

# NYES HR News

## Welcome

A warm welcome to this, the first HR Newsletter of 2022. Hopefully, you will find the articles and updates contained within this issue, topical, useful and informative!

## COVID 19 latest

The latest situation regarding the COVID 19 pandemic remains fluid. The government is not quite ready to say that the pandemic has entered the endemic phase, although it has suggested that by March 2022, there will be no requirement to self-isolate.

Schools should note that NYES HR advice and guidance remains up to date including published FAQs, however, these do change on a regular basis to reflect the changing national situation.

**ACTION** : Schools to note the [FAQs](#) as a source of advice for when workforce COVID 19 queries arise.

## Local government pay dispute, implications for school based NJC staff

UNISON's strike ballot result was announced on 14 January. Turnout was particularly low at 14.5%. This means the union was well short of the 50% required for lawful industrial action. UNISON cannot now call a strike over the National Joint Council [NJC] 2021 pay round. Remember, this claim is back dated to 01 April 2021 and covers the current financial year; 2021-2022. GMB did not proceed to formal strike ballot and UNITE union is balloting its members through to mid-February 2022. However, UNISON has the most presence and impact within educational settings. Currently therefore, the National Employers side of the NJC, will not be making any improvements to the 2021 pay claim and union challenge has receded, although there has not been any official national response from the union side of NJC to accept in full. We await a finalised national position on the 2021 pay award. However, just published from NJC a call for -

**URGENT ACTION – National Living Wage.** For those Academies that use NYES HR Pay Policy and or follow closely the NJC pay spine. On **1 April 2022**, Government will increase the National Living Wage (NLW) from £8.91 per hour to £9.50. This means that in the absence of the NJC having yet reached a pay agreement for 2021, NJC Spine Points [SP] 1 and 2, equal to £17,842/£9.25ph [SP1] and £18,198/9.43ph [SP2] will fall **below** the statutory National Living Wage.

## In this issue :

**COVID 19 latest** – The latest employment advice and guidance is available

**NJC Staff pay dispute** – An update on pay negotiations for support staff

**School led Tutors and Academic Mentors – HR Implications** – further information to support these initiatives

**NYES Policy Update** – latest NYES HR policy releases

**TPS Indexation** – Important query for schools to note

**Queen's Jubilee – June 2022 – TTO staff** – All change in June 2022!

**Auto Pensions re-enrolment reminder** – Important message for relevant staff

**Employment Legislation and Case Law – the latest news** – A school based ET case to take note of

**Training and Wellbeing Updates** – The latest training and wellbeing information for schools

**Training Calendar**

## NYES HR News

To avoid falling foul of the NLW legislation, Academies **must** therefore ensure that any affected staff currently paid on these two pay points have their pay increased with effect from 1 April 2022. The recommended amounts will be £18,333/9.50ph [SCP1] and £18,333/9.50ph [SCP2]. It's recommended that these updated figures should continue to be paid until such time as the NJC reaches a settlement on pay for 2021. Where Academies set their pay policy independently of NJC, they should still be aware of the increase to £9.50/ph of the NLW and take similar action if any of their pay rates fall below that hourly figure after the 01 April 2022.

The National Employers now want to concentrate and engage on the 2022/23 and 2023/24 pay rounds as they see significant challenges ahead. Most importantly, these will be keeping the lowest point of the NJC scale ahead of the projected rise in National Living Wage in the next two years. Dealing with significant increases in inflation over the period, a rise in National Insurance and a 'tight' labour market with competition for recruits at all levels from both public and private employers.

It's expected the next issue of this Newsletter will have more information on this crucial subject!

### NYES HR Policy update

Autumn has been a busy period for the team producing new and or updated HR policy and guidance for schools.

Recently published on the [CYPs.info site](https://www.cyps.info) is new, enhanced guidance in supporting employees with symptomatic menopause, including a handy information sheet for school managers to share with staff.

A thorough review of the KCSIE 2021 statutory guidance, including the inclusion of new requirements around Low Level Concerns [LLC], was undertaken. DfE amended KCSIE 2021 because it wants to continue to encourage a culture and environment within school that is open and transparent and where staff are encouraged to share **any** concerns. To this end, KCSIE 2021 introduces statutorily, the concept of Low Level Concerns [LLC]. These are behaviours or conduct by school staff **not** deemed to meet the threshold of an allegation, but, nevertheless may cause a sense of unease, a nagging doubt or similar feeling.

