



Schools HR and Employment Law Legal Support 2025/26

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About Winckworth Sherwood

Winckworth Sherwood's Education practice offers decades of experience supporting the education sector. Our involvement in the academies programme dates back to before 2010, when we helped open new schools through significant building work. We have since helped over 1,000 schools convert, establishing and supporting the growth of numerous multi-academy trusts.

Our Education Team works with a diverse client base, including MATs, SATs, VA schools, foundation bodies, independent schools, dioceses, universities, and local authorities, to navigate evolving challenges.

Please contact us to discuss how our experience can benefit you.

“Exceptional advice, outstanding service and knowledge of the educational world”

CHAMBERS & PARTNERS UK



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Schools HR and Employment Law Legal Support

Staff are key assets and we know that schools do not want their advisers to sit on the fence. Our clients appreciate the robust, modern and commercial approach we take when advising on HR and employment law, and this is what sets us apart from others. We are committed to building long lasting relationships with our clients and working in partnership to help them achieve the desired outcomes whilst minimising risk.

Our dedicated HR Helpdesk for schools was set up in response to a growing need for legal and technical expertise but also to meet a demand from the sector for a more commercial approach when dealing with staffing issues compared with the more cautious approach which is sometimes a feature of the more traditional forms of HR support provided to schools. That is not to say that we advocate taking unnecessary risks but our team are geared up to give school leaders and trustees the confidence to take action where it is legal and appropriate to do so.

Our Schools HR and Employment Law Legal Support Retainer offers you direct access to specialist employment lawyers who can provide advice on a range of HR and employment law issues which arise in a school context. We do not operate a call centre or ticketing system. The help desk is operated by our qualified legal staff and we pride ourselves on our responsiveness, personal service and exceptional client care.

The team are made up of talented employment-education lawyers, advisers and support staff who only advise in the education sector. They are experts in the regulatory framework that applies to schools and have extensive experience advising on, for

example, the STPCD, the restrictions in the Academy Trust Handbook and in particular its application to settlement agreements, and the requirements of the 'Keeping Children Safe in Education' statutory guidance relating to safer recruitment and other sources of regulation.

We represent clients in defending employment tribunal proceedings including claims involving allegations of discrimination because of race, sex, disability, pregnancy and maternity and all other protected grounds; whistleblowing; unfair dismissal and holiday pay. Our team can act on claims which are insurance-backed or covered by the RPA, as well matters that are privately funded.

We can provide bespoke training for clients on a variety of HR / employment law issues specific to the education sector. As part of our service we also deliver webinars and seminars to school clients.

The employment and HR aspect of the service is designed to dovetail with your internal or existing payroll and HR support.

“
Winckworth Sherwood are particularly strong in the crossover between employment and education law.

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How we can help

We regularly advise individual schools, academy trusts, independent schools and dioceses in relation to:

Strategic HR and employment law advice

Regulatory matters: TRA, Ofsted, DfE

Contracts of employment

STPCD, Burgundy Book and Green Book

Workplace policies and procedures

Grievances

Disciplinary procedures

Sickness absence management and sick pay

TUPE

Restructuring and redundancy

Trade union disputes and collective bargaining

Settlement agreements and early resolution of disputes

Dismissals

Employment tribunal claims

Immigration

Equality Act 2010

Investigations

Safeguarding, DBS and KCSIE



Case Studies

Click on the links below to read more about our experience supporting schools.

- [Investigations](#)
- [Industrial disputes](#)
- [Complex ET Claims](#)
- [Redundancy and Restructure](#)
- [Settlement Agreements](#)
- [Regulatory](#)
- [Contracts of employment and policies](#)
- [Workplace Disputes](#)
- [Mergers and TUPE](#)
- [Pensions](#)
- [Immigration](#)

“
The team are the go-to experts for any client within the education sector looking for legal advice.
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What is included

We offer a choice between a Gold and Silver Service, which gives you flexibility depending on your level of need. All advice is provided by qualified, experienced lawyers.

Silver Strategic HR and Employment Law Retainer

The Schools HR Silver Retainer is designed for clients who prefer a light-touch approach to legal advice and tends to be a cost-effective option for members who are likely to request legal support on an occasional basis.

The helpline option gives schools access to telephone advice for quick questions or for a sense check on a course of action. There are no artificial limits on the number of queries.

Gold Strategic HR and Employment Law Retainer

The Schools HR Gold Retainer is designed for stand-alone schools or academies or multi-academy trusts who prefer a more supported approach to HR and employment law advice and tends to be a cost effective option for members who are likely to request HR support on a regular basis. It provides access to our Schools HR helpdesk.

Enquiries which are substantial in nature or relate to significant / complicated instructions on a discrete matter or ongoing project or transaction will be treated as a bespoke matter and we will provide you with a fee estimate for any work that falls outside of the scope of the retainer for your approval. Members can access the MAT Gold retainer for up to 5 schools.

We have set out below and on the next page some typical examples of when advice is likely to be covered under the retainer or turn into a bespoke instruction.

