



Human
Resources

HR NEWSLETTER

For all non-maintained education settings

January 2023



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Contact Us

E: NYES.HR@northyorks.gov.uk

T: 01609 798343

[Website](#)

The contact details above will take you through to our office-based HR Adviser (Advisory) team and all initial queries should be made via this contact. It may be necessary to escalate your query to your nominated HR Adviser (Casework).

We are open all year between 8.30 am and 5 pm Monday to Thursday, 8.30 am to 4.30 pm on a Friday.

Additional Bank Holiday for the King's Coronation

The Government announced there will be an additional bank holiday on Monday 8 May 2023 in honour of the Coronation of His Majesty King Charles III.

The DfE has confirmed it will lay Regulations to again, reduce the school-year from 189 days to 188 days, for the academic year 2022-23 which will result in a further reduction in the working year for most staff. You will be aware that the school year has already been reduced from 190 days to 189 days to reflect the additional bank holiday that marked the State Funeral of Her late Majesty Queen Elizabeth II, on Monday 19 September 2022.

NYES HR often gets asked about the implications of such changes on part time workers, including teachers and TTO support staff, whose normal working pattern does not fall on a designated Bank Holiday; additional or not.

Where a part-time employee's working pattern means they are still working for the full number of days/hours for which they are contracted to work annually, i.e. they do not benefit from a Bank Holiday because it would not be on a working day for them, they will need to be given an additional pro-rata leave entitlement to reflect the additional bank holiday.

Where an employee has a "bookable" leave entitlement the additional leave is added to this amount.

Where an employee receives payment for annual leave, we recommend agreeing either a mutually convenient time for the employee to take the additional leave during term time, ideally within the same academic year (*by end of term July 2023*) or alternatively, arranging for the employee to receive payment for the additional leave. If payment is preferred you will need to liaise with your payroll provider.

Free Wellbeing Support for School Leaders

School leaders can access free wellbeing assistance via [Education Support](#). The DfE funded scheme provides free one-to-one supervision, peer support and counselling to Headteachers, Deputy heads, Assistant heads, MAT CEOs and MAT Deputy CEOs.

Participants must be able to attend six sessions of either online facilitated peer to peer support or one-to-one professional supervision by Zoom or telephone.

School leaders can apply [here](#) even if you already have access to an employee assistance programme like, for example, Health Assured.

NYES HR Annual update leave your feedback and win a prize

Every year NYES HR produces an [Annual Update](#) for customers, launched at the beginning of the academic year. The aim of the update is to support your strategic planning, looking back as well as forward and providing helpful signposts. The downloadable document remains available on the NYES HR website (CYPs.info) throughout the year.

Part of the Update is the launch of the feedback survey to allow customers to give valuable insights into what we are doing well and where we can improve.

Feedback can be given via this very quick [form](#) and for those taking part there is the opportunity to win a prize of a free webinar! The survey will close in April 2023.

NYES HR Updated Template Policies

The [NYES HR pages](#) on the CYPs info website hosts all policies and procedures for customers to adopt and apply in your setting. During the Autumn term a number of policies have been developed, consulted on with recognised unions and agreed.

Important amendments to the [Disclosure and Barring Service \(DBS\)](#) Policy for academies and [Reorganisation, Redundancy and Redeployment Policy](#) have been consulted on with trade unions and are published under the [Advice for Academies](#) section of CYPs.info. Likewise an academies [Recruitment and Selection policy](#) has also been published and is available along with a number of useful supporting template forms and guidance documents.

