



NYHR News



Welcome back from NYHR

First and foremost, we hope you and your staff have all had the opportunity for a good rest over the Summer period. The start of the Autumn term feels very different this year but having the children fully back in school hopefully signals a return to some measure of normality.

Whilst the challenges of the coronavirus pandemic continue and the 'new normal' embeds, we continue to support our clients with all things staffing-related.

NYHR have been pleased to be able to continue to deliver high quality services throughout the pandemic, with very minimal disruption and the opportunity to engage with clients via their preferred online platforms, which we hope you will agree has been very successful.

Going forward, we recognise that there will be some more formal meetings you may request on-site presence for and we will consider these on an 'as needed basis' subject to appropriate covid-secure measures to protect you and our staff. However, increased use of technology and online methods means that we can also continue to deliver high quality, personalised services, virtually, while keeping visitors to your sites to a minimum.

This September also sees the launch of our new annual update which you can find [here](#). The NYHR News bulletins will continue and will complement the annual update to ensure that you are always kept up to date and informed.

Policy Update

Teachers' Pay 2020/2021

The STPCD 2020 has now been published and is available on the DfE [website](#). Updated NYHR model pay policy documents will be made available in the next week.

Trusts and schools who apply the STPCD should take the following action:



Action

- Obtain approval to implement the pay award in line with the scheme of delegation
- Update the Pay Policy with any necessary changes
- Notify payroll providers of the revised pay scales and arrange for any arrears to be paid
- Notify teaching staff of the pay award and when it will be paid

Key changes:

- 5.5% increase on minimum of MPR
- 2.75% increase on all other minima and maxima points and allowances
- reintroduction of advisory pay points on MPR and UPR

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[NJC cost of living pay award](#) – details of the agreed deal from 1 April 2020

[Deployment of TAs](#) – guidance on specified work and supervision

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Leave Policy

We have produced an **Academy Leave Policy and Guidance**. This details the different types of leave and whether they are:

- **Statutory** – provided for in employment legislation
- **Contractual** – arising from national terms and conditions, including the Green and Burgundy Books, or agreed locally
- **Discretionary** – local leaders have discretion to approve leave

We have produced guidance to support the implementation of the policy and to ensure Trusts and schools are accurately capturing their current arrangements and understand the obligations to collectively agree any changes to entitlements. The policy and implementation guidance will be published on CYPInfo shortly.



Action

- Consider policy for adoption in line with school procedures

Redundancy during the Coronavirus Pandemic

Thankfully the education sector is not facing the significant redundancies which have been announced in other parts of the economy. However, there may be some Trusts and schools which need to consider staffing reductions, either as a consequence of the coronavirus pandemic or due to other financial pressures which were present before the country went into lockdown.

It remains important that any Trust or school considering a potential staffing reduction process follows its **redundancy policy** and the **statutory processes** in a **fair manner**. However, in the current situation there are **extra actions** which may need to be taken:

- Consider how **consultation with recognised unions** can be effective even if it is carried out virtually
- Ensure everyone is involved in consultation including those on **furlough/working from home**. Consider whether employees need support to enable them to access online platforms and electronic consultation documentation
- Where consultation is carried out in person, consider how this can be done **safely** whilst observing social distancing
- **Review timescales** and consider if these need to be adjusted to ensure effective consultation can be carried out with all affected parties
- Construct a pool for selection based on the **future needs of the Trust or school** and do not penalise employees who have been furloughed, working from home or shielding
- Be aware of the need to **avoid discrimination** when selecting for redundancy and ensuring that employees have not been selected due to:
 - having been furloughed
 - having to shield due to a vulnerability to coronavirus
 - the impact of childcare on their attendance

Where employees have been furloughed on less than 100% of normal pay, this should not be reflected in redundancy payments.

Any schools considering commencing a staffing reduction process are advised to take **early advice from NYHR**.

Policies coming soon

Pay Policy – NYHR model policies coming shortly

Redundancy, Restructure and Redeployment – due Autumn 2020

Disciplinary Policy and Hearing and Appeals Procedure – due Spring 2021

In case you missed it, our updated [Resolving Issues at Work](#) template policy was published in June 2020

Access our policy list [here](#).

Brexit update

The Brexit transition period will end on **31 December 2020**. Any EEA national residing in the UK by 11pm on that date will be required to **apply for settled status by 30 June 2021**.

The current arrangements continue to apply for checking an individual's [right to work](#) in the UK. Employers have a **duty not to discriminate** against EEA citizens, which means that they cannot require applicants and employees to share their status under the settlement scheme until after 30 June 2021.

The current guidance states that employers can rely on their **existing right to work check** and do not need to make retrospective checks for existing employees. However, it is currently unclear what will be the implications for the individual and their employer, where an employee has not applied for the scheme in time.

Trusts are required to record the right to work in the UK on their **single central records** so should be well placed to evidence that checks have been undertaken. **Copies of the documents** used to confirm eligibility must also be retained on confidential personal files.

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Safeguarding Update

As you will be aware, the September 2020 version of [Keeping Children Safe in Education](#) has now been published. The substantive changes from the 2019 version are summarised in Annex H and include changes to managing allegations guidance:

- Inclusion of transferrable risk as an additional risk factor i.e. where an individual has or may have behaved in a way that indicates that they may not be suitable to work with children. This will include conduct and relationships outside the workplace
- Further guidance on how schools should ensure allegations against supply teachers are handled

The NYSCP have updated their **practice guidance** to reflect these changes and have also produced an **information leaflet** for staff facing an allegation. Both documents will be available on the [NYSCP website](#).

