



NYHR Key Updates January 2019

Contents – Highlights

(Click the links to view each article)

- ✿ [NJC Pay Structure for April 2019](#) – updated guidance
- ✿ [Brexit](#) – Information on workplace rights and protections
- ✿ [Professional Associations Facilities Agreement](#) – An update on PAFA from our previous newsletter
- ✿ [Single Central Record update](#) – guidance on S128 checks and supervised volunteers
- ✿ [Policy Updates:](#)
 - [Code of Conduct](#) – New policy for adoption
 - [Parental Leave Policy](#) – An update to our Maternity, Paternity, Shared Parental Leave and Adoption policy
 - [Reorganisation, Redundancy and Redeployment Policy](#) – updated following changes to the LA financial support for teachers' voluntary redundancy
- ✿ [Updated Guidance: Continuous Service](#) – Updated guidance for schools regarding the application of continuous service
- ✿ [Good to know](#) – Part-time Teachers Q&As
- ✿ [Are teachers leaving the profession?](#) HR Adviser needs your help and views
- ✿ [NYHR Training](#) – Schedule of upcoming training events

NYHR Advisory service

The NYHR Advisory service operates as a hotline with **desk based staff** available to take queries during office hours. It is your point of contact for queries relating to the interpretation of HR policies, procedures and statutory staffing related documents, including terms and conditions. Contact the team on [01609 798343](tel:01609798343) or alternatively by email at: NYHR@northyorks.gov.uk. We also have a **Live Chat** facility available at <http://cyps.northyorks.gov.uk/hrpages>.

All Schools and Academies also have a **team of Advisers** who are your key contacts for casework and HR Support who **work flexibly across the County**. All HR Advisers and Senior HR Advisers are managed by our Principal Advisers, [Mairi Reed](#), [Harry Rashid](#) and [Julie Boucher](#). The HR Advisory Service is overseen by [Penny Yeadon](#) as Head of HR.



NJC Pay Structure for April 2019

Detailed communications were sent out at the end of last term regarding the **proposed new pay and grading structure for support staff** which is due to be implemented from **April 2019**. We have set up a [dedicated page](#) on CYPInfo containing all the information which schools require to communicate with staff and prepare for the changes in April.

In summary, the actions for schools are:

- Ensure all support staff have been **provided with details** of the proposed new pay structure and how they will assimilate (move across) onto this
- Notify ESS of **approved increments** by the **22nd February 2019 (email instructions will be sent by ESS on Friday 25th January 2019)**
- Deal with any **increment exceptions** by the end of **March 2019**.

Please note that, since the last communication there has been a revision to the FAQs regarding the treatment of retention allowances. It has been agreed with Unison that **retention payments** for posts on Bands 1-6 will **not** cease on implementation of the new pay structure. This is because any pay increases being made to employees on these grades are due to changes to the national pay spine and not as a result of the revised pay structure implemented by NYCC. The bulk of these payments in schools are made to **MSAs** and will NOT be removed as part of the assimilation process in April 2019. This does not change the position that **Schools may choose to review the payment of retention allowances** in line with their pay policy as part of their usual processes.

The revised budget, including the proposed pay structure, will be considered by Full Council in **February** following which we will issue further communication.

Brexit

Although we are sure you have probably heard enough about Brexit through the recent extensive media coverage, we wanted to make you aware of the **implications for EU nationals** in the run up to the UK's proposed exit from the EU on 29th March, 2019.

The Government are introducing the EU Settlement Scheme which will **enable EU nationals working within the UK to apply for settled status, or pre-settled status**, which will allow them to **continue to work and live in the UK following Brexit**. The scheme is currently being piloted and fully opens on 30th March, 2019. The final deadline for applications is presently stated as being 30th March, 2021.

If you have any employees within your school who are **EU nationals** then they **will need to apply to the Scheme before the deadline in 2021**. There is no need to do anything yet; we will provide further details regarding application to the Scheme and any actions required by affected employees and their schools in the coming months. General information regarding the scheme is available from the Gov.uk website which can be accessed [here](#).