Making NYES HR Model Policies Your Own

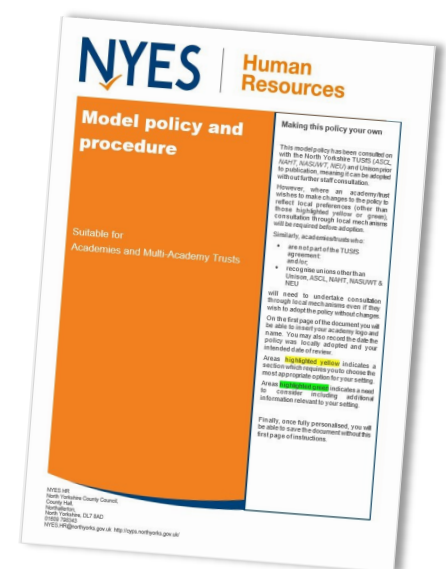
Union Consultation

All NYES HR model policies are consulted on with the North Yorkshire TUSfS (*ASCL, NAHT, NASUWT and NEU*) and Unison prior to publication. This means that if your schools sit within the North Yorkshire boundaries and you buy into the above arrangements, you can adopt the policies within your setting without the need for further staff consultation.

However, if you wish to make changes to the template policy to reflect more specific local preferences (other than those highlighted throughout the document for alteration) then consultation through local mechanisms will be required before you can adopt the policy.

Also, if you do not buy into the North Yorkshire TUSfS agreement, you have school outside the North Yorkshire boundaries and/or you recognise unions other than those listed above, you will again need to consult through local mechanisms before you can adopt the policy.

If you require any support tailoring policies, negotiating changes with your recognised trade unions and workforce please do not hesitate to contact your HR Professional.



Industrial Action

Ballots of NASUWT, NEU and NAHT have taken place. Indications are that both NASUWT and NAHT ballots recently failed to meet threshold for ballot, although there is some early suggestion of re-running ballots due to postal disruption.

ASCL recently undertook an 'indicative ballot' which suggested support to move to industrial action but not with a significant enough number to mean the legal threshold would be met if the ballot was repeated officially.

The NEU announced it met the threshold for teaching staff but their ballot of support staff fell short of the 50% requirement.

THE NEU planned strikes for teachers could impact classrooms on 1 Feb, 28 Feb and 15-16 March. NEU are required by law to give two weeks' notice of the intention to strike. Due to the fact it is unlikely your setting retains information about union membership and it is a personal decision for members on whether to participate in the action, it is difficult to predict the actual impact of strike action at this stage. Leaders can ask staff if they intend to strike **but** staff are not required to declare their intention.

NYES HR have updated guidance, letters and templates to support you in preparing for strike action. The information can be accessed on the CYPS info HR pages (Human Resources / HR - Advice for Academies / Academies - Industrial Action) or by following the link [here](#).

Finally, the DfE have refreshed their guidance and this can be found [here](#).

Harper Trust v Brazel Government Consultation

You will recall that in July 2022, the Supreme Court handed down its judgment on Harpur Trust v Brazel, the case which related to the calculation of holiday pay and entitlement of a permanent part-year worker on a zero-hours contract.

As a result of this judgment there is now a disparity between part-year and part-time workers holiday pay entitlement.

The Government is keen to address this disparity and have begun a consultation to seek greater understanding of the implications of the judgment on different sectors.

The consultation runs from 12 January 2023 until midnight 9 March 2023 and welcomes responses from employers, workers, business representatives and unions.

Follow the link to the [consultation paper](#) for further information.

Retained EU Law [Revocation and reform] Bill

As part of the exit from the EU, the government must determine which EU laws and legislation can expire and which need to be preserved and incorporated into UK law. The original 'sunset' date for such decisions was 31st December 2023. However there is the ability to extend the sunset period to 2026 if necessary.

The Bill has the potential to have significant employment law implications and is a fundamental change in governmental approach from the current position of employment legislation remaining as is, unless actively amended. Perhaps the most notable impacts in the employment context would be legislation relating to working time, agency workers, part-time workers and TUPE.

At this stage, there is only speculation as to which would be removed or retained. NYES HR will of course keep a close watch and update you as necessary.

