



NYHR Key Updates September 2018

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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.



NYHR Staffing - A few new faces!

Katy Fairley MCIPD – Senior HR Advisor (Policy & Schools)

Katy has over 20 years' experience working in a range of HR roles within the NHS, Local Government and schools. On completing a BA (Hons) in Economics at Durham University, she worked in the City before moving to Edinburgh to complete her PG Diploma in Human Resources. Katy has gained a range of different experiences throughout her career having held roles in employee relations, recruitment and pay and reward. In her most recent role she was the HR lead for a multi-academy trust working with both primary and secondary schools. Katy joined NYCC in April 2018 and is responsible for co-ordinating HR policy development and review across both the Local Authority and for NYHR.

Ruth Kirkbride MCIPD - Senior HR Advisor

Ruth began her HR career in 2002 at NYCC, before moving to the south of England and working for a number of years in a range of positions within the NHS. More recently, Ruth led a HR team within a London Borough including the provision of a successful HR Traded Service to Schools, academies and other clients. In addition to holding Chartered Membership of the CIPD, Ruth has undertaken extensive CPD including a specific employment law award. Ruth returned to NYHR in May 2018 and is Senior HR Adviser for Craven and North.

Sue Parvin – HR Advisor (Casework)

Sue began her HR career in the NHS in 1990 and over the years has held various roles in medical staffing, operational HR and employee relations until she left the NHS in April 2018. Sue is CIPD qualified and has a Diploma in Personnel Management from Teesside University. Sue joined NYCC in June 2018 and is HR Adviser for the schools on the coast.

Trish Muirhead – Senior HR Advisor

Trish has a wide range of experience working within different HR specialisms such as being a Recruitment Branch Manager, providing a HR Advisory service to a corporate team covering EMEA and overseeing a Government pilot scheme within a Learning and Development role. Before joining NYCC in May 2018, Trish carried out a role within the NHS, worked within manufacturing and also an educational role as an HR Business Partner. Trish is currently studying for her CIPD level 7 HR Management and is the Senior HR Advisor for schools on the coast.

School Teachers Pay & Conditions

At the point of publishing this newsletter there has been **no announcement of when the final School Teachers Pay and Conditions Document (STPCD) will be published** or details relating to the pay grant funding formula. At our recent professional association policy meeting it was agreed that we would send further, joint advice which will follow shortly.

Changes to Disqualification under the Childcare Act 2006

The DfE issued revised guidance in July 2018 regarding changes to the provisions around disqualification under the Childcare Act 2006 (the "Act") resulting in the **disqualification by association provision no longer applying in schools**. The disqualification criteria will **continue to apply to employees working in relevant childcare within schools**, but will now not apply to anyone living or working in the same household as those employees. The revised guidance took effect from 31st August, 2018.

Key action points for schools are:

- **Review all files** containing information on Disqualification under the Childcare Act 2006 and remove information, including any Ofsted waivers granted and risk assessments/file notes, which **relate specifically to the disqualification by association aspect**.
- Where staff have **previously completed self-declaration forms** which included a question about disqualification by association, then this section will need to be removed, even if it was nil return and no information provided by the employee.
- **Replace the self-declaration form** used as part of recruitment processes with the updated version (August 2018).
- **Review and update the single central record** to show which staff are covered by the regulations, when their check was undertaken and to remove any reference to historical checks which are no longer required.

Schools may wish to **review any arrangements which were put in place to safeguard children** as a result of a waiver and continue these if considered appropriate based on a risk assessment.

The following documents, on CYPs.info, have been updated to reflect the changes:

- [Childcare Disqualification Self-declaration Form](#)
- [Disqualification under the Childcare Act 2006 – Guidance for Schools](#)

The revised DfE guidance is available [here](#).

Single Central Record Updates

The updated [Keeping Children Safe in Education](#), from 1st September 2018, provides much needed clarification on a number of points. Schools must **conduct risk assessments on their volunteers to determine whether they should carry out DBS and barred list checks**. For a number of years, NYCC has recommended that their locally maintained schools undertake Enhanced DBS checks on all volunteers and with a barred list check, if volunteers meet the definition of Regulated Activity. This would negate the need for a risk assessment but for all other schools and academies, you must document your risk assessment consideration on whether to DBS check a volunteer. The risk assessment template contained within our SCR guidance could be used for this purpose.

