



NYHR News

North Yorkshire
education services

Welcome

We wish you a warm welcome back and hope you, your staff and pupils enjoyed a restful break over the Summer. Our first Newsletter of the year is packed with updates which we hope you find useful.

Our award winning Service continues to grow and we now provide a professional HR Advisory Service to over 420 educational settings across a range of locations and Authorities, predominantly in the North.

As a result of our success, some of our existing team members have secured established promotions within the team: Nicola Brown and Megan Anderson to HR Business Partners and Amy Binks and Kate Thompson to HR caseworkers. This is testament to our commitment to 'growing our own' in order to build a deep understanding of the sector and I'm sure that those of you who have worked with Nicola, Meg, Amy and Kate will want to join us in congratulating them.

We also welcome some new starters to the NYHR Team in September to backfill the vacancies left following promotions. This does mean that some clients may see 'new' (although some are not so new to the team!) faces as their named contacts for the coming Academic year. Relationships are important to us as a Service and we have tried to keep disruption to a minimum but those starting in new roles in September very much look forward to forging strong relationships with you as their clients, where there is some change.

Safeguarding update

Safer Recruitment for Schools Training

NYSCP is re-commencing face-to-face safer recruitment training this Autumn. It is recommended practice for at least one person on each interview panel to have completed accredited safer recruitment training. Places for the course, to be held on 5th October, can be booked through the [NYES website](#).

Keeping Children Safe in Education – Sept 21

The updated [KCSIE](#) document has been published which applies from September. In this article we will focus on the changes in Part 3 (Safer Recruitment) and Part 4 (Allegations against staff) which will impact on HR policies and practices and outline the actions NYHR are taking to support you to implement these.

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Part 3 - Safer recruitment and the SCR

Part 3 of KCSIE has had a substantial rewrite and, whilst the legal duties have not changed, there is an increased amount of guidance which 'should' be followed. For the purposes of KCSIE, 'must' is used where there is a legal requirement to do something. 'Should' indicates that the advice should be followed unless there is good reason not to. In terms of safer recruitment measures, there are likely to be very few instances which would justify this advice not being followed, so schools are advised to ensure they comply with both the statutory and practice guidance.

Part 3 has been restructured to follow the stages in the recruitment process and is an easier document to read as a result. Particular issues to note are:

Declaration requirements for shortlisted candidates

From the end of 2020, our recommended practice has been to request criminal conviction information from shortlisted candidates only. This position has been confirmed in KCSIE, and extended to include other declarations such as whether a candidate:

- is on the barred list
- is prohibited from teaching
- has committed criminal offences overseas
- is known to the police and children's social care
- is disqualified from providing childcare

Where this information, and the application form, have been submitted electronically, shortlisted candidates are required to physically sign hard copies at point of interview.

Use of Birth Certificate to confirm identity

Due to the potential for individuals to change their name, it is now recommended practice to check the birth certificate as part of verifying a candidate's identity, where this is available. Schools are also advised to carefully check that all previous names have been declared through the DBS application process.

Non-statutory information

The non-statutory information which may be included in the school's Single Central Record (SCR) now includes Governors as well as Volunteers and this may affect some Trusts depending on their governance structure. Trusts have always been required to include members of the proprietor body on the SCR (e.g. members and Trustees), but may not have done so for local governing bodies. Their specific inclusion in KCSIE suggests that this will become an expectation.

The [Ofsted guidance on inspecting safeguarding](#) already includes volunteers for whom checks have been undertaken in relation to the SCR.

Deadline for Apprentice Incentive Payments

This is just a quick reminder that the Incentive Payments available to employers who hire a new apprentice are only available until the **end of September**. If your school or Trust have or are planning to employ a new apprentice please ensure that their official start date is no later than the 30th September or you will miss out on the £3k payment.

Further information is available [here](#).

Shared Parental Leave

The rules for statutory Shared Parental Leave are complex, including how it interacts with maternity, adoption or paternity leave.

To help with this, the Government has produced a new on-line planning tool to help parents navigate the process. This can be accessed [here](#).