Proposals for future Public Sector Exit Payments

The Government ran a consultation exercise last term which asked for opinions on the implementation of further proposals to reform exit payments in the public sector. The DfE confirmed that the proposals as summarised below, would apply to academy trusts.

In summary the proposals are intended to allow for additional scrutiny and assurance of exit decisions, and to provide further insight on the use of exit payments.

- a new proposal for high value severance payments of £95,000 or more to be approved by the relevant Secretary of State
- a requirement for special severance payments of any amount to be approved by HM Treasury (in summary, special severance payments are those in excess of existing contractual and statutory entitlements)
- The government proposes specific criteria required when putting a business case together for making such payments

A proposal to add repayment clauses for special severance payments should an individual be re-employed in the public sector.

The consultation ended last term and as yet NYES has noted no further outcome on the proposals. However, we continue to be vigilant and will report more to academies when and if this occurs.

Gender Pay Gap reporting

Academies and MATs are reminded that the procedure and arrangements for Gender Pay Gap reporting have reverted to 'normal', following previous amended requirements due to the pandemic. Organisations with 250 or more employees must report annually on their gender pay gap. If this applies to your academy or MAT, you will need to publish your figures as a report by 30 March on your own website and the government site. More information is available [here](#).

Anti Slavery Statements

Large commercial organisations, which could include larger academies and Multi Academy Trusts, with an annual turnover of at least £36million are required by law to publish a 'modern slavery statement' for each financial year. Any academies or MATs who fall within this category are reminded to continue to review and re-publish their statement to fit within the timescales set out by government. More information can be gained by accessing this [link](#).

Academies and MATs should be mindful not only of their direct responsibilities as an employer, but also of the practices carried out by other employers and connected organisations within their supply chains.

Hot Topics and Frequently Asked Questions

The NYES HR team receive calls about all things HR and employment. We regularly review the nature of the enquiries received to look for themes. In the last term the team have received a number of enquiries relating to recruiting and selecting candidates. Below we will pose the question and provide a useful response to the specific scenario.

Q: *Do I have to externally advertise every vacancy I have in school? Can I ever just advertise a post internally?*

R: The first thing to say, is check what your particular school recruitment policy says as well as government guidance, such as "[Recruiting a headteacher](#)" & the school staffing regulations as you must be careful not to inadvertently breach your own policy or relevant legislation (particularly in relation to Deputy and Headteacher positions). In most instances however it is likely your policy is flexible on this specific point based on the role to be filled, in which case the following advice might be useful.

The question as to whether to advertise internally or externally will form part of the planning for your recruitment campaign. A decision to advertise internally will significantly reduce the applicants able to apply so you must give careful consideration as to how this will ensure you have a sufficient pool of qualified, skilled and knowledgeable people to choose from.

This does not mean 'internally only' advertisement is never suitable. For example if the position is only temporarily available and the original postholder will return for example, following a period of maternity leave, internal advertisement might be a suitable option. This might be even more relevant if you wish to support the career development and progression of current employees.

If you choose to advertise internally only the process followed must still be fair and transparent. It is not appropriate to simply approach someone who you believe suitable for the post and ask if they want to take it, you should always 'advertise' internally in a meaningful way. For example on your internal website pages, via the weekly newsletter, on the staff room notice board etc. It is important to never assume certain people won't be interested and you must make efforts to inform anyone absent (for example on an extended period of leave, maternity etc) of the post. Finally, if you get a number of interested candidates you should follow a planned and fair assessment process to identify the preferred candidate.

Q: *Can a previously unsuccessful candidate from a previous recruitment campaign be used to fill another vacancy that has arisen?*

R: There are a number of factors to consider here;

- how long ago did you interview and assess the person for the role? There is a legal time-period for returning to a previous applicant pool but bear in mind your GDPR arrangements for retaining unsuccessful candidate information (commonly 6 months). The person may have added to their skills, knowledge and ability and should be offered the opportunity to show-case these.
- Did they apply for the exact same post or a similar one? How you approach returning to an applicant pool will depend on whether they were assessed against the exact position previously or whether there are some aspects of the role they have not been assessed against.
- If the post is exactly the same, did they score highly enough to have been offered the post? Although they were unsuccessful it doesn't mean they were 'un-appointable'. If you had had more than one position the first time, would you have offered the person a role? Did they score sufficient to be appointable?