Advice typically covered under the legal retainer

*Please note that the Silver Service does not include reviews of documentation, written advice or access to template letters and documents

Ad hoc responses to HR enquiries and staff management, for example:

- managing sickness absence
- disciplinary matters and grievances
- pay awards and appeals
- recruitment and rights to work
- safeguarding and DBS
- equality and discrimination
- OH referrals
- ill health retirement
- employees with service occupancy requirements

Bespoke Advice

* You will access a discounted hourly rate of over 8% for any bespoke matters through your chosen retainer

Ongoing support with specific cases / face to face or remote attendance at formal meetings and hearings

Advice and support for an independent investigation, including: drafting terms of reference, appointing and advising the independent investigator, supporting the investigator in the event of challenge by the complainant, those against whom allegations are made and witnesses, content of the report and advice on communication and implementation (including liaison with regulatory bodies)

We have access to a dedicated team of independent investigators who have experience of investigations involving safeguarding issues, malpractice, financial irregularity, bullying and harassment and governance challenges

Advice typically covered under the legal retainer

*Please note that the Silver Service does not include reviews of documentation, written advice or access to template letters and documents

Bespoke Advice

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| Support with settlement discussions | Negotiating potentially contentious settlement agreements or where ESFA consent is needed under the terms of the Academies Financial Handbook |
| Early advice on managing the risk of claims | Employment Tribunal claims – Typically such claims are covered by a school's insurers or the Risk Protection Arrangement (subject to the terms of the policy / the membership rules) |
| Ad hoc HR policy reviews (including pay policies) / reviews of employment contracts as well as advising of changes in legislative requirements | Reviewing or drafting a suite of HR policies or employment contracts – we now favour use of a centralised employment contract function with a single central contract and job description with individual staff terms and conditions captured by offer letter (this avoids the perennial problem of trying to get a contract signed post offer and ensuring this is saved to the personnel file) |
| Assisting with responses to the unions and advising on consultation protocols and any recognition agreement | Ongoing support with contentious union correspondence and threats of industrial action |
| General support with staffing reviews and restructure | Drafting the business case and s188 letters and if needed any settlement agreement to address an agreed redundancy |
| Advice on the implications of a service provision change for the purposes of TUPE and supporting any broad due diligence ensuring the employee liability information is provided | Drafting or advising on the TUPE measures letter and undertaking negotiations with the service provider including any contentious follow up around LGPS Admission Agreements |
| Advice on due diligence (in the context of conversion and academy transfers and mergers) | Reviews of third party contracts |
| Advice on privacy notices and dealing with GDPR and FOIA obligations. We can provide a certain level of support with data subject access requests and advice on exemptions, including advising on responses to those who have raised requests. Advice on data breaches and communications with the ICO. Support for the Trust's DPO | A comprehensive review of information to be disclosed can be carried out Responding to any claim for damages for a personal data breach |

Further Information

Our team do not provide payroll services or HR admin support (e.g. issuing contracts, publishing job adverts, return to work interviews, dealing with day-to-day routine enquiries from staff etc). Instead, we add most value when our clients need support with enquiries where there are higher levels of risk, complex cases or where your team would like a second opinion, for example, where there are different options open to you and you want to make an informed decision about next steps.

We issue regular legal updates throughout the year on issues affecting schools. [Click here.](#)

Our Schools HR Retainer works on the assumption that all day to day enquiries are covered by the retainer and only ad hoc occasional requests are treated as out of scope for the retainer which would require a bespoke fee. Our approach is designed to keep the retainer cost as low as possible. If an instruction is bespoke, we will inform you in advance and provide you with a fee estimate based on our discounted hourly rates for your approval before we undertake any work.



Key Benefits of our Strategic HR and Employment Law Retainer

These are:

- back up legal support to complement your internal HR function and/or external HR provider
- dedicated and experienced team of employment lawyers and HR professionals who exclusively advise the education sector
- unlimited access – there are no restrictions on the number of calls to the helpdesk
- comprehensive support which dovetails with your in house or external HR provider
- cost effective
- includes advice and review of routine documents and correspondence (Gold Service clients only)
- provides access to supported documents and toolkits which are generally available for no additional charge unless otherwise indicated (Gold Service clients only)
- termly review of how the service is being received and general feedback as well as detailed usage reports provided to monitor trends and areas for training.

Response Times and Service Delivery

The Schools HR helpdesk is active between the hours of 9.30am and 5.30pm but out of hours support is always available from any member of our team and we will provide full contact details for all members of the Schools HR team. The team works collaboratively to ensure that you receive a consistent service delivered to a high standard which operates throughout the year including during periods of school holidays. The team are partner led meaning that as well as access to the helpdesk you will also have a dedicated partner assigned to you and their direct contact details.

Your school can contact us either by calling our helpline (which rings through directly to our team) or our dedicated email address for Schools HR members.

Our team will provide an acknowledgement within one day and substantive advice within 2 days of receipt of an enquiry, although we aim to provide a full response on the same day where possible and will also respond to urgent enquiries as the need arises.

Our team are here to support you with all schools HR and employment law legal queries, no matter how big or small.

For more information or to discuss your needs and how we can support you, please contact our Schools HR team.

☎ 0345 026 8690

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The Schools HR Team



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“
*Winckworth
Sherwood's biggest
strength, in our
opinion, is the people
- nothing is too much
trouble and they really
take the time to get
to know us as an
individual organisation.*”

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The Education Team



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