

NYES HR News

Welcome

As ever, there is a lot happening in the education world and there always seems to be a lot to grasp and understand. We wrote to you not long ago, providing an interim Newsletter on a few topics that were seen as a high priority for schools. If you didn't see this Newsletter or want to read again, it can be accessed [here](#). Hopefully, you will find the additional articles and updates contained within this issue [8], topical, useful and informative!

NYES HR Policy update

The [CYPS.info site](#) is always being updated and refreshed with new, enhanced policy and guidance to support school leaders and managers in all things 'HR'. Most recently, a comprehensive review of the Reference Policy and associated reference forms have been published under the HR Recruitment – [Clearances](#) – section on CYPS.info.

Please use these links to access these published documents –

- [Reference policy for schools](#)
- [Form for giving a reference for employees leaving or have left](#)
- [Form for requesting a reference for a new employee](#)

Coming shortly – updated DBS policy and associated templates and forms.

ACTION: Progress revised policies for adoption in line with local procedures

School Teachers' pay 2022/23 and 2023/24

The School Teachers Review Body's (STRB) 2022 pay remit covers two years and a Government commitment to a minimum starting salary of £30,000 for teachers. NEOST, the official body representing the Employer's side, have been busy in the Spring of 2022, seeking views and information from relevant parties to provide evidence to the STRB. The STRB are due to report back to the Secretary of State for Education soon, following which we expect to hear further news.

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[Teachers pay](#) – what's happening so far?

[NJC Staff pay](#) – All settled!

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[COVID 19 latest](#) – The latest employment advice and guidance is available

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Shared Parental Leave – what is it and how should I respond?

[Shared Parental leave \[ShPL\]](#) is part of a suite of family friendly policies promoted by government and adopted by organisations as one of a number of statutory rights focussed on parents.

In recent weeks some schools have reported to NYES HR ‘loopholes’ in regulation/policy which allow school staff to ‘fully utilise’ Maternity leave and ShPL to maximum effect, gaining what appears to be ‘additional’ fully paid time off work within the first year of birth.

It’s important to note that ShPL is designed to be different from Maternity leave and serves a different purpose. Whereas the latter is predominantly for the care and welfare of the birthing mother, ShPL is predominantly for both or either parent to bond, care and share in the post birth and early childhood of the child. There is no stipulation regarding which parent should access and have the benefit of time off with ShPL, this is a decision entirely for the parents.

Whereas it is true, due to the particular nature of some school based employees and dependent on the time of year of birth, an employee could access what appears to be extended periods of full pay absence because of school holiday closure periods, it remains difficult for those within school managing these situations, to restrict or deny such use of the [ShPL policy](#).

How should schools respond, if they foresee difficulties in agreeing to an employee’s request for ShPL?

- Require any applicant to provide the necessary notifications and stick to policy timescales
- Schools can agree *discontinuous* periods of ShPL where this is mutually beneficial. Where this may not be possible due to sound business reasons, schools can ask the employee to think again.
- Applicants have a right to request and receive up to three periods of continuous leave, however, they must give at least 8 weeks notice on each occasion.

Key Points;

- Shared Parental Pay is statutory and set by government
- ShPL is a maximum of 50 weeks, less those weeks taken as Maternity leave
- ShPL must be completed by the 1st anniversary of the child’s birth

Local government pay dispute, implications for school based NJC staff

Nationally, the 2021/22 situation has now been settled and there was no further change to the negotiating position of either side. Academies / schools should by now have made their own local arrangements and therefore, no further action is required or necessary.

The latest information available for the next pay round is that the national Employers side expect the combined unions to enter their pay claim before the end of May and that they will then consider this in June, before making a response. One item which will feature heavily in negotiations will be the proximity of the National Living Wage [NLW], to the bottom of the NJC pay spine, which could adversely affect a number of school based roles and positions.

In the normal course of events, the award would be due from the 01 April 2022. Therefore, it is highly likely that any settlement will come much later in 2022 or even into 2023.

There will be more on this in future NYES HR Newsletters.

NYES Human Resources
North Yorkshire County Council
County Hall, Northallerton
North Yorkshire, DL7 8AD
01609 798343
NYHR@Northyorks.gov.uk
[Welcome to CYPInfo | CYPInfo](#)
 [\(northyorks.gov.uk\)](http://northyorks.gov.uk)

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Teachers Pension Scheme Indexation and effect of the pay freeze 2021/22

In issue 7 [Feb 2022] of the NYES HR Newsletter, NYES HR advised Academies / schools of the then position on this issue. To recap – the Secretary of State confirmed a pay freeze for the teaching profession (other than the starting salary) in 2021/22. The education unions wrote to the DfE and teacher employers to alert them to the impact the pay freeze could have on how some final salary pensions are calculated, due to a ‘quirk’ in the TPS Regulations. This has included a request from teaching unions to make a one off notional payment of at least £1, in order to trigger pension indexation. A reminder – this issue only affects teachers who:

- joined the TPS before 1 April 2015 (after which the CARE scheme was introduced)
- are within 10 years of retirement and or leaving
- received no other adjustment in pay in 2021/22 as a result of pay progression, promotion or additional payment.

