



NYHR News

North Yorkshire
education services

Welcoming in 2021

Unlike the weather, a warm welcome to our first NYHR News of 2021. We know it is particularly challenging to keep pace with change at the moment so we hope this Newsletter helps to distil and pinpoint necessary actions for all things staffing-related. Of course, Covid-19 continues to be one of the key challenges and, as a reminder, we continue to keep our HR guidance and FAQs up to date which can be found [here](#).

As ever, we are here to support our clients with queries, big or small so please do not hesitate to get in touch if you need any advice or guidance. We look forward to working with you during 2021 and beyond. Stay safe and remember to take time to look after your own health and wellbeing, as well as that of your hard working staff and pupils.

School Teachers' Review Body Remit for 2021/22

On 15 December, the Secretary of State for Education wrote to the STRB to ask for their recommendations for the teachers' pay award for the 2021/22 academic year – the letter is available [here](#).

The Spending Review published on 25 November included the announcement that public sector pay will be “paused” for 2021/22 (with an NHS exemption) as part of the response to the economic impacts of the COVID-19 pandemic. However, workers earning below £24,000 will receive a pay rise of at least £250.

Headlines on STRB Remit Teachers' Pay 2021 are as follows:

- restriction of the remit including **not** asking for any recommendations on teachers' pay scale uplifts this year
- recommendations on how best to implement the £250 uplift for those earning less than £24k, i.e. unqualified teachers below that threshold. This provision applies to full time equivalent salaries so, for example, a part-time teacher on the upper pay range earning less than £24,000 would not be affected.
- consideration of the wider recruitment and retention issues for teachers, the impact of Covid-19, the wider state of the labour market and forecasted changes in pupil numbers and teacher demand

The government has confirmed their continued commitment to increase starting salaries to £30,000 nationally whilst accepting that progress towards this will be slower than September 2022 as previously announced.

In light of the restricted remit, the STRB has been asked to expedite the process which will hopefully result in earlier publication of the STPCD this year.

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[Apprenticeships and NPQs](#) – a route for undertaking NPQs using the apprenticeship levy

[Pension Contribution Bands](#) – new bands for LGPS and TPS from April 21

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DBS filtering rules

On 28 November, 2020, new Disclosure and Barring Service (DBS) filtering rules came into effect. Filtering is the term used for the rules which determine what conviction information is disclosed on a DBS certificate. There has been filtering since 2013 but the rules have been revised following a recent legal challenge. The changes mean that:

- Youth cautions, reprimands and final warnings will no longer be subject to automatic disclosure
- The multiple conviction rule has been removed, meaning that each conviction will be considered for disclosure individually, rather than being automatically disclosed

As well as changing what will be disclosed, the rules also affect what employers can ask an applicant to self-disclose. The obligations require that:

- Employers ask the right questions, and
- Applicants give the right (legally accurate) answer

We currently advise that you request conviction information only from applicants who have been shortlisted for interview. The following documents have been updated to reflect the changes:

- **Application Form** – updated reference to latest legislation
- **Criminal Record Disclosure Form** – revised to ensure compliance with new filtering rules
- **Invite to interview letter** – reflecting changes to the Criminal Record Disclosure Form

The more challenging part of the new obligations is supporting applicants to only disclose the information which they are legally required to. It is unlawful for employers to use conviction information which they are not entitled to receive in their recruitment decisions, even if the applicant has shared this information. Where applicants are unsure of what should be disclosed they can be signposted to [Nacro](#) and [Unlock](#) for advice.

The changes do not only affect new employees who are making a declaration. In the boxes to the right we have provided some other situations where schools and Trusts need to consider the impact of the changes.



Action

- Ensure recruitment documents reflect the new requirements for all future recruitment activity
- Consider the further impacts of the changes and amend procedures as required

Update to Code of Conduct

We updated our template [Code of Conduct](#) last term with some minor changes, including the extended definition of child protection and clarification that safeguarding training should be updated annually, both from Keeping Children Safe in Education.

We have provided a tracked changes version of the policy so schools and Trusts can see the amendments made.



Action

- Share updated policy in line with the school's/Trust's usual adoption and communication procedures

An employee shares their DBS certificate issued before the 28 November 2020 changes which contains information which is now filtered.

This may happen, for example, when employees use the DBS online update service.

In such cases, the employee should be asked if the certificate contains any information that is now filtered and, if it does, a new DBS should be requested.