Where schools **place pupils in alternative provision** they must obtain a **written statement from the provider** confirming that they have completed all the statutory vetting and barring checks on their member/s of staff. Alternative provision providers need to be in a position to readily provide such confirmations.

Although not a new requirement, one check often missed from the SCR is the **EEA sanctions check** which should be completed as part of the TRA check. This must be completed on a person who has trained to teach/taught in another EEA country, to establish whether they've been subject to sanctions in the other EEA member states.

Retaining Evidence in Files

It's important to remember that each employee must be subject to a '**Right to Work in the UK**' check. The check should be undertaken **before the employee commences employment**. A copy of evidence should be retained in the employee's file (e.g. a copy of their passport), certified by the person that saw it as a true copy; signed, dated and the SCR updated accordingly. Further information regarding acceptable 'Right to Work' documents can be found [here](#).

A checklist, found in **Appendix 3 of the SCR guidance**, provides clarification on **what documentation should be held on employee files**. This includes sections for all recruitment checks, not just what is statutory for the SCR. As previously communicated it is not necessary for Schools and Academies to retain DBS certificates to satisfy SCR requirements; any retained longer than 6 months should be destroyed as soon as possible.

Case Law Updates – Dismissal Notice Dates

Newcastle upon Tyne Hospitals NHS Foundation Trust v Haywood (2018)

This case considered when written notice takes effect. The decision of the Supreme Court was that **notice is effective when the employee has had a reasonable opportunity to receive and read the notice letter**, not when it was posted. This is a change to prevailing practice prior to this case and will have implications for all schools, whether or not they are the direct employer of their staff.

Maintained and VC schools

NYCC remains the employer so therefore has the ultimate responsibility to serve notice. **When a dismissal decision is made by a school they must then notify this decision to NYHR who will arrange for the notice letter to be issued.** The LA's approach is that two postal days following the date of posting is a reasonable period for the employee to receive and read the notice letter. Therefore, when a dismissal decision is made by a school the date on which notice commences and subsequently the termination date will depend on when the notice letter is sent by NYCC and received by the employee. **Schools should continue to notify their staff of the outcome of hearings and processes in the same way**, but, as they are not the ultimate employer, notice is not effective even if given by the school to the employee on the day of the hearing, either verbally or in writing.

NYHR have established processes to ensure that notice letters are issued swiftly following notification from the school and to subsequently notify the schools of the actual termination date (for onward notification of the school's payroll provider). In the case of gross misconduct/summary dismissal, the termination date will be **2 days following the issue of the notice letter and not the date of the hearing**.

Schools need to be mindful of the above when scheduling hearings, especially those involving teaching staff, to **ensure there is sufficient time available for notice to be effectively served prior to resignation dates**. As the facts of the Haywood case were around the employee not being able to reasonably receive and read her notice letter as she was away whilst on annual leave, consideration should also be given to the **timing of school closure periods**. If notice is likely to commence during a closure period, the Chair of the hearing panel should enquire as to the availability of the employee to receive notice.

Academies and VA schools

The situation here is slightly simpler as they are the employer of their own staff and **notice given verbally will take immediate effect**. Similar issues will arise for these schools when notice is issued in writing and not given verbally, and they will need to determine what time period they feel is reasonable for the employee to receive and read the notice letter (a minimum of two days is recommended). Sufficient time should be built into their processes when nearing **teacher resignation dates and school closure periods**; the same advice regarding the role of the Chair of the hearing panel in establishing the availability of the employee would apply.

HR Policy Updates

New to CYPs.info this term is a **schedule listing all of the current HR policies on the site and the year that they were published**. The schedule also details which policies schools are statutorily required to have and highlights which policies are currently under review. It is hoped that this schedule will be a useful check for schools to ensure that they have adopted the current version of HR policies and are meeting statutory requirements. Where a policy is highlighted as under review then it is currently being revised with a view to this being ready for adoption the following term (i.e. Spring term).

Workplace Substance Misuse Policy

Consultation regarding this policy took place in July and it is **now available on CYPs.info**. This new policy replaces the following policies and management guidance:

- Workplace Alcohol Policy and Management Guidance
- Workplace Drugs and Substance Misuse Policy and Management Guidance

The new policy has two strands; supporting the employee's welfare and addressing performance issues which arise as a result of substance misuse.

