



Employment Rights Act (ERA) 2025 Readiness Guide

10 Risk Areas for Schools and Trusts to Review Now

A practical leadership and governance guide to help schools and trusts identify priority workforce and employment risks, strengthen oversight, and plan next steps with confidence



Your essential roadmap to
ERA 2025 compliance

Contents

- Introduction3
- Policy and Procedure Alignment4
- Consistency Across Schools, Teams or Functions5
- Line Manager Capability and Confidence5
- Dismissal and Process Assurance7
- Absence Management Practice8
- Workforce Relations and Union Engagement9
- Restructure and Change Governance10
- Documentation and Audit Trail Quality11
- Training, Support and Escalation Routes11
- Leadership Oversight and Reporting13
- Summary Checklist14
- How Judicium Can Help15

Introduction

For schools and trusts, this is more than a policy update. The Employment Rights Act changes represent a significant shift in the employment landscape, with practical implications for how organisations manage people, risk, change and decision-making.

For education employers, the impact is rarely confined to one team. It can quickly become:

- A governance issue
- A budget issue
- A workforce relations issue
- A reputational issue
- And, ultimately, a leadership issue

This guide is designed to help school and trust leaders assess where risk may be building and start to focus attention where oversight matters most. It is not intended as legal guidance, and it does not replace case-specific advice.

It is a practical oversight tool to support better questions, clearer priorities, and more confident leadership decisions.

1. Policy and Procedure Alignment

Key Dates to Note: April 2026, October 2026, January 27 and beyond

Policies can look reassuring on paper, but risk increases when they no longer reflect current expectations, operational reality, or how decisions are actually being made in practice.

As ERA changes are introduced in phases, policy review becomes an ongoing leadership task rather than a one-off update. Schools and trusts will need confidence that key people policies are reviewed in a timely way, that procedures reflect actual practice across teams and settings, and that informal workarounds have not quietly replaced agreed process.

Common pressure points



Legacy policies in use



Multiple versions circulating



Updates without briefing



Process shortcuts under pressure

RAG rating (current position): Green Amber Red



2. Consistency Across Schools, Teams or Functions

Key Date to Implement: Now

Inconsistency creates avoidable risk, especially in trusts where similar issues may be handled differently across schools. Even well-intentioned variation can lead to challenge, frustration and reputational concerns.

As ERA-related changes affect multiple areas of employment practice over time, leadership oversight should focus on whether there are clear trust-wide expectations, where local variation exists, and whether that variation is intentional, documented and justifiable rather than accidental or cultural drift.

Common pressure points

- Different practice by school
- Manager-style variation
- Limited central visibility
- Local custom over process