Employee should be signposted for advice if required.

A member of staff discloses a charge, caution, conviction or court order in line with the Code of Conduct.

Employees should be advised that they are only required to disclose cautions or convictions which do not meet the DBS filtering rules.

Employee should be signposted for advice if required.

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Brexit – EU workers and school recruitment

What does the end of the transition period mean for schools?

Any EEA citizens (those from the EU, Iceland, Lichtenstein and, Norway) and Switzerland who lived in the UK before the end of the transition period on 31 December 2020, will be able to continue living and working in the country. They will need to apply for [settled or pre-settled status](#) and this must be done by 30 June 2021.

After 1 January 2021, any EEA citizens wishing to come to the UK for work will require a [skilled worker visa](#) following a job offer from a licensed UK sponsor. If schools or Trusts wish to sponsor EEA workers, they will need to [apply](#) to become a licensed sponsor.

To qualify for a skilled worker visa, the job role needs to meet a minimum salary threshold and for teaching roles the national threshold is based on the salary levels within the STPCD. There may be more flexibility for [shortage occupations](#) which currently includes secondary teachers in Maths, Physics, computer science and Mandarin. Additionally, there are other visa options and further information is available [here](#).

The DfE has a scheme to support schools to recruit overseas teachers, though this has not opened for 2021/2022 yet. Further information is available [here](#).

Where existing residents have applied for settled or pre-settled status, they can provide new employers with access to check their [immigration status online](#). Where employers have evidenced the right to work for existing employees under the previous rules, there is no requirement to recheck this as a result of Brexit.

Existing EEA employees

- No requirement for employers to recheck right to work in the UK
- Should be encouraged to apply for settled or pre-settled status by 30 June 2021 if they have not already done so

New EEA employees

- Resident in the UK by 31 December 2020
 - can use the usual evidence of right to work e.g. passport or national ID card, until 30 June 21, **or** provide access for the employer to check their immigration status [online](#)
 - schools to record on single central record in usual way
 - should be encouraged to apply for settled or pre-settled status by 30 June 2021 if not already done so
- Not resident in the UK by 31 December 2020
 - applicant will need a skilled worker visa or other visa or permit
 - school/Trust may need to become a licensed sponsor
 - applicant will require a job offer from the school/Trust

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Pension Contribution Bands from April 2021

The salary bands which determine employees' pension contribution rates for both the Local Government and the Teachers' Pension Schemes will increase from 1st April 2021. The new contribution rates are available for both the [LGPS](#) and [TPS](#) on CYPInfo.

These rates will automatically be applied by ESS for any schools for whom they process the payroll. Trusts with other payroll providers should ensure that they are aware of the rate rises and that these will be applied from 1st April.



Action

- Share salary band and contribution rate information with all members of the relevant pension schemes
- Ensure payroll providers know to apply the new rates from 1st April 2021

Index of NYHR articles

Do you ever read something but then later cannot remember where it was? To try and help with this we have developed a list of articles from our recent newsletters so schools can quickly find the information they are looking for.

Articles are arranged alphabetically under the following headings:

- Terms, conditions, pay and pensions
- New and revised model policies
- Employment law
- Good practice guidance
- Safeguarding and regulation
- NYHR developments

The index is available [here](#) or on our HR News and Updates page.



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Brexit (continued)

From 1 January 2021 professional regulators in the EEA (EU, Iceland, Liechtenstein and Norway) will no longer share information about sanctions imposed on EEA teachers with the Teaching Regulation Agency (TRA).

Therefore, from 1 January 2021, an additional pre-employment check will need to be made for teachers who have worked in a teaching role outside of the UK. They will be asked to provide a 'letter of professional standing' from any country where they have previously worked as a teacher, issued by the professional regulating authority. Such evidence can be considered alongside other information obtained through other pre-appointment checks to help assess their suitability.

This new requirement has been included within [Keeping Children Safe in Education January 2021](#), which has been updated to reflect the impact of Brexit, and we recommend that schools and Trusts record this check on their Single Central Record.

We are updating our model Recruitment & Selection Policy and Single Central Record guidance to include this additional check.