Trusts and schools can direct expectant parents to this link to help them understand their entitlements and plan their leave.

Gender Pay Gap Reporting

Trusts and schools with more than 250 employees are required to submit gender pay gap information to the Government on an annual basis. Usually this must be submitted within a year of the snapshot date e.g. the following 30 March for organisations with a snapshot date of 31 March.

Due to the pandemic, the reporting date for 2020 data was extended and must now be submitted by 4 October 2021 at the latest. Further information on gender pay gap reporting is available in our [guidance](#) or on the [gov.uk](#) website.



Safeguarding update (continued)

Employment references

More detailed guidance has been provided on recommended practice around obtaining and checking references. Of particular note, is the requirement for references provided by schools to be confirmed by the Headteacher/Principal in respect to disciplinary investigations.

Visitors, Contractors and Third-party Staff

The guidance on visitors to the school has been expanded and references visiting professionals and grounds maintenance staff. We feel that the boundaries between visitors, contractors and third-party staff have been confused by these changes, particularly in relation to single central record recording requirements.

We are reviewing our SCR guidance as a result of these changes. However, Headteachers/Principals should continue to exercise their professional judgment around checking and recording requirements taking into account the frequency and level of access these individuals will have to pupils within their schools.

In general, the changes to Part 3 are welcome and, as well as the information being presented more logically, there has been a shift away from overreliance on the DBS to indicate suitability.

Part 4 – Allegations against staff

Schools will be familiar with the LADO process detailed in the Managing Allegations procedure, provided through the North Yorkshire Safeguarding Children Partnership (NYSCP). NYHR also produced [guidance](#) in 2020 which provides additional detail to help schools navigate this process and support their affected employees.

From September, Part 4 of KCSIE introduces an additional process to address allegations and concerns that do not meet the harm threshold, referred to as 'low level concerns'. The requirement is for schools to have policies and processes in place to manage and record low level concerns. Recommended practice will be to set out their policy within the staff code of conduct and safeguarding policies.

Over the summer we have worked with the NYSCP to update the template safeguarding policy and we are reviewing our staff Code of Conduct and hope to have this available in early Autumn.



Action

- Review parts 3 and 4 of Keeping Children Safe in Education
- Prepare to adopt and follow updated policies and guidance from NYHR (recruitment and selection, SCR guidance, code of conduct, managing allegations)

Did you know?

Pensions and supply staff

There are different pension arrangements for directly employed supply workers depending on whether they are teaching or support staff. In this context, the term supply includes relief and casual staff and signifies that work is not regular and there is no mutuality of obligation between the parties. If work is regular or an obligation exists, a different contractual arrangement must be considered e.g. a fixed-term contract.

Supply **teachers** are enrolled into the Teachers' Pension Scheme from their first day of work. All subsequent work is then pensionable.

These arrangements only apply to directly employed supply staff. Teaching staff engaged through a supply agency, for example, are not able to access the TPS.

The situation is more complex for **support staff**. Only those employed on a contract of three months or more are contractually enrolled into the Local Government Pension Scheme. This would not include ad hoc/supply work even if this extended beyond three months in duration. However, supply support staff can opt to join the LGPS whenever they want.

These differences arise from the regulations of the different pension schemes.



Recruitment Checks Update

Checking immigration status

In [Issue 4](#) of NYHR News we told you about the changes to right to work requirements resulting from the UK leaving the EU. EEA citizens had until 30 June 2021 to apply for settled or pre-settled status, and before this date it was not lawful to require applicants to evidence this status. From 1 July, 2021, newly appointed EU, EEA and Swiss nationals must be required to demonstrate they have a right to work in the UK by providing evidence of their immigration status using the Home Office's online service. Further information about the right to work in the UK is available [here](#).