RAG rating (current position): Green Amber Red

3. Line Manager Capability and Confidence

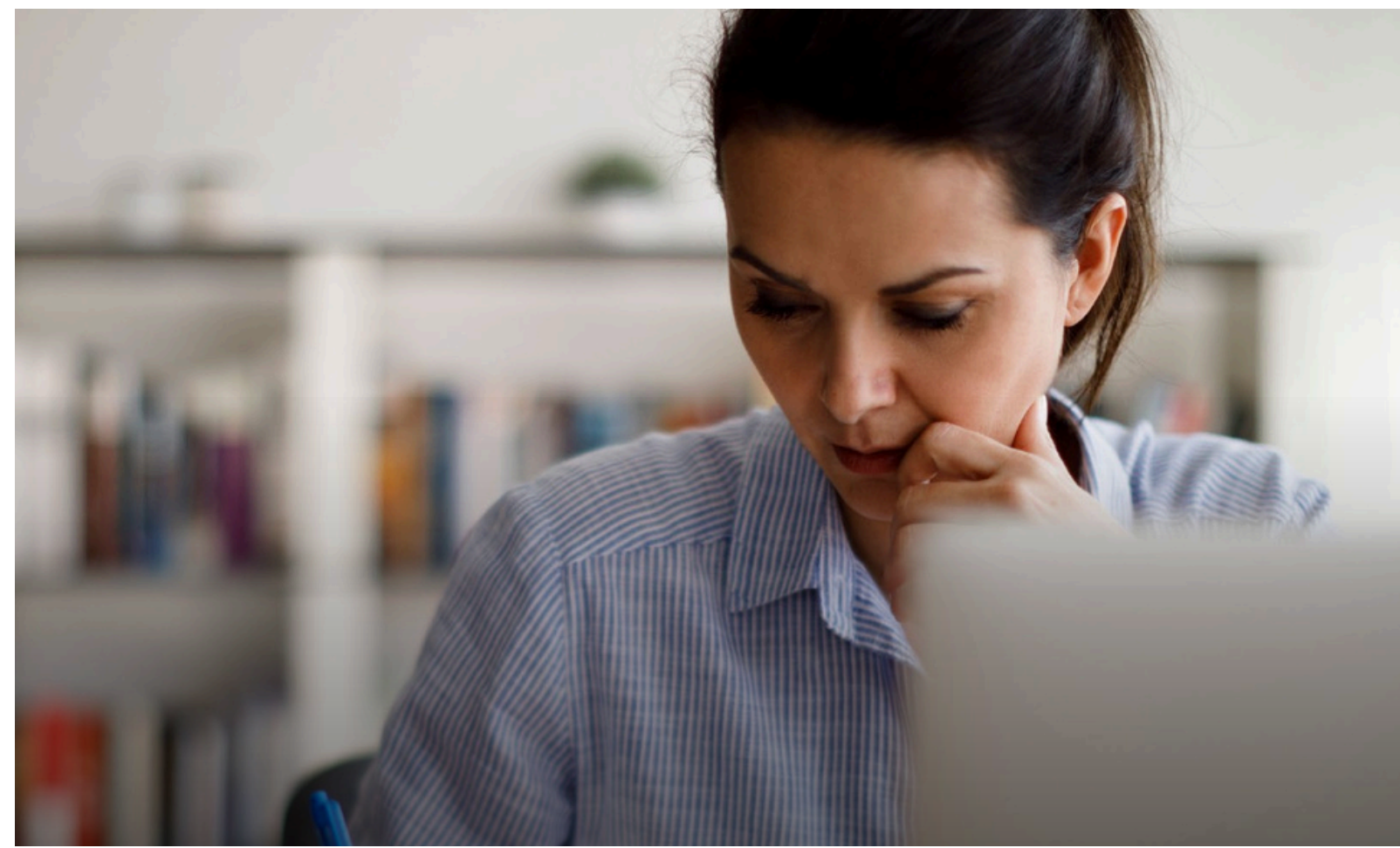
Key Date to Implement: Now

Many employment risks begin not with policy gaps, but with uncertainty in day-to-day management. Where managers lack confidence, issues can drift, escalate unnecessarily, or be handled inconsistently. As ERA reforms are implemented, managers are likely to feel the impact first through conversations and decisions on absence, employee concerns, flexibility, conduct and capability matters. Leadership oversight should therefore test whether managers are trained, supported and clear on escalation routes, and whether guidance is practical enough to use in real situations.

Common pressure points

- Delayed early action
- Over reliance on informal judgement
- Late escalation
- Inconsistent follow-up records

RAG rating (current position): Green Amber Red



4. Dismissal and Process Assurance

Key Dates to Note: July 2026, October 2026

Dismissal-related decisions carry high legal, financial and reputational risk, so oversight should focus on process quality, fairness, consistency and decision assurance, not simply whether a process was “completed”.

This becomes even more important as ERA dismissal reforms are implemented. From January 2027, the qualifying period for ordinary unfair dismissal protection is due to reduce, and changes linked to dismissal and rehire are also expected to increase scrutiny of decision-making and process quality.

In practice, leadership oversight should test whether decision-makers are properly supported, whether rationale and evidence are documented clearly, and whether higher-risk cases are escalated early enough for specialist input to shape decisions rather than simply review them at the end.

Common pressure points



Compressed timelines



Inconsistent process handling



Weak decision records



Support sought too late

RAG rating (current position): Green Amber Red

5. Absence Management Practice

Key Dates to Note: April 2026

Absence management affects staffing resilience, wellbeing, cost and culture, and risk grows where triggers, support, communication and process are applied inconsistently.

ERA changes to statutory sick pay increase the importance of reviewing how absence is managed in practice, including the confidence of managers, the use of triggers and the quality of record-keeping.

Leadership oversight should focus on whether absence processes are applied consistently and proportionately, and whether data and case handling support both fairness and operational resilience.

Common pressure points



Triggers applied unevenly



Delayed absence conversations



Poorly documented reviews



Hesitation in complex cases

RAG rating (current position): Green Amber Red







6. Workforce Relations and Union Engagement

Key Dates to Note: December 2025, February, April, October 2026, 2027

In schools and trusts, workforce relations are shaped not only by policy decisions, but by timing, communication and trust. ERA reforms affecting trade union and industrial relations rights increase the need for proactive leadership alignment, clear messaging and early identification of likely flashpoints.

Oversight should focus on whether union engagement is being managed strategically rather than reactively, and whether leaders are consistent in tone, communication and decision-making during periods of change.

Common pressure points

-  Communication gaps during change
-  Mixed messages from leaders
-  Reactive handling of concerns
-  Uncertainty driving escalation

RAG rating (current position): Green Amber Red





7. Restructure and Change Governance

Key Dates to Note: April 2026, January 2027

Restructures and organisational change are often shaped by budget and operational pressure, which makes governance discipline even more important. ERA reforms affecting collective redundancy and dismissal-and-rehire (also known as fire and rehire) increase the need for strong planning, consultation readiness and clear decision records.

