
- Adapting arrangements where possible to support requests.
- Working together to find solutions.
- Acting transparently and consistently.

These principles closely align with the education sector's commitment to creating supportive workplaces while ensuring that schools continue to deliver high-quality outcomes for children and young people.

Schools HR Flexible Working Toolkit (2024)

To support schools in implementing flexible working effectively, school leaders are encouraged to make use of the Southwark Schools HR Flexible Working Toolkit (2024). The toolkit was developed to provide practical guidance on how flexible working can operate successfully within school environments and supports leaders in moving beyond a reactive, case-by-case approach towards a more strategic workforce planning model.

The toolkit includes:

- Guidance on developing and reviewing flexible working policies.
- Practical examples of flexible working arrangements within schools.
- Considerations for workforce planning, timetabling and curriculum delivery.
- Case studies demonstrating successful implementation.
- Resources to support conversations between managers and employees.
- Tools to assist schools in balancing operational requirements with employee wellbeing and retention.

The toolkit should be used alongside the DfE Flexible working in schools guidance and the [Acas](#) guidance on flexible working requests to help ensure schools are adopting current best practice and meeting their employment obligations.

School Action

School leaders should ensure that flexible working requests are:

- Considered fairly and consistently.
- Assessed in a timely manner.
- Supported by meaningful consultation and discussion.
- Evaluated against operational requirements and educational outcomes.

Viewed as part of a broader recruitment, retention and wellbeing strategy.

Further Information

- [Acas](https://www.acas.org.uk/acas-updates-its-code-of-practice-on-flexible-working-to-reflect-upcoming-law-changes) - Acas updates its Code of Practice on flexible working to reflect upcoming law changes: <https://www.acas.org.uk/acas-updates-its-code-of-practice-on-flexible-working-to-reflect-upcoming-law-changes> [acas.org.uk]
- [Department for Education](https://www.gov.uk/government/publications/flexible-working-in-schools/flexible-working-in-schools--2) - Flexible working in schools: <https://www.gov.uk/government/publications/flexible-working-in-schools/flexible-working-in-schools--2> [gov.uk]
- Schools HR Flexible Working Toolkit (2024) available for subscribers: [Flexible Working | Southwark Schools](#)

HR Q&A: Do Schools Have to Agree to Requests to Work from Home?

Q: Do employees have a legal right to work from home?

No. There is currently no legal right to work from home. Employees have the right to request flexible working, which may include homeworking or hybrid working arrangements, but schools are not required to approve every request.

Q: Can a school refuse a request to work from home?

Yes. Schools can refuse a homeworking request where there are clear and legitimate operational reasons for doing so. The law does not require schools to agree to homeworking arrangements simply because an employee has requested them.

Q: What are some valid reasons for refusing a flexible working or homeworking request?

Under flexible working legislation, schools can refuse a statutory request where one or more of the statutory business reasons apply. The key consideration is that any refusal should be supported by evidence, linked to the role, and clearly explained to the employee.

The eight statutory reasons are:

1. The burden of additional costs

The proposed arrangement would result in unacceptable additional costs for the school, such as the need for additional staffing, increased cover arrangements, technology costs or other expenditure that cannot be justified within existing budgets.

2. Detrimental effect on the ability to meet pupil or service demand

The requested arrangement would make it difficult for the school to provide an effective service to pupils, parents, governors or colleagues. For example, the employee's presence may be required during the school day to respond to operational issues, support pupils or meet service requirements.

3. Inability to reorganise work among existing staff

The duties carried out by the employee cannot reasonably be redistributed amongst existing colleagues without creating workload pressures, gaps in provision or operational difficulties.

4. Inability to recruit additional staff

The school is unable to recruit suitable staff to cover the periods or duties that would be left unattended if the request were agreed.

5. Detrimental impact on quality

The arrangement would adversely affect the quality of education, support services or other aspects of the school's provision. This may include reduced accessibility, responsiveness or effectiveness in delivering key responsibilities.

6. Detrimental impact on performance

The proposed arrangement would negatively affect the employee's ability to carry out the role effectively or prevent the school from monitoring and supporting performance appropriately. This should be based on the actual requirements of the role rather than assumptions about homeworking.

7. Insufficiency of work during the periods the employee proposes to work

The working pattern requested does not align with when the work needs to be carried out. For example, an employee requests to work during periods when there is limited demand for their role but is unavailable during core operational hours.

8. Planned structural changes

The school is undergoing, or is planning, organisational change, restructures, service redesign or changes to delivery models that are incompatible with the proposed working arrangement.

What does this mean in practice for schools?

A common misconception is that a school can refuse a request simply because it prefers staff to be on site. While the nature of many school-based roles means that attendance is often essential, the strongest refusals are those that clearly link back to one or more of the statutory reasons above and demonstrate the impact on pupils, safeguarding, service delivery or operational effectiveness.