### Employing 'Academic Mentors' and 'School led Tutors' - HR implications

There are schemes available to help schools support pupils education lost due to the COVID 19 pandemic – School Led Tutoring and Academic Mentors. Both of these schemes generate some questions for schools about how to employ staff into these roles as neither fit neatly into typical school staffing arrangements.

#### School led Tutors

A number of schools are deploying existing staff into these roles or recruiting new staff.

- **Action** for schools – if you are using this scheme and employing Tutors directly see [School Led Tutoring guidance](#).

#### Academic Mentors

Academic mentors are graduates or teachers who undergo intensive training before being placed in a school. They are salaried employees that will work alongside existing school staff to provide subject-specific work, revision lessons and additional support. Again, there are qualifying criteria that apply in terms of the government scheme and schools will need to be aware of these.

- **Action** for schools - If you are utilising this scheme or recruiting to this role directly, see the guidance on the options and for the HR implications: [Academic Mentors guidance](#)

## NYES HR News

As a result, NYES HR published an updated Code of Conduct amended to reflect the new KCSIE 2021 position. Because the changes have been made to the template versions, you should ensure that your Governing Body/Trust have considered and approved for your school, plus all relevant staff within school are aware and understand the changes and that some of the additional measures within the new CoC have been put into practice. For example reporting and recording processes and documents.

Please use these links to access these published documents –

- [Code of Conduct](#)
- [Menopause guidance](#)
- [Menopause staff handout](#)

In the next issue of this Newsletter, we will bring further news of policy work and development, undertaken and updated.

**Action:** Progress revised policies for adoption in line with local procedures

### Teachers Pension Scheme Indexation

The teaching unions have recently written to Local Authorities and Academies asking them to consider the impact of the recent pay freeze on final salary Teacher Pensions scheme members. In summary, the request is to make a notional payment (even £1 is enough) in order to trigger what is called pensions indexation. Triggering pension indexation can have a substantial impact on an individual teacher's pension although it also has the potential to cost the Teachers' Pensions scheme itself a significant amount.

This issue only affects teachers who are members of the **final salary** Teachers' Pension scheme, not those in the Career Average or CARE Scheme, and who are close to retirement age/actively considering retiring. Therefore, a small proportion of your workforce.

There are discussions underway at a national level on this issue, the latest government advice received says that the matter is currently being discussed between the Teacher Pension scheme team within the DfE and teacher unions, to consider whether the current Regulations need amending to avoid this complication in the event of a pay freeze.

As such, NYES HR advice is to await further guidance/outcome nationally. When available, we will issue guidance as appropriate. In the meantime, if individual schools wish to consider taking action sooner, please contact NYES HR.

### Automatic Pensions re- enrolment

As an employer, Academies have a legal duty to reassess relevant employees and re-enrol eligible staff into an appropriate pension scheme every **three** years.

If staff within your Academy opted out, ceased membership or elected to contribute below the minimum required by their pension schemes, their post will need to be re-assessed. If they meet the re-assessment criteria, **they will be automatically re-enrolled.**

Please refer to your payroll/pension provider to ensure you meet your legal duties.

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## NYES HR News

### Queen's Jubilee – June 2022 – and Term Time Only [TTO]

As you are aware the Government has announced that there will be an additional bank holiday to celebrate Her Majesty's Platinum Jubilee in June 2022.

To accommodate this, the **late** May bank holiday will be moved to **Thursday 2 June 2022** and an additional Jubilee bank holiday will be added on **Friday 3 June 2022**.

To support this extra bank holiday, DfE has laid regulations to reduce the school year from 190 days to 189 days for the academic year 2021-22 and the STP&CD was revised to reflect a reduction from 195 to 194 teaching days. For many staff in schools, this will result in a reduction in their working year. We always advise annual discussions around working hours with part time staff to ensure they receive entitlements proportionate to equivalent full time employees, including working time and access to training. School should therefore, have already identified part time **teaching staff** affected by this change to the number of bank holidays this year and discussed and agreed individual options to take account in the reduction of directed time and teaching days.

We were however awaiting national guidance specifically on NJC TTO **support staff**. That guidance was received before Christmas. NYES HR advice is to follow the national guidance to ensure that **support staff** Term Time Only (TTO) pay and leave entitlements fully take account of the additional bank holiday.

TTO **support staff** are entitled (pro rata) to the additional leave for the day that schools have stood down, to reflect one working day less over the course of the academic year.

NOTE : if that day is a **normal working day** for the employee, they will get paid time off. If that day is **not a normal working day** then you should either give staff an alternative day off or request payment via your payroll provider. The national advice is those in post on 03 June 2022 are eligible to receive payment and we recommend you make the payment in June 2022. Please see the [NJC letter](#) on this subject dated 23 November 2021.