Leadership oversight should test whether the rationale for change is documented, whether roles and accountabilities are clear, and whether workforce relations and reputational risks are being considered early rather than after implementation is already underway.

Common pressure points

-  Change moving too quickly
-  Communication before planning
-  Uneven decision records
-  Implementation risk not visible

RAG rating (current position): Green Amber Red

8. Documentation and Audit Trail Quality

Key Dates to Note: April 2026, October 2026, January 2027

When decisions are challenged, confidence often depends on the quality of records. A reasonable decision can become harder to defend where documentation is incomplete, inconsistent or unclear. As ERA-related rights and risks evolve across multiple people processes, documentation becomes a core part of readiness because it underpins fairness, consistency and decision assurance. Leadership should be confident that records are clear, retrievable and consistent across schools and teams, especially in higher-risk cases.

Common pressure points

-  Informal conversations unrecorded
-  Notes too brief
-  Record quality varies by manager
-  Documents hard to retrieve


RAG rating (current position): Green Amber Red

9. Training, Support and Escalation Routes

Key Dates to Note: April 2026 , October 2026, January 2027

Even strong policies and leadership intent can fail in practice if people are unsure where to go for support. Clear escalation routes reduce delay, prevent avoidable errors and strengthen confidence. Because ERA implementation is phased, schools and trusts need training and support routes that can be refreshed over time so managers and leaders understand what has changed, what is coming next, and when specialist advice is needed. Oversight should focus on clarity, accessibility and real-world usefulness, not simply whether training exists.

Common pressure points

-  Escalation only at crisis point
-  Blurred role boundaries
-  Training too generic
-  No clear route to specialist support

RAG rating (current position): Green Amber Red



10. Leadership Oversight and Reporting

Key Dates to Note: December 2025, February 2026, April 2026, October 2026, January 2027

Oversight depends on the quality of information leaders receive. If reporting is too limited, too delayed or too operational, risks can be missed until they become costly. ERA readiness is not a single policy update on one date; it is a staged change programme across several workforce and employment areas. For schools and trusts, leadership reporting is what turns legal change into monitored organisational readiness by helping boards and executive teams see patterns, track exposure, assign ownership and sequence priorities.

Common pressure points



Data without risk insight



Limited visibility of inconsistency



Governance discussions too late



Unclear ownership of next steps

RAG rating (current position): Green Amber Red

Summary Checklist

We have reviewed...

- Our highest-priority people-process risks
- Whether policy and practice are aligned
- Where consistency varies across schools, teams or functions
- Line manager capability and escalation confidence
- Workforce relations and communication risks
- Restructure/change governance readiness (where relevant)
- Documentation and audit trail quality
- Leadership reporting and ownership of next steps

Our current readiness position is...

- Mostly Green
- Mixed (Green/Amber)
- Mostly Amber
- Amber/Red in key areas
- Red/urgent review required

What To Do Next

You do not need to solve everything at once. The most effective next step is usually to identify:

1. the highest-risk areas
2. the areas where practice is inconsistent
3. the issues that need leadership oversight now

From there, schools and trusts can prioritise support, sequencing and implementation more confidently and reduce the risk of reactive decision-making later.

How Judicium Can Help...

ERA readiness is not a single policy update. It's a programme of change that touches governance, workforce relations, cost, reputation and day-to-day management.

Judicium supports schools and trusts with practical, education-sector employment expertise, helping you translate legal change into confident decisions, consistent practice and clear oversight.

Leadership and board oversight support

We can provide a focused leadership briefing on what the changes mean for your organisation, the risks most likely to affect schools and trusts, and the oversight questions that strengthen governance and assurance.

ERA readiness reviews (trust-wide or school-level)

Using the 10 risk areas in this guide, we can help you assess your current position, identify priority gaps, and create a realistic plan that reflects your operating model, capacity and timelines.

Policy, process and template assurance

We can review and update your core people policies, procedures and resources so they are current, usable and aligned to your practice – reducing the risk of “policy says one thing, reality does another.”

Manager capability and escalation support

We can deliver practical manager training and toolkits that reflect real school scenarios, helping leaders and line managers handle issues earlier, document decisions well, and escalate appropriately.

Workforce relations and change support

Where change is likely (or already underway), we can support consultation planning, communication strategy and risk management, helping you move through complex periods with stronger process discipline and steadier workforce relations.

Case support for high-risk situations

When you need to act quickly and get it right, we can provide hands-on advice for sensitive or high-risk cases, strengthening decision assurance and reducing avoidable exposure.



Proudly part of



Supporting
Education
Group



We work with over 2,500 schools and academies nationwide and are presenting over 70 local authorities from Cornwall to Durham and from Cumbria to Kent.

We take
care of it

Contact:

0345 548 7000 - option 2
enquiries@judicium.com
judiciumeducation.co.uk