Be careful when contacting previous applicants to encourage them to re-apply; you must be clear they will not be automatically successful and will be assessed fairly and transparently.

NYES HR Training Sessions

2023

We deliver scheduled webinars, some of which are also available as a pre-recorded on-demand webinar, to watch at a time to suit you

Appraisal for support staff	01/02 07/02 02/03
Successful appraisal	<i>On demand</i>
Challenging conversations	28/02
Accredited Safer Recruitment	16/03
Single Central Record Guidance	<i>On demand</i>
Resolving issues at Work	02/02
Governor panels: staff hearing and appeals (evening)	21/03 <i>(and on demand)</i>
Managing performance	31/01
HR Toolkit for Senior Leaders	09/03
Managing attendance & HR related issues	8/02
Sessions for Staff Absence Scheme customers only	
Building resilience in the workplace	<i>On demand</i>
Managing stress in schools	28/02 <i>(and on demand)</i>

Appraisal for support staff

Engage staff so they are prepared to discuss their performance and progress against targets and review good practice.

Challenging Conversations

Reflect upon what gets in the way of holding difficult conversations. Prepare for structured a conversation to engage individuals, develop accountability, and focus on positive outcomes.

Single Central Record Guidance – available on demand

Join this pre-recorded webinar at a time to suit you to develop your knowledge of the statutory Single Central Record (SCR) requirements and gain confidence in managing your SCR

Resolving Issues at work

Unresolved conflict causes stress for individuals and may have a negative impact on morale. Deliver proactive and constructive interventions that address conflict at the earliest opportunity.

Governor Panels: Staff Hearing and Appeals

Gain insight into the hearing and appeals process, including a live demonstration of questioning a witness in a hearing. Develop your confidence to be a panel member

Managing performance and capability

Review the principles and policies that support good performance and managing capability issues. Deliver a fair and robust approach to managing under performance.

HR Toolkit for Senior Leaders

Understand the rights and obligations under the contract of employment, including how to vary or end contractual arrangements.

Managing attendance and other HR related issues

Manage staff absence in a timely and effective way. We will also address a range of frequently asked questions to support you in the day-to-day management of staff.

Pre-Retirement Seminars

The seminars are for anyone who is contributing to either the Local Government Pension Scheme or Teachers Pension Scheme and thinking about retirement in the next 18 months.

Sessions available to schools who buy Staff Absence Scheme

Building resilience in the workplace

Identify and implement changes to improve resilience at work

Managing stress in schools

Explore tools that help to identify key risk factors and create a dialogue for implementing solutions

Contact us to discuss training tailored to your school
susan.mcgin@northyorks.gov.uk alternatively book your place through
www.nyestraining.co.uk

Single Central Record Check

Maintaining the schools Single Central Record (SCR) is a huge undertaking, and with the added pressure of it being a key part of your Ofsted inspection we know it can feel like a daunting task.

NYES Human Resources are here to support you in feeling confident in your SCR.

Our specialist team will assist you in ensuring your Single Central Record meets statutory requirements and you are always inspection ready.

What is the Single Central Record?

There is a statutory safeguarding responsibility on all schools to maintain a Single Central Record. This is a register of the vetting and barring checks that all schools must undertake on individuals during the recruitment and selection process. The SCR is a key document that is examined by an Ofsted inspector early in the inspection process.

NYES HR Single Central Record Check

The NYES Human Resources team can assess and audit your SCR and based on a sample check of personnel files, provide you with the assurance that your SCR meets the statutory requirements.