Professional Associations Facilities Agreement

You may recall from our last newsletter we notified you that the arrangements for funding the PAFA (Professional Associations Facilities Agreement) would be changing from the new financial year. However, as a result of regulatory changes, at its meeting on 6th December, 2018, the Schools' Forum was able to agree to **extend the de-delegation of PAFA funding for a further year until April, 2020.**

This is a welcome decision as it **supports the continuation of the current 'pooled' arrangements** we enjoy with our local professional association and union representatives including:

- The ability for schools to **adopt policies consulted on at LA level** without the need for school level consultation
- **Local representatives available to support members**, minimising delays to important staff processes
- **Removing the requirement for schools to have school level facilities arrangements** in place at individual school level which is cumbersome, expensive and problematic for schools to manage.

However, the facilities agreement will move to a **fully traded model from April 2020** and so schools will need to purchase it from then in order to benefit from a continuation of the pooled arrangements.

SCR Update

Section 128 for Maintained School Governors

A Secretary of State Section 128 Direction **disqualifies a person** from holding or continuing to hold office as a **Governor of a maintained school**. We would advise that this check is carried out for maintained school Governors, as part of the appointment process, and recommend it is **recorded on the SCR** alongside the DBS clearance.

The list of names of people who have been issued with a Section 128 Direction can be found on the [DfE online services](#), using the log in access that you have to do your teacher prohibition checks.

It would be advisable to carry out **retrospective checks on all your Governors.**

SCR Update - continued

DBS checks for Volunteers

Whether DBS checks are required on volunteers **depends on their level of access to children** and should be subject to a **risk assessment**. A risk assessment **template** can be found under appendix 4 in the **SCR guidance** on the CYPs website. Those meeting the definition of **Regulated Activity** require an **Enhanced DBS check** and a DBS **barred list check**. The definition of Regulated Activity specifically **excludes supervised volunteers**. However, for supervised volunteers who enter school premises and have the opportunity for contact with children there is the ability to undertake an Enhanced DBS check, although there is **no legal requirement to do so**. Therefore, a risk assessed approach should be made and **documented**.

It has been the LA stance **to carry out a DBS check on all volunteers** but the statutory position is as outlined above and therefore we wanted it to be clear that **there is not a legal requirement** to undertake an Enhanced DBS check on a supervised volunteer.

SCR Guidance

The NYHR **SCR guidance** has been **updated** to include these recent changes, this can be accessed on the **HR – Safeguarding page** or alternatively please call the NYHR Advisory team on 01609 798343 or email NYHR@northyorks.gov.uk if you require further guidance.

Policy Updates

The [list of HR policies](#) published on CYPsInfo has been **updated** to include the policies which have been recently updated. **Changes** from the previous version published in September 2018 **have been highlighted for easy reference and this will help you keep track to ensure you have adopted the most recent versions**. This document also details the policies which are currently being reviewed to let schools know what will be coming soon. The most recently published policies are summarised below.

As a general reminder, some schools have recently received challenge from professional associations around insufficient notice given for formal meetings under a range of procedures so, to avoid unnecessary challenge, you are **encouraged to be mindful of any relevant notice for formal meetings** held in line with staffing related processes.

Code of Conduct

A **new Code of Conduct** for staff in schools has recently been published on CYPs.Info [here](#) Keeping Children Safe in Education requires that all schools, including Academies, should have a staff behaviour or code of conduct policy. The new Code of Conduct **replaces the Standards of Conduct policy** previously published in 2015.

The new Code of Conduct has been completely updated to make it **relevant for school use**. The Code covers a range of issues with the **emphasis on the standards of behaviour and conduct** which are expected of staff working within schools.

Reference is made to other policies and processes which schools will already have in place. The Code brings all these together in one place and, as such, should act as a **useful summary and reference document**.

Who does it apply to?

The Code applies to **all employees** of the school, but also to **others who are working in the school on a regular basis** but who are not directly employed, e.g. contractors, supply staff, volunteers, consultants, third party staff, etc. Governors have their own guidance on standards of behaviour, however, **if a governor is also volunteering** within the school then the Code applies to them whilst they are undertaking that role.

KCSIE states that the Code of Conduct should be discussed with new staff through the **induction process**. It is also an effective way to share relevant information regarding expectations and procedures with other people working with the school.

What are the next steps?

Due to the nature of a Code of Conduct and its close link to the values and culture of a school, a **considered approach** should be taken in the adoption of this policy.