The **NYHR Guidance for Schools on Managing Allegations** has been fully updated and is now available on [CYPInfo](#). As this is guidance which supplements the statutory procedures it is not necessary for Trusts and schools to formally adopt it as a policy. However, it should be ensured that those working within the school are aware of the guidance and that the most recent version is available for their reference.

This document is relevant to all schools, including Academies and independent, covered by the North Yorkshire Safeguarding Children Partnership. Schools in other areas may find the document useful for practical advice in the staffing implications of managing an allegation, but must ensure they follow the procedures published by their local Partnership.



Action

- Make the revised guidance available to all staff

LGPS Pension Statements

Annual Benefit Statements as at 31 March 2020 are now available for members of the **NY Pension Fund**.

Most members will be able to access these online and need to register for an online pension account if they have not already done so.

Academy Trusts with members in the NYPF should have received an email including guidance on creating a personal online pension account and how to interpret annual benefits statements. This information is also available on [CYPInfo](#). Other pension funds are also publishing annual benefit statements and Trusts should contact their local pension fund for further information.

Recruitment and Retention

Eligible teachers can now apply for the next round of payments under the [DfE Recruitment and Retention Strategy](#). Please share with any of your teachers who may benefit from these initiatives:

- [Student loan reimbursement](#)
- [Physics and Maths payments](#)

NJC 2020 Pay Award

The annual inflationary pay increase for support staff covered by the NJC Green Book has been agreed nationally. The agreement is for a **2.75% increase** on all pay points in the local pay structure and on all related allowances. The revised pay spine is available on [CYPInfo](#)

In addition, an extra day's paid annual leave for those on the minimum entitlement of 21 days has been awarded. The Green Book also provides 2 extra statutory days' paid leave which may be incorporated into annual leave entitlements. Therefore, where the extra days are included, the minimum leave entitlement will now be **24 days**. This will also affect TTO calculations which incorporate pay for annual leave. The NYCC revised leave and TTO values are available on [CYPInfo](#) for Trusts and schools who wish to follow these.

The pay award and increase in leave both apply from 1 April 2020.



Action

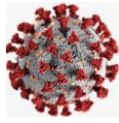
Trusts and schools who apply the Green Book should:

- Obtain approval to implement pay and leave changes in line with scheme of delegation
- Notify payroll providers of revised pay points and salaries
- Notify support staff of the pay award and when it will be paid
- Revise relevant leave and TTO values for the 20/21 leave year



NYHR News

Covid-19



In light of evolving government guidance we continue to update our FAQs and guidance which is available on [CYPInfo](#).

Question Time - Deployment of Teaching Assistants

We are often asked about the role of teaching assistants and what duties they can be asked to undertake. The two main considerations are whether an activity constitutes specified work and the basis on which the teaching assistant is employed.

Specified work is defined in statute and are the activities for which qualified teachers are responsible, namely:

- planning and preparing lessons and courses for pupils;
- delivering lessons to pupils;
- assessing the development, progress and attainment of pupils; and
- reporting on the development, progress and attainment of pupils.

Under the [Education Act](#), any others undertaking specified work may only do so under the direction and supervision of a qualified teacher and must be suitably skilled to undertake this work. Therefore, any specified work undertaken by a TA must be done under the direction and supervision of a qualified teacher who will retain responsibility for the relevant pupils.

The second consideration is the basis on which a teaching assistant is employed. Different Local Authorities adopted different TA structures – some use general, advanced, senior advanced or higher level teaching assistant, other use Levels 1, 2, 3 and 4. TAs at all levels will work with individual or small groups of pupils, however, only more skilled TAs may provide whole class cover in the short-term absence of the teacher. This usually means that they hold a Level 3 teaching and learning qualification or have HLTA status.

Guidance and job descriptions on the TA roles adopted by NYCC are provided on [CYPInfo](#). However, Trusts and schools must ensure they are consistent with any local arrangements as they tie in with local pay and grading structures. Regardless of this, where a TA is regularly working above their current job description, either on a part- or full-time basis, their job role and grade should be reviewed.

To ensure that the contribution of TAs is maximised, headteachers and teachers should ensure agreed systems of supervision are in place. The extent and nature of direction and supervision will vary and be based on an assessment of local considerations, including the skill and experience of the individual TA. Advice is available from NYHR on the appropriate deployment and remuneration for teaching assistants.

The EEF have also produced helpful guidance on the Effective Use of Teaching Assistants which can be found on their [website](#).

Mediation

Unresolved conflict causes stress for individuals and can have a negative impact on morale, productivity and working relationships across a team. Early mediation can prevent parties becoming entrenched, cut absence and the risk of escalation to time consuming, costly and disruptive formal procedures.

We can provide trained mediators to support collaborative problem solving enabling the parties to agree key behaviours on how they will work together with dignity. Mediation can address a wide range of issues including relationship breakdown resolving conflict, communication problems and the transition back to work after a long-term absence or formal procedures.

Speak to your NYHR adviser to find out more.

NYHR Training

We have adapted our existing training programme to offer a range of live interactive webinars through the year. The majority of the webinars are 90 minutes, which run at different day times to fit into your working day.

Our training provides proven practical tools and guidance to develop the skills, knowledge and confidence essential in managing staff and improving personal effectiveness, suitable for everyone with responsibilities for leading and managing staff. We will also deliver governor panel training. You can book the webinars through [NYES](#) or contact us to discuss your training needs or arrange bespoke sessions susan.mcginn@northyorks.gov.uk