Our expert SCR support costs just £299 and could be an invaluable tool in ensuring your next Ofsted inspection goes ahead without a hitch.

The SCR Check consists of a site visit from a trained member of the team and will include:

- An assessment of the SCR against the statutory checks.
- Sample checking the supporting evidence held on personnel/employee files. The NYES HR Advisor will undertake a minimum 10% sample check that is varied as far as possible to contain different staff/volunteer groups either directly employed or engaged via a third party.
- The NYES HR Advisor will discuss and explain the statutory requirements for SCR and more generally the wider safer recruitment checks that you must undertake. For example, obtaining employment references, medical checks, and checks under the Childcare Disqualification Regulations.
- Feedback is provided to you during the visit and then in a written report which outlines recommendations for you to consider and address. Recommendations will be provided as well as assurances that the SCR meets statutory requirements.

Find out more

For more information or to arrange an SCR Check for your setting, please get in touch via NYESHR@northyorks.gov.uk or 01609 798343.



Changes to NYCC Collective Agreement for NJC Staff

In July 2021 it was first announced that the current county, district and borough councils would be replaced by a new single council for North Yorkshire.

The new council will officially start in April 2023, there will be a new unitary council for North Yorkshire and will bring together the services currently provided by all eight councils in the county.

Union consultation (Unison) has taken place, resulting to agreed changes to the Collective Agreement for NJC staff, including those based in NYCC maintained education settings.

Some changes will come into effect from January 2023 whilst others will be effective from the start of the new council, April 2023. There will need to be an ongoing programme of transformation beyond April 2023 and this will include updating a number of documents, policies, procedures etc.

Whilst non-maintained settings are free to negotiate collective agreements with recognised unions, we appreciate many wish to understand the changes taking place in NYCC affecting employees on the same terms; in this case NJC staff.

The following pages summarise the important changes.

If, as a result of the changes taking place up to April 2023, you wish to consider changes in your specific setting please do not hesitate to contact your HR Professional for advice on how to approach the project.

Support staff (NJC) pay grades

The NJC pay grades have been reviewed and amended.

Consultation took place with Unison, the recognised trade union for NJC support staff in both the council and maintained schools. Unison balloted their members on proposed changes to pay and terms and conditions and later confirmed members voted by an overwhelming margin (98%) to accept the proposed terms and conditions.

A summary of the changes to grades and a comparison of the current and future pay structure can be found overleaf.

Annual Leave Entitlement

The annual leave entitlements for NJC staff are changing.

With effect from 1 April 2023, annual leave entitlements will be 28 days (fte) on appointment, rising to 34 days (fte) after 5 years continuous local government service.

Increment pay progression

The criteria for assessing incremental pay progression is changing.

With effect from 1 January 2023, sickness absence will no longer be a consideration for incremental pay progression for NJC staff. Some maintained schools chose to apply this criteria to all staff and will need to consider whether to remove the criteria for all staff as a result of this agreement.

Apprentice pay

Apprentice pay for entry level apprentices will increase to the National Living Wage, currently £9.50 per hour, £18,327 annual salary for a full time apprentice.

Maternity pay

Maternity Pay changes to occupational maternity pay will allow the 12 weeks ½ pay to be calculated over a longer period to minimise any reduction in pay.

Changes are happening to grades A, B, C, D, E, F, I, J and K. The table on page 9 shows the final grading structure which will come into effect April 2023 and below you will find a summary of the changes to each specific grade.

Summary of the grade changes

Grade A This grade previously covered SCP1. SCP1 has been removed completely from the new pay scale and as a result, anyone in a post graded A, SCP1 will move to Grade AB, SCP2 from April 2023 regardless of length of service.

Grade C & Grade D Previously Grade C ran from SCP2 to SCP4, and Grade D ran from SCP4 to SCP6. These Grades have been combined into the new Grade CD. This runs from SCP3 to SCP6.