Step 1 – Consideration

It is suggested that each school gives careful consideration to the **range of issues and policy positions** taken within the Code of Conduct. Thought should be given to existing policies and processes within the school and **where these may be at variance** with the Code.

Where something within the Code would **change the school's current practices or policies**, consideration should be given to whether the change would be **reasonable and beneficial** to the school and **evaluate any impact on employees** there may be as a result.

For example, the Code provides guidance around the acceptance of gifts and hospitality and suggests a £20 limit on these. The school does not currently have in place any agreed procedures around the acceptance of gifts but it feels that having guidance and an agreed limit would be appropriate. Communication would need to take place with both staff and parents and the reasons for a limit being set should be clearly explained.

Alternatively, a school has an existing policy in place around the acceptance of gifts which it wishes to retain. As their current policy is effective and appropriate for the setting, they choose to amend the Code of Conduct to cover their existing arrangements.

Code of Conduct (continued)

Step 2 – Consultation

Whilst the Code of Conduct has already been consulted on with Unions and Professional Associations through the PAFA process, it is **recommended that consultation takes place** at a school level with the staff group **if any changes to the document are proposed** following Step 1. Schools will have their own consultation arrangements in place which could include staff meetings or comments requested via e-mail.

Where feedback has been given, it is important that the school gives this **due consideration** and **responds to the comments made**, whether or not any suggestions are adopted.

Step 3 - Implementation

Following adoption of the final policy by the Governing Body, steps should be taken to **embed the Code into the following processes and procedures**:

- **induction** processes for new employees
- **information giving** to individuals who are working with the school for the first time e.g. supply staff, new volunteers, contractors
- **administrative processes** e.g. a gifts and hospitality register

Step 4 – Communication

Finally, the Code should be **effectively communicated** so that it is **understood and consistently applied** across the school community. Relevant groups for communication may include:

- **existing staff** including signature of the confirmation of compliance
- **other people** working within the school setting
- communication with other people within the **wider school community** if necessary

Parental Leave Policy

The Parental Leave Policy has been revised and **replaces the previous Maternity, Paternity, Shared Parental Leave and Adoption policy**. The new policy, and related documents, have been **fully updated** and now provide **further information and clarification around relevant occupational and statutory pay and leave entitlements**. The new policy and related documents can be found on the [CYPs.info](http://cyps.info) website now.

Parental Leave Policy (continued)

The main updates to be aware of are:

- Clarification that **payment of SMP** is based on service with the **current employer**. For example, if a teacher is new to NYCC, and is pregnant when she joins but has 6 years' previous continuous Local Government teaching service in another school, she would be entitled to OMP (as this is based on LG service) but not SMP as this is based on service with her current employer.
- **Unpaid parental leave** can be requested until a child is aged 18.

We would advise you to:

- **Customise** the policy if necessary to fit the **governance arrangements** within your school
- **Progress** the policy through the school's adoption process e.g. with the Governing Body
- **Remove any old versions** of the Maternity, Paternity, Shared Parental Leave and Adoption policy, guidance and related letters from school systems.

Reorganisation, Redundancy and Redeployment (RRR) Policy

Consultation with professional associations regarding an **updated version** of this policy has taken place and this is now fully revised and [is available on CYPs.info](#). In addition, the supporting suite of **template letters, planning tools, information and guidance** has been fully reviewed and updated. Professional Associations have asked that we remind schools that **only recognised unions should be invited to formal consultation meetings (although non recognised unions can support members at individual meetings)**.

Some changes to the policy have been required as a result of the **withdrawal of Local Authority financial support for enhanced voluntary redundancy payments for teaching staff**. These are as follows:

- **A new approvals process and pro forma for business cases**. These must be submitted for the purpose of seeking **cost recovery for the LA** for redundancy pay costs and should detail the **school's rationale for the proposed restructuring**. A panel of senior LA representatives will meet to consider such requests that will only be approved for funding where the robust criteria for accessing funding support are met in full. The panel will sit on a **weekly basis from January to March**. Business cases will be considered in order of date of receipt and it is anticipated that there will be high volumes during late January / early February.