On adopting this policy, the school will, wherever possible, support employees who misuse substances by **assisting them to identify their substance misuse issue and to seek help**. Guidance is also provided regarding actions school leaders and managers should take when a substance misuse issue **impacts on an employee's work performance**.

The policy encourages employees who may have a substance misuse issue to **speak to their manager or Head Teacher and seek support and treatment**. Within the guidance there is detailed a range of support available for employees to access including Occupational Health, the employee assistance programme and external specialist services.

Action points:

- Check that the school has adopted the most **recent version of all HR policies**
- **Customise the new Workplace Substance Misuse Policy** and management guidance with your school information and progress to Governors for adoption
- **Remove old versions** of the alcohol and drugs and substance misuse policies and guidance from school systems

Support Staff Salary Calculator

[Click here](#) for the current version to be used in calculating the salary of Support Staff under NJC terms and conditions.

What is PAFA?

With changes coming next year around the way that local union facilities time is funded, we felt it would be useful to outline the key benefits of these arrangements for schools and why we would recommend schools buy into this service.

So, what is PAFA?

PAFA, or the Professional Associations Facilities Agreement, is the arrangement through which **local consultation and union representation activities** are funded and organised throughout North Yorkshire. It includes **both the teaching unions and Unison**, for non-teaching staff. Historically this has been funded through de-delegated budgets for maintained schools, with Academies buying into this service through NYES.

What is changing?

Due to statutory changes from next year, it will no longer be possible for PAFA funding to be top-sliced, therefore, **all schools will need to buy into the service through NYES** if they wish to continue benefiting from the Agreement.

What are the benefits to schools?

The direct benefits for schools are many. Firstly, when NYHR develops a new policy this is consulted on with the professional associations and Unison before being published on CYPs.info. Schools who buy into the Agreement can then progress these policies straight to their governing body meetings for adoption. Conversely, **schools not in the agreement will need to undertake consultation** in line with their locally agreed union recognition arrangements before taking the policy to governors. This consultation is likely to be with full-time union officials who are not always conversant with local arrangements and processes.

Additionally, when staffing issues arise, for example restructuring processes or an employee relations case, the school will be able to access local representatives. This means working with **representatives with whom there are existing professional relationships and who understand the local context**. Local representatives are likely to be more responsive in respect of time than full-time union officials. In addition meetings will be diarised within the school day and problems solved at an early stage with less likelihood of escalation.

Within North Yorkshire, we enjoy **positive and productive relationships with our local professional association and trade union representatives**. NYHR would wish to see the continuation of these arrangements and would, therefore, encourage schools to buy into the Agreement in the coming year.

Where can I get further information?

A fuller summary of how membership of the NYCC PAFA fulfils an **employer's legal requirements** in terms of consultation and representation can be found on the NYES PAFA webpage. Chris Head (PAFA contact) and Anne Swift (North Yorkshire Teachers' Panel secretary) will be attending the Bursar conferences in September and the Head teacher meetings in October. Further information regarding the PAFA arrangements is available from Chris Head, who can be contacted on 07469 377785 or chrishead@nasuwt.net.

New Occupational Health Portal

Work and health are central to all our lives and Schools have a duty of care towards their staff and a responsibility to effectively manage staff attendance. The Health & Wellbeing Service (H&WB) can provide an advisory service to schools to support employees and managers to **identify and minimise any detrimental effects of health on work and work on health**.

The H&WB team are experienced specialist practitioners in Occupational Health. The advisers are supported by qualified Occupational Health Physicians on a part-time basis. As part of the team's ongoing drive for continuous improvement they are introducing a new OH Portal. The portal provides the team with the means with which to **increase the efficiency of the OH service and improve services** to schools.

What is the OH Portal?

It is a web based portal for easy, remote access and easy to use online forms. The portal will enable the **online submission of OH referrals and secure return of OH reports**. The portal also contains a **clinic session appointment booking system** and will be used for recording and analysis of health surveillance including health declarations (pre-placement assessments).

What impact will the Portal have?