Those previously on Grade C, SCP2 will automatically move to SCP3 and those who were at the top of Grade C (SCP4) will now have progression to SCP5 available to them from April 2023 based on successful performance appraisal.

Those previously on Grade D, SCP4 will not drop to SCP3 and will remain at SCP4 until the 2023/24 appraisal process is completed and incremental progression decisions made. Those who were at the top of Grade D, (SCP6) will remain at SCP6 which remains the top of the scale.

NOTE: Taking into account feedback from schools on the need to maintain a differential between Teaching Assistant grades, Teaching Assistants on grades C and D move to the new grade CD but with a clear “bar” at scp4. Clearly this applies to GTAs and ATAs but, given the close links between roles, for the purpose of this exercise it also applies to grade C and D roles in before and after school provision / wrap around care.

In practical terms this means a General Teaching Assistant, After School Assistant etc previously graded C will move to Grade CD, SCP 3 to SCP4 and will not progress beyond SCP4. An Advanced Teaching Assistant, After School Leader etc graded D previously, will move to the new grade CD SCP5 to SCP6.

Grade E This grade has been extended. The grade used to cover SCP points 6-8, from April 2023 it will cover SCP points 6-9. Those already in posts graded E at the top of the original scale (SCP8) will now have progression to SCP9 available to them from April 2023 based on successful performance appraisal.

Grade F This grade has been shortened. The grade used to cover SCP points 8-13, from April 2023 it will cover SCP points 9-13. Anyone in a post graded F SCP8 will immediately move to SCP9 from April 2023 regardless of length of service.

Grade I This grade has been extended. The grade used to cover SCP points 23-26, from April 2023 it will cover SCP points 23-27. Those already in posts graded I at the top of the original scale (SCP26) will now have progression to SCP27 available to them from April 2023 based on successful performance appraisal.

Grade J & K These Grades have been combined into the new Grade JK which runs from SCP27 to SCP32.

Those previously on Grade J, SCP26 will automatically move to SCP27 in April 2023 and those who were at the top of Grade J, (SCP29) will now have progression to SCP32 available to them based on successful performance appraisal.

Those previously on Grade K, SCP29, will not drop to SCP27, but will remain at SCP29 until the 2023/24 appraisal process is completed and incremental progression decisions made.

Those who were at the top of Grade K, (SCP32) will remain at SCP32 which remains the top of the scale.

Table 1: Pay structure agreed for 1st April 2019

SCP	Apr 22		
1	£20,258		A
2	£20,441	B	
3	£20,812		C
4	£21,189		
5	£21,575	D	
6	£21,968		E
7	£22,369		
8	£22,777		
9	£23,194		
10	£23,620		
11	£24,054	F	
12	£24,496		
13	£24,948		
14	£25,409		
15	£25,878		
16	£26,357		G
17	£26,845		
18	£27,344		
19	£27,852		
20	£28,371	H	
21	£28,900		
22	£29,439		
23	£30,151		
24	£31,099		GRADE I
25	£32,020		
26	£32,909		
27	£33,820	J	
28	£34,723		
29	£35,411		
30	£36,298		K
31	£37,261		
32	£38,296		

Table 2: Pay structure agreed for 1st April 2023

SCP	Apr-22		
2	£20,441	AB	
3	£20,812		
4	£21,189		
5	£21,575	CD	
6	£21,968		
7	£22,369		E
8	£22,777		
9	£23,194		
10	£23,620		
11	£24,054	F	
12	£24,496		
13	£24,948		
14	£25,409		
15	£25,878		
16	£26,357		G
17	£26,845		
18	£27,344		
19	£27,852		
20	£28,371	H	
21	£28,900		
22	£29,439		
23	£30,151		
24	£31,099		
25	£32,020		I
26	£32,909		
27	£33,820		
28	£34,723		
29	£35,411		
30	£36,298	JK	
31	£37,261		
32	£38,296		