Action

- Encourage existing EEA employees to apply for settled or pre-settled status by 30 June 2021
- Ensure those involved with recruitment are aware of the visa requirements for new EEA employees
- Include requirement for letter(s) of professional standing in pre-employment vetting checks for teachers who have worked outside the UK

Apprenticeship qualification with embedded NPQs

The DfE's National Professional Qualifications (NPQs) for school leadership has been mapped to the Level 5 Operations or Departmental Manager Apprenticeship Standard. This enables school leaders to gain both the level 5 apprenticeship and an NPQ using the apprenticeship levy. For those schools or Trusts who do not pay the levy, there may be an opportunity for a levy transfer, for example, from a local authority.

The normal rules for apprenticeships still apply, including 20% off the job time for learning and the need to complete the End Point Assessment as well as the assessment for the NPQ.

For further information regarding levy transfer for schools or Trusts located in North Yorkshire please contact Annabel MacGregor on 07970 290538 or Annabel.macgregor@northyorks.gov.uk.

For further information on the Apprenticeship/NPQ dual award use this link: www.bestpracticenet.co.uk/apprenticeships

Brazel update

We have previously discussed the case of *Brazel v The Harpur Trust* which has a potential impact on the calculation of holiday and pay for term-time only employees.

The case has been appealed and is now listed to be heard by the Supreme Court on 9 November 2021. Therefore, we are unlikely to get a final ruling for another year.

In the meantime, should you have any queries around the impact of the current ruling please speak to your NYHR adviser.

Mediation

In our September newsletter, we introduced our new mediation service which is available to help schools resolve conflict in the workplace and help avoid the need for time-consuming and disruptive formal procedures.

Further information about the scheme is now available on [CYPInfo](#).

Employee Benefits Platform

NYCC has recently re-procured its employee benefits platform. Access to the following is free:

- Cycle to work
- Home technology incl. phones
- Childcare vouchers
- Health plan
- Green cars

MATs and school can also pay a one-off fee to access the discount platform and/or salary finance scheme (£250 + VAT each for 4 years).

For further information or to arrange access for your Trust please contact payandreward@northyorks.gov.uk.

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NYHR training – interactive webinars

The Covid pandemic has had a significant impact on the way in which we are able to deliver training for schools. As well as some challenges, the move to on-line webinars has brought some unexpected benefits. Many school staff have found attending virtual training much more convenient and easier to fit into their working day, not least due to the reduced need for travel.

Our programme of webinars in the Spring & Summer term are as follows:

Stress Risk Assessment and the HSE Talking Toolkit

(delivered in partnership with the NYCC and CYC Staff Absence Insurance Scheme) This free webinar will explore how using the stress risk assessment and talking toolkit with your team can help identify key risk factors and create a dialogue for implementing solutions.

Appraisal for Support Staff

Engage staff so they are prepared to discuss their progress, and understand the criteria for assessing performance and how they contribute to the aims of the organisation.

Challenging Conversations

Reflect upon what gets in the way of holding difficult conversations and focus on a rational and objective discussion. Plan and prepare for structured conversation that will engage individuals, develop accountability and focus on positive outcomes.

Engaging in Change

Uncertainty and continuous change can be an emotional roller coaster for staff, leading to resistance and denial. Develop a proactive approach that communicates the reason for change and addresses the needs of staff.

Staff Hearing and Appeals: Governor Panels (two parts)

This interactive webinar provides insight into the hearing and appeals process, and includes a live demonstration of questioning a witness in a hearing, giving delegates the opportunity to ask questions of the witness.

Holding people to account: developing performance and capability (delivered in two parts)

Review the principles and policies that support good performance and promote a culture of challenge, support and continuous improvement. Utilising the Developing Performance and Capability Policy understand the roles, responsibilities and process to deliver a fair and robust approach to managing under performance.

Webinar	Dates
Stress Risk Assessment and the HSE Talking Toolkit	New dates to be confirmed
Appraisal for Support Staff	25/02/21 02/03/21
Challenging Conversations	04/03/21 16/03/21 04/05/21
Engaging in Change	23/03/21 24/03/21
Staff Hearing and Appeals: Governor Panels	02/03/21 & 09/03/21 17/03/21 & 24/03/21 13/04/21 & 20/04/21
Disciplinary Investigations	10/06/21 & 17/06/21
Holding people to account: developing performance and capability	11/03/21 & 08/03/21

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.

Appraisal for Support Staff

"The leadership team have come away from it clear about the expectations for appraisal and enthused about how the process can make a difference." Headteacher

Staff Hearing and Appeals: *"I've strongly recommended this training to my governor colleagues and their subsequent attendance means we collectively provide the most effective stewardship for the school."* School Governor