For example, a refusal of a homeworking request may be reasonable where:

- The role requires regular face-to-face interaction with pupils.
- Safeguarding responsibilities require a physical presence in school.
- Effective supervision or management would be compromised.
- The arrangement would adversely affect service delivery to schools, staff or families.
- Work cannot be effectively reorganised amongst colleagues.
- The proposal would create significant operational or staffing challenges.

The focus should always be on the requirements of the role and the impact on the school, rather than a general view that homeworking is undesirable. Schools remain entitled to refuse requests where there is a sound operational rationale, but they should be prepared to explain and evidence that rationale through a fair and transparent process.

Q: Has the law changed?

The key change is not that schools must approve more requests. Rather, schools are expected to demonstrate that requests have been properly considered, discussed with the employee and assessed against operational requirements before a decision is made.

Q: What should schools do before refusing a request?

Schools should:

- Meet with the employee to discuss the request.
- Consider whether alternative arrangements, such as hybrid working, could work.
- Assess the impact on pupils, colleagues and service delivery.
- Clearly document the reasons for the decision.
- Communicate the outcome and rationale to the employee.

Q: Is saying "we want everyone on site" enough?

Not usually. Refusals should be supported by clear operational reasons linked to the requirements of the role and the needs of the school. Decisions should be evidence-based rather than based solely on personal preference or custom and practice.

Schools are not required to approve requests to work from home. However, any refusal should be supported by clear operational reasons, evidence of consultation and a well-documented decision-making process.

Teachers Terms and Conditions

Teachers' pay award and School Teachers' Pay and Conditions Document (STPCD) 2026

The Government has accepted the School Teachers' Review Body recommendations for:

- a 3.5% increase to teacher and leadership pay ranges and allowances from 1 September 2026;
- a 5% increase to the minimum of the unqualified teacher pay range from 1 September 2026; and
- a further 3% increase to teacher and leadership pay ranges and allowances from 1 September 2027.

We have already issued the updated model teacher pay scales to schools reflecting these proposed changes.

The draft School Teachers' Pay and Conditions Document (STPCD) 2026 has been subject to statutory consultation, and we are anticipating publication of the final STPCD next week. However, following publication, the document will still need to complete the statutory sign-off process before it formally comes into effect.

As a result, we have not yet issued an updated model pay policy. Once the final STPCD has been published and the position formally confirmed, we will review and update the model pay policy and undertake consultation with the recognised teaching trade unions. Following completion of that consultation, the revised model pay policy will be shared with schools.

Schools HR Action:

We will provide a further update and issue the revised policy documentation as soon as the process has been completed.

Qualified Teacher Status (QTS) Changes for Academies from September 2027

The recent changes introduced through the Children's Wellbeing and Schools Act 2026 will bring academy schools in line with maintained schools by extending requirements for Qualified Teacher Status (QTS) from 1 September 2027. Full statutory guidance is expected from the Department for Education during autumn 2026.

What is changing?

From **1 September 2027**, teachers employed in primary and secondary academies will generally be required to hold **Qualified Teacher Status (QTS)** or fall within a recognised statutory exemption.

This represents a significant change for academy trusts that have historically been able to appoint unqualified teachers more flexibly.

Key exemptions

The Department for Education has indicated that a number of exemptions will continue to apply, including:

- **Overseas-trained teachers** - may continue to teach under existing arrangements, including the current four-year period in which QTS can be obtained.
- **Specialist instructors** - individuals engaged to deliver specific aspects of the curriculum based on their specialist skills or expertise.
- **Vocational teachers** - professionals with relevant industry qualifications or experience delivering vocational programmes.
- **Teachers undertaking employment-based routes to QTS.**
- **Individuals working under the supervision of a qualified teacher** where appropriate arrangements are in place.

What about existing unqualified teachers?

The DfE has confirmed that **transitional protections** will apply. Unqualified teachers who are already employed by an academy before **1 September 2027** will be able to continue in their existing roles. However, schools should be aware that moving to a new employer may require the individual to hold QTS or meet a recognised exemption.

Implications for schools and trusts

School leaders and HR teams should begin reviewing:

- Workforce planning and succession arrangements.
- Future recruitment strategies for teaching posts.
- Support for unqualified teachers who may wish to pursue QTS.

Processes for recruiting overseas-trained teachers.

- Use of exemptions and the evidence required to support them.

The forthcoming statutory guidance is expected to provide further clarity on implementation, transitional arrangements and the detailed operation of exemptions.

School Action:

Schools and trusts should start identifying colleagues who may be affected by the 2027 changes and consider whether support towards QTS should form part of workforce planning discussions during 2026/27.

Schools HR

Schools HR School Visits

Over the coming months, your HR Business Partner will be in touch to arrange a school visit if your school subscribes to the Schools HR Service.

These visits are a chance to have an open conversation about what's happening in your school, from recruitment and staffing changes to wellbeing, attendance, budget pressures and any challenges you may be facing. They also give us the opportunity to understand your priorities and explore how we can best support you throughout the year ahead.

If your school doesn't currently buy into the service but would like to find out more, please get in touch with the Schools HR Team.

We look forward to catching up with you soon.

Email: schoolshr@southwark.gov.uk