The portal will enable the H&WB Team to **reduce turnaround times** for OH appointments and advice reports. The Teams objective is to reduce SLA waiting times as detailed below:

Activity	Current waiting time	Target waiting time
Booking an OH appointment	15 days	5 days
Provision of advice reports	10 days	2 days

In addition, the portal ensures **compliance with GDPR requirements** by enabling the confidential submission of on-line referrals and receipt of OH management advice reports. It will also reduce the number of missed appointments.

Timeline for implementation of the OH Portal

A pilot will commence on 1st October, 2018, with a selected group of schools. For all other schools the Portal will go live on **3rd December, 2018**.

The Health and Well-being Team will issue further communications and guidance prior to the go live date including **briefing sessions at the Admin and Finance Conference** in September. Representatives from the Health and Wellbeing Team will be at the Conference and be on hand to answer any health & wellbeing service related queries.

The service can also be contacted phone or email; Monday to Friday 8.30am to 4.30pm on 01609 798408 or email EmploymentSupportService@northyorks.gov.uk.

Good to know – Importance of Return to Work Meetings

Return to work meetings are a crucial part of the attendance management process which are often missed. The purpose of the meeting is to **welcome the person back to work**, to **ensure the employee is well enough to be back** as well as determining what the employee and school can do to **help the employee maintain good attendance** at work in future. However, there are also other benefits which could have a positive impact on the amount of absences in school in the future.

The meeting gives the employee a **forum to talk to the manager** about any problems and in turn it gives the manager a chance to **'nip any problems in the bud'** which can have a really positive impact on peoples work lives. It also provides the manager the opportunity to **outline their expectations** with regards to absences from work, inform staff if they are coming **close to hitting the triggers** and what the **consequences** of hitting the triggers could be. This reinforces to employees that attendance management is taken seriously and monitored. In time all these factors should **help to reduce absences** and a 10 minute return to work meeting could save you hours of time in further meetings and costly sick pay and supply staff bills. For more information please refer to the attendance management policy on the CYPS website.

New DfE 'cost cutting' toolkit

The DfE have recently published a toolkit, '[Supporting excellent school resource management](#)' which sets out the support they have already put in place to help schools manage their resources and reduce costs and the further steps which are planned for the future.

NYHR have focussed on the managing the workforce theme and have summarised below the tools currently available and the new measures which the DfE have announced will be coming soon. We will bring you updates on these when they become available.

Current support available

- [Workforce planning guide](#) to help schools review their staffing structures and use staff effectively
- [Workload reduction toolkit](#) including online training materials, audit tools, practical examples and model policies
- [Step-by-step guide](#) on getting the most from the apprenticeship levy including the apprenticeships relevant to schools
- [Schools financial benchmarking service](#) which enables schools to access and interpret key information on their workforce and compare themselves to other similar Schools
- [Deal for schools](#): hiring supply teachers and agency workers which helps schools get value for money, avoid fees and find local agencies who complete thorough background and safeguarding checks

Future plans

- Introduction of a free online teaching vacancy advertising service
- Development of a joint strategy to drive the recruitment and retention of teachers

Top Tips

We continue to add to our series of 'top tips' sheets to help Heads and other school leaders deal with the most difficult situations of staff ill health. Follow the links below; the latest in the series focusses on [planned absences](#) and making [reasonable adjustments](#).

For other 'top tips' sheets:

- [Cancer](#)
- [Handling difficult health-related conversations](#)
- [Workplace Stress](#)
- [Mental Health](#)

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-0918-T001	17/10/2018 09:30 - 12:30	Challenging Conversations and Managing Conflict	Evolution Business Centre, Northallerton
HR-1118-T001	22/11/2018 09:30 - 15:30	Holding People to Account: Developing Performance & Capability	Evolution Business Centre, Northallerton
HR-0119-T001	31/01/2019 09:30 - 15:30	How to succeed with common HR issues	Evolution Business Centre, Northallerton
HR-0219-T001	21/02/2019 09:30 - 12:30	Challenging Conversations and Managing Conflict	Ripon Spa Hotel, Ripon
HR-0319-T001	07/03/2019 09:30 - 12:30	Building Resilience and Managing stress	Ripon Spa Hotel, Ripon
HR-0419-T001	02/04/2019 09:30 - 15:30	Holding People to Account: Developing Performance & Capability	Ripon Spa Hotel, Ripon
HR-0619-T001	20/06/2019 09:30 - 15:30	How to succeed with common HR issues	Ripon Spa Hotel, Ripon