Action

- Ensure those involved with recruitment checks are aware of the updated arrangements in place from 1 July, 2021

Extension of adjusted rules for document checking

Since 30 March 2020, employers have been permitted to conduct right to work checks by receiving scanned versions of documents and checking these over a video calls, rather than seeing the documents in person. These are referred to as Covid-adjusted checks. These adjusted arrangements were due to finish on 31 August, 2021, but have now been extended up to and including 5 April 2022. Further information on how to undertake an adjusted check is available [here](#).

With the further lifting of restrictions and the wider return of schools, the use of Covid-adjusted checks is likely to be limited. Where a Covid-adjusted check has been used correctly prior to April 2022 additional checks will not need to be undertaken retrospectively.

Letter of Professional Standing

As a reminder, from January 2021, it became necessary to request a Letter of Professional Standing from any new teachers who have taught overseas. Further information is available in [Issue 4](#) and our Single Central Record guidance.



Action

- Ensure additional columns are added to your SCR for Letter of Professional Standing and date obtained. These can be completed as n/a for those employed by the school before 1 January 2021.

Jubilee Bank Holiday

In [Issue 5](#), we told you about the anticipated impact that the additional bank holiday in June 2022 could have on the school calendar. The relevant legislation to reduce pupil days to 189 for 2021/2022 came into effect in June and the [NYCC calendar](#) has now been revised to reflect this.

The corresponding reduction for teachers' directed time (1258.5 hours over 194 days) should be confirmed when the final STPCD is published this autumn.

Whilst Trusts and independent schools may set their own term dates, they should ensure these reflect the reduced number of teaching days where they apply the STPCD.

We advise schools to have 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.

We will issue further guidance regarding the potential impact on part-time teachers and term-time only staff later in the term and following publication of the STPCD.



Action

- Ensure the school calendar reflects 189 pupil days plus 5 PD days where the STPCD is applied
- Plan annual discussions with part-time employees around working arrangements



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Pay update

STPCD and Pay Policy

The draft 2021 STPCD was published on 21 July and it is anticipated that the final document will come into force on 15 October.

The changes are likely to be:

- Advisory pay point structure for the unqualified teacher range
- Use of TLR3 payments for teachers undertaking tutoring
- Confirmation of 194 teaching days in 2021/22 due to the Jubilee
- Reflection of changes to statutory induction from 1 Sept '21
- £250 uplift for unqualified teachers earning less than £24k

Some Trusts continue to base their pay policy on the NYCC template for maintained schools. For those who do, we anticipate that this will be published week commencing 18 October. Trusts who have adopted a different pay policy should review these for September and seek advice from their NYHR advisor if required. Trusts are reminded of the need to undertake appropriate local consultation with recognised Unions and Professional Associations on their pay policies.

Support Staff Pay Award 2021/2022

This update is relevant to Trusts and schools who apply the Green Book for support staff. Following a rejection of the previous offer, an improved offer, applicable from 1 April, 2021, has been made:

- A 2.75% increase on NJC pay point 1
- A 1.75% increase on all NJC pay points 2 and above
- Completion of outstanding work of the joint Term-Time Only review group

The unions are balloting their members until early October on the improved offer, but are recommending that it be rejected. We will provide a further update when the outcome of the ballot is known.

Policy update

Reorganisation, Redundancy and Redeployment

We have reviewed and revised our existing RRR Policy and Procedure. The updated policy will be supported by a toolkit including template letters and includes implementation guidance to ensure Trusts adopting the policy consider the potential impact on existing contractual entitlements. We will conclude the consultation process in September, following which it will be available for Trusts.

And don't forget we have updated terminology in the following policies to reflect the change from NQT to ECT: Appraisal, Capability, Probation, Developing Performance and Disciplinary.



Action

- Review the [Policy List](#) in September and progress any revised policies for consultation/adoption in line with local procedures

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Wellbeing Charter

The DfE have announced the publication of the [Education staff wellbeing charter](#) which schools will can sign up to in the autumn. The charter was co-created by the DfE, Ofsted and members of the education sector including the teaching unions and schools. It is a declaration of support for, and set of commitments to, the wellbeing and mental health of everyone working in education.

Look out for further information in our Annual Update due to be published in the coming weeks. We have refreshed our template [Health and Wellbeing Strategy and toolkit](#) to ensure it is complementary to the wellbeing charter.