#### Action:

- For part time **teaching staff** refer to your annual discussions around working arrangements for the school year 2021/22
- For **TTO support staff** determine if they are benefitting from the reduction in the working year – if not agree an alternative day off or process a pro-rata payment with your payroll provider in June 2022.

### School Teachers' pay 2022/23 and 2023/24

The School Teachers Review Body's (STRB) 2022 pay remit covers two years and is in the context of this Government's commitment to a minimum starting salary of £30,000 and the Comprehensive Spending Review 2021 allocation of an additional £4.7 billion. Local Authorities, including NYCC, have been consulted with and asked to provide input to inform the national employers' (NEOST) evidence to the STRB. We await further news of any outcome from STRB.

## NYES HR News

### Free Peer networks for Headteachers in North Yorkshire schools and academies

Headteachers meet virtually in small facilitated groups to identify and discuss current and challenging issues. Through coaching style questions from your peer group, explore context, barriers, and options. Supported by your peers, identify actions that will move the issue forward, secure in the knowledge that the discussion remains confidential to the group.

We currently have four established peer network groups, and are now able to set up four additional facilitated networks, that are free to attend. Book your place on a free introductory 60-minute webinar, [www.nyestraining.co.uk](http://www.nyestraining.co.uk), or email Susan.mcginin@northyorks.gov.uk  
Thursday 17th February 2022 10:00

### Free Mental Health support for School Leaders

A new mental health support scheme has been launched for school leaders, to be delivered by the charity [Education Support](#) until March 2023. The programme will provide one-to-one counselling and peer support to around 2,000 school leaders, helping those at deputy head level and above with their mental wellbeing. Leaders can apply now <https://bit.ly/3n1fHIY>

### Help for school staff with their Mental and Physical wellbeing

Please share this updated guidance for staff, signposting resources to support health and wellbeing. The fact sheet can be accessed here : [Help for school staff with their mental and physical wellbeing](#)

### Health and Wellbeing special edition Newsletter – January 2022

A separate newsletter dedicated to health and wellbeing has been published by NYES HR with information regarding free webinars to support schools in developing staff wellbeing and is available via this link : [Health and Wellbeing Special Edition newsletter](#)

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## NYES HR News

### Employment Legislation and Case Law

In the Employment Tribunal case of Basit vs Education Partnership Trust – Liverpool ET, 2021 – The Employment Judge [EJ] found that school had failed to meet the legal requirement for a **‘thorough and careful’ investigation**. Mr Basit, a Maths teacher, was therefore, unfairly dismissed.

Mr Basit had a clean disciplinary record of 9 years and a self-professed love for his job. The EJ ruled that for a well thought of teacher of good character with a good disciplinary record, dismissal was an “extremely harsh sanction” and not within the band of reasonable responses.

The EJ found that Basit didn’t know about a pupil’s allegations against him, nor was he told how seriously the school was treating it. Pupil statements taken as part of the investigation were described as inconsistent and the Employment Judge criticised the failure to take into account a complaining student’s 300 previous reports of poor behaviour.

The EJ concluded that because of the seriousness of the allegations against Basit and the implications for his career, “the most thorough and careful of investigations was required”.

This case proves a useful reminder on the importance of conducting a fair, thorough and balanced investigation. Schools should always follow their adopted policies to manage conduct, capability and attendance matters. Where necessary, schools and governing bodies can take advantage of NYES HR training offer, covering these types of scenarios including the attendance at and management of Panels and Hearings. See the Training section within this edition of the Newsletter for more information.

### NYES Training dates

Webinar	Dates
Appraisal for support staff	10/02/22 8/03/22
Challenging Conversations	15/02/22 22/03/22
Managing attendance and other HR issues	15/02/22 4/05/22
Governor Panels: Staff hearing and appeals	8/03/22 16/05/22
Managing conflict in the workplace	29/03/22 19/06/22
Getting the employment contract right	10/02/22 10/05/22
Managing performance and capability	10/02/22 10/05/22
<b>*NY schools and academies only</b>	
*Building a strategy for wellbeing	TBC
*Wellbeing champions	03/03/22
<b>Schools who buy into Staff Absence scheme only</b>	
Stress risk assessment and the Talking toolkit	TBC
Building resilience in the workplace	8/02/22 14/02/22 24/02/22 24/03/22

All courses will be delivered in Teams and can be booked through [NYES](#). Or contact us to discuss webinars tailored to your school needs: [susan.mcginin@northyorks.gov.uk](mailto:susan.mcginin@northyorks.gov.uk).