NYES HR are now in a position to support Academies / schools if they have or will receive applications from relevant teachers wishing to leave or retire before the 31 August 2022 and making a formal request for payment to trigger pension indexation. This includes a template report Academies / schools may wish to adapt to present to their governing / trust bodies for them to consider and determine an Academy / school position. It also includes a guidance framework, template letters and form to effectively manage this issue, should your Academy / school wish to take action. These documents are available on [CYPs.info/pension-information](https://cyps.info/pension-information) or use the below links;

- [Cover document to schools, with guidance and framework further explaining the issue and setting out actions for schools to undertake](#)
- [Template report to Governing/Trust Board, setting out the issue and Academy/school position](#)
- [Template letter for schools to use informing and communicating with their teacher workforce](#)
- [Template request/application form for individual teachers to use to apply to their school](#)
- [Template letter for schools to use to respond to individual teachers formal request/applications](#)
- [Official education trade union letter \[November 2021\], which offers the staff side point of view](#)

Although a payment can be made retrospectively, it must apply within this academic year, ie; by **31 August 2022**. However, it will only be relevant if the teacher concerned has not applied for their retirement benefits **before** the pay change is made.

More information is available from NYES HR; 01609 798343, or email - NYHR@Northyorks.gov.uk

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COVID 19 latest

National/government advice around managing COVID-19 and NYES HR advice for staffing has changed considerably since the start of the calendar year, most recently on 01 April 2022. The interim Newsletter available [here](#) gives more information. NYES HR will maintain a careful watch on events as the situation regarding COVID-19 could change at short notice. Academies / schools are reminded that NYES HR advice and guidance remains up to date including published FAQs available on the below link.

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

Changes to Fit Notes

You may have come across or notice some changes to fit notes issued by GPs in relation to your staff's fitness for work. A new version of the standard form is being rolled out as the requirement for the issuing Doctor to sign the form in ink has been removed and replaced by a digital signature (to include the issuer's name and profession). This doesn't alter how fit notes are submitted and this will carry on in the normal way. There will also be a transition period, whereby both the new [digital] and previous [wet signature] versions of the fit note are legally valid as GPs update their systems.

Eligibility to work update

During the pandemic, a temporary adjustment was in place, which enabled employers to view original documents through remote video calls. This temporary adjustment is coming to an end on 30 September 2022 when in person checks will resume.

For advice regarding eligibility to work please contact NYES HR [see below] :

Telephone - 01609 798343, or email - NYHR@Northyorks.gov.uk

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County/Independent]

Pre-retirement seminar

Did you know that there is a free online Pre-Retirement Seminar for both TPS [teachers] and LGPS [non teachers] members? School staff over 55 will receive useful information to prepare for retirement, including specifics of the pension schemes, forward planning and an introduction to financial awareness after retirement. [Book a place through NYES:](#)

17th June / 4th August and

1st September

Opportunities to join a Headteacher peer Network

We are currently facilitating five peer networks across North Yorkshire. Headteachers meet virtually in small 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. Available if your school buys into the North Yorkshire or York Staff Absence Scheme, to find out more, join a free webinar ([book via NYES](#)) on 26th May 2022, at 10 am.

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Fixed Term or Permanent – choosing the right contract!

This term, one focus of NYES HR’s work has been on ensuring fixed term contracts are used correctly, applicable to both teachers and support staff.

Whilst fixed term contracts can provide flexibility for employers, ensuring the correct starting and ending **reason is essential**.

There are certain scenarios when a fixed term contract might be appropriate, but for example, they should **not** be used to offer employment on a trial basis. Similarly, concerns relating to attendance, conduct or performance should be addressed through the relevant policy. If the basis for the contract being fixed term is flawed, it may make it difficult to dismiss the employee fairly, should this be necessary.

Employees on fixed term contracts accrue continuous service the same as an established employee. This has implications for their employment rights after two years, such as the right to redundancy payments.

Employees on fixed term contracts for **four or more years** may automatically become an established employee unless there is a justified business reason why the fixed term contract should remain.

It is a common misconception that these contracts can be simply ended as a matter of course; the termination of a fixed term contract is still a dismissal in law and appropriate steps should be followed to ensure the dismissal is fair.

Where a fixed term contract is extended, employees should be kept informed and contract documentation confirming any updates provided to the employee.

ACTION :

- Review your employee contracts to determine whether employees remain on the most appropriate contract for them – fixed term or permanent.

For more information on fixed term contracts, please click [here](#) or speak to your HR Advisor.

Appraisal training

To support your preparation and delivery of appraisal we will be running appraisal webinars in June and September. Review the purpose, policy and aims of appraisal. Engage staff so they are prepared to discuss their progress, and understand how they contribute to the aims of the organisation. See the below training dates information for more detail.

NYES Training dates

An overview of Safer recruitment and SCR	22/09
Managing attendance & HR related issues	12/10
Successful appraisal	16/06 21/06 21/09 29/09
Challenging conversations	27/06
Managing conflict	16/06
Wellbeing champions NY schools & academies	28/06
Governor panels : staff hearing and appeals	15/11
Managing performance	09/06
Getting the employment contract right	23/06

All courses are delivered in Teams and can be booked through [NYES](#). Contact us to discuss training tailored to your school needs: susan.mcgin@northyorks.gov.uk.