In the next few weeks, we will be sharing our brand new **NYES Health & Wellbeing Brochure** signposting a wide range of resources and training to support your school in developing and promoting your wellbeing strategy. This aligns with the commitments detailed in the Charter and can make a significant contribution to improving the health and wellbeing of staff.

Additional NQT funding

Due to the challenging ITT and induction year the 2020 cohort of NQTs have experienced due to the covid pandemic, the DfE has announced additional funding for state-funded schools with NQTs who completed their induction period this summer.

The funding will be a one-off payment, equivalent to an additional 5% off timetable for teachers for the next academic year, enabling them to have additional time to invest in their development. Further information is available [here](#).



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News from Resourcing Solutions and ESS

NYCC signs up to DfE's free Teaching Vacancies service

From September 2021, NYCC's Employment Support Service will directly post all teaching and support jobs onto [Teaching Vacancies](#), the free national job listing service from the DfE for all schools – in addition to posting onto the local authority job site (NYCC jobs).

This follows a successful pilot delivered by NYCC's specialist recruitment service, Resourcing Solutions, where North Yorkshire schools on the coast posted all their teaching jobs onto Teaching Vacancies. The initiative was part of the Opportunity Area and has resulted in North Yorkshire Coastal schools successfully appointing to all teaching vacancies for the past 3 years.

Resourcing Solutions Teacher Recruitment Lead, James Annetts said: "We're delighted to be working with the DfE to support schools in our areas to not only hire top teaching talent, but save money in the process".

"Being able to tap into a national pool of job seeking teachers is a really great opportunity to bring fresh ideas and new teachers to our area, helping schools build on the excellent learning experience they already offer to pupils. We have successfully attracted into a number of key teaching positions across the North Yorkshire Coast, with out of the area applicants with zero spent on advertising".

"The platform benefits our own teachers too; making it easier to apply for their next career move"

The Teaching Vacancies service has been set up at the request of Headteachers across the country to reduce the amount spent on recruitment advertising, estimated to cost around £75m each year.

Almost four in every five schools (78%) are already signed up to use the service to advertise their vacancies and the more schools that use the service, the more money that could be saved and put back into classrooms.

Teaching Vacancies attracted over 250,000 job seekers in March alone and, as a national service, will give NYCC, as a Local Authority, and North Yorkshire Schools the opportunity to get in front of teachers across the country and attract applications from a wider pool of quality candidates.

Recruitment teams can post as many vacancies as they want on the service and directly publish and edit them through a personalised dashboard.

There is not change to the process for Trusts and schools who use ESS to advertise vacancies – please continue to inform our ESS of your recruitment need who will advertise your post onto Teaching Vacancies and NYCC jobs (unless instructed otherwise).

Covid and Step 4 Guidance

Covid-19 [operational guidance](#) was published in July setting out the arrangements to be followed by schools from September. We have updated our [Covid-19 guidance and FAQs](#) for schools, to reflect the latest position. The main points to note are:

- Changes to self-isolation requirements for those identified as close contacts or where a household member is confirmed as having Covid, who meet certain criteria, including:
 - They are fully vaccinated
 - They are below the age of 18 years and 6 months
 - They are not able to get vaccinated for medical reasons
- CEV employees may work in school, subject to a Covid-19 individual risk assessment
- Pregnant women, including those in their third trimester may return to their normal duties in school, subject to an individual risk assessment.

Annual appraisal reviews will start in September and schools may need to consider the impact which self-isolation and absence due to Covid may have had on individuals achieving their performance targets.

This should be done consistently and in line with relevant appraisal and pay policies. However, due to the unprecedented challenges which all school employees have faced this year, we would recommend that employees should not suffer a pay detriment due to the impact of Covid.

The DfE has recorded a webinar explaining the Step 4 changes, including an update on testing, contingency planning and Covid-19 management advice. This can be found on the [document sharing platform](#) titled 'Ref RP158 preparing for autumn term'.