- **Revised guidance on voluntary redundancy payments.** The policy has been updated to take account of the LAs decision to fund **compulsory redundancy costs only** where a business case has been approved. The revised policy explains that any enhancement to **preserve voluntary redundancy terms for teachers would be at school cost.**

Recommended school actions:

- **Progress the revised RRR policy** for Governing Body adoption as soon as possible, and ideally before the commencement of any restructuring processes
- If the school is planning any restructuring or redundancy processes they are encouraged to **make contact with their HR Adviser** at the earliest opportunity. Most processes will need to commence during January / February in order to ensure that business case approval can be sought and due consultation and notice can be provided.

Continuous Service

The rules surrounding continuous service within local government, and especially the education sector, can be complex. The **application of national terms and conditions for both support and teaching staff means that different service arrangements apply** to both groups, and this is especially noticeable in terms of occupational entitlements to maternity and sick pay.

The education landscape has changed significantly over the last 15 years with the **proliferation of Academies** and **more teachers moving between these schools and the maintained sector.** The fact that the **Burgundy Book does not recognise previous teaching service with Academies** for some conditions of service can cause a **barrier to recruitment** and act as a disincentive for teachers who may be considering a career move. Therefore, in an attempt to remove this barrier and offer more equitable terms, the Council has reached a **local agreement to recognise continuous service with Academies and VA schools for teachers in maintained schools in NYCC.**

This agreement applies to any **new absences** resulting in assessment for the payment of:

- **Occupational sick pay**
- **Occupational maternity pay**
- **Occupational adoption pay**

ESS will apply these new rules with **immediate effect** for the calculation of occupational entitlements. Schools using **alternative payroll providers** should notify them of this changes. **Updated, detailed guidance** for schools regarding the application of continuous service has been produced and is available [here](#). The guidance includes the effect of the above agreement on previous service within academies and contains a **clear summary of the entitlements for both teaching and support staff set out in table format.**

Good to know – Part-time Teachers

We receive regular queries on the help-line regarding the **remuneration and working arrangements for part-time teachers**. We thought it might be helpful to produce a few of these Q&As here.

How is the salary of a part-time teacher calculated?

Part-time teachers, including leading practitioners and those in the leadership group, are **paid a proportion** of a full-time teachers' salary based on the **school timetabled teaching week** and the **pro rata principle**.

What is included in the school's timetabled teaching week?

The school's timetabled teaching week (STTW) is the **aggregated period of time in the school timetable during which pupils are normally taught**. This **includes** PPA time and other non-contact time but **excludes** pupils' break times, registration and assemblies.

The STTW can vary within one school, for example if a **different timetable operates in different phases or year groups**. If this is the case, the STTW which applies to the area in which the part-time teacher works should be applied. If a part-time teacher works across two different timetables within the same school then **two calculations should be undertaken and aggregated** to determine the teachers' total remuneration.

What is the pro rata principle?

STPCD paragraph 40.1(a) states: "*pro rata principle*" means that proportion of total remuneration which corresponds to the number of hours that the teacher is employed in that capacity during the course of the school's timetabled teaching week as a proportion of the total number of hours in the school's timetabled teaching week.

So, the entitlements of a part-time teacher are calculated as a **proportion of those of a full-time teacher** based on the **number of hours they are employed** during the **school's timetabled teaching week**.

To which elements of pay does the pro rata principle apply?

The pro rata principle applies to **basic pay and all allowances, except TLR3s**. TLR3 should be awarded for clearly time-limited school improvement projects or one-off externally driven responsibilities. Therefore, the **pro rata principle does not apply to TLR3s**

How do I calculate directed time for part-time teachers?

Full-time teachers can be directed for 1265 hours per annum. Part-time teachers can be directed to work **a proportion of 1265 hours based on the pro rata principle**.

Can part-time teachers be required to attend evening events?

Part-time teachers **cannot be required** to attend work on any day during which they **do not normally work**. However, attendance at such events may be **mutually agreed and additional payment made**.

Part-time teachers **can be required** to attend evening events on their **normal working days** if this activity is included within that teacher's directed time.

Should part-time teachers attend PD days?

Part-time teachers have a **pro rata entitlement to the continued professional development** received by their full-time colleagues. Part-time teachers cannot be required to attend school on training days which do not fall on their normal working days, but should be **offered the opportunity** to attend if relevant development activities are taking place. In such cases it should be **agreed beforehand** if they will receive additional pay or given time back in lieu.

At the start of each academic year, it is recommended that the distribution of training days is plotted against the working patterns of part-time teachers and an **agreement reached with each teacher on how their entitlements will be fulfilled**.

Can you give me a worked example?

A part-time teacher works full days on Monday and Tuesday and finishes at lunchtime on Wednesday. The full-time equivalent annual salary is £32,000 and they receive a TLR 2 the full-time amount of which would be £6,000.

The school day, excluding registration and assembly, runs from 9.00 am to 12.15 pm and again from 1.15 pm to 3.15pm with one 15 minute pupil break in the morning session. This means that:

- **Morning session = 3 hours**
- **Afternoon session = 2 hours**
- **School timetabled teaching week = 25 hours**
- **Timetable hours worked by part-time teacher = 13 hours**

In this example, the teacher would have a **full-time equivalent of 0.52** (13/25)

Their salary would be:

- **Basic pay = £16,640** ($£32,000 \times 0.52$)
- **TLR2 = £3,120** ($£6,000 \times 0.52$)
- **Total pay = £19,760**

PPA time within this school is given in half hour blocks and the part-time teacher receives 1 hour leadership and management time per week for responsibilities connected to their TLR2. Therefore, for this part-time teacher:

- **Maximum timetabled hours = 10.5 hours**
- **PPA time = 1.5 hours** (13 hours x 10% rounded up to next half hour)
- **Leadership and management time = 1 hour**
- **Average weekly directed time = 16.87 hours per week** ($(1265 \times 0.52)/52$)

Are teachers leaving the profession? – HR Adviser needs your help and views!

As part of my Masters Degree in Human Resource Management & Development, I am shortly to begin my dissertation which will explore the reasons why teachers might choose to leave the profession, except through retirement or voluntary redundancy, and what practical solutions could be adopted by a HR service, such as NYHR and by schools/academies themselves to reduce problematic levels of turnover.

Subject to university and organisational permission, and technical know-how, I plan to run an online survey that will go live in early March through until the end of May. I am seeking your support to receive responses from a variety of individuals working in and supporting the education sector such as teachers, headteachers, senior leaders, teaching assistants (ideally former teachers), trade union representatives and schools HR advisers.

The survey will contain only a couple of free text questions based on the research title and some monitoring questions will be asked, for contextual purposes, e.g. to ascertain the role of respondents, if they work in a school, the type and phase of school they work in and whether they are former teachers. Prior to completing the survey, further detail will be provided on the survey website and you will be asked for consent to use the information you provide before you proceed. Names of respondents will not be requested.

A link to the survey will be added to my email signature and our generic NYHR advisory email. The link can also be requested by emailing NYHR@northyorks.gov.uk.

I thank you in advance for your help and assistance in promoting my survey amongst your school staffing and contacts.

Danielle Cawood



NYHR Training

Our training courses provide practical tools and guidance to develop the skills, knowledge and confidence essential in managing staff. All our training courses are delivered in small groups creating an opportunity to interact with colleagues, gain practical strategies and reflect on current practice.

All of our courses can be booked online through your North Yorkshire Education Services account: www.nyeducationsservices.co.uk.

[Click here](#) to be directed to the training portal, to view:

- Featured articles
- Featured service
- Latest news

Customers can view the full training catalogue prior to logging in. The useful search function at the top right of the page allows you to search all content. After browsing events you will then be signposted to login/sign up as normal in order to book onto them.

Code	Date	Name	Venue
HR-0219-T002	07 Feb 2019 09:30 - 12:30	Appraisal Training for Support Staff	Ripon Spa Hotel, Ripon
NYS-0219-T002	19 Feb 2019 09:30 - 16:00	Safer Recruitment	Evolution Business Centre, Northallerton
HR-0219-T001	21 Feb 2019 09:30 - 12:30	Challenging Conversations and Managing Conflict	Ripon Spa Hotel, Ripon
HR-0319-T001	07 Mar 2019 09:30 - 12:30	Building Resilience and Managing Stress	Ripon Spa Hotel, Ripon
HR-0419-T001	02 Apr 2019 09:30 - 15:30	Holding People to Account: Developing Performance & Capability	Ripon Spa Hotel, Ripon
HR-0619-T001	20 Jun 2019 09:30 - 15:30	How to succeed with common HR issues	Ripon Spa Hotel, Ripon

 [Return to Contents](#)