



NYHR News



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 continually 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.

In this issue

[STRB remit 2021/22](#) – what may be in the pay award this year

[DBS filtering rules](#) – a change to the rules

[Code of Conduct](#) – changes as a result of KCSIE 2020

[Brexit](#) – EU workers and school recruitment

[Employee Benefits Platform](#) – details of the new providers

[Supporting employee wellbeing](#) – a new support sheet which can be shared with staff

[NYHR training](#) – how this is being delivered online through webinars and upcoming events

[Term-time arrangements delayed](#) – now to start in April 2021

[Brazel update](#) – progress of the legal challenge

[Index of NYHR articles](#) – to help you locate previous articles and information

[Removal of Rolled Up Holiday Pay](#) – a reminder as the new arrangements come into effect

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

[Update your personal details](#)

[Pension Contribution Bands](#) – new bands from April 21

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NYHR News

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 schools 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 schools to 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 need to consider the impact of the changes.



Action

- Ensure the updated documents are used for all future recruitment activity
- Consider the further impacts of the changes and amend school 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 can see the amendments made.



Action

- Share updated policy with staff and Governing Body in line with school adoption / 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 when employees move between NYCC schools or when using 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.



NYHR News

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 licenced UK sponsor. NYCC does not have a sponsor licence, and currently does not plan to apply for one. Therefore, if schools wished to sponsor EEA workers, they would need to [apply](#) individually and there is a cost associated with this.

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 schools 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 school 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 may need to become a licenced sponsor
 - applicant will require a job offer from the school

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Employee Benefits Platform

NYCC has reprocured the supply of its employee benefits scheme which will remain under the banner of *Everybody Benefits*. The new discount platform can be accessed [here](#) or by downloading the Vivup app on a mobile device.

The platform provides improved discounts with many popular retailers and service providers. Users can also link through the platform to the available salary sacrifice schemes which are as follows:

- Cycle to work
- Childcare vouchers (transferred membership only)
- Mobile phones
- Home technology*
- Health cash plans*
- Green cars*

* Under the STPCD, teaching staff can not enter these salary sacrifice agreements so they are only available to support staff.

The next window is open from **5 February to 14 March 2021** for home technology including phones.



Action

- Share information with all staff about the new benefits platform using the promotional literature provided [here](#)

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](#).



NYHR News

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 taught 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 school record this check on their Single Central Record.

We are updating our 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

Delay to Term-Time working arrangements

We hope you have seen the communications from the Local Authority regarding the delayed implementation of the revised term-time working arrangements for support staff. A copy of the letter is available [here](#).

These arrangements will now start from the new leave year in April 2021. We have updated our resources for schools to reflect the revised implementation date and these are available on [CYPInfo](#).

Action

- Ensure changes are communicated to existing and new term-time only staff

Brazel update

You may recall that NYCC wrote to schools in June 2020 about the agreement it had reached with Unison around back-pay for term-time only employees as a result of the Brazel case.

The agreement with Unison was that this back-pay would only become payable if the Brazel case was overturned at the Supreme Court, but schools were asked to budget for this anticipated cost.

The Supreme Court has now listed the appeal for this case which will be heard on 9 November 2021. Therefore, we are unlikely to get a final ruling for another year.

In the meantime, schools are encouraged to continue budgeting for this cost.

A copy of the letter is available [here](#).

Index of NYHR articles

Do you ever read something but then later cannot remember where you saw it? 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 the HR News and Updates page on CYPInfo.



NYHR News

Wellbeing Support for School Staff

It has been a difficult year and the ongoing pressures of the pandemic are impacting on the physical and mental wellbeing of many. To help schools address this, we have produced a [support sheet](#) with information about the wellbeing support available for school staff.



Action

- Download and share the [wellbeing support sheet](#) with all employees through schools usual communication channels

NYHR training – interactive webinars

The Covid pandemic has had a significant impact on the way in which we are able to deliver training. As well as some challenges, the move to on-line webinars has brought some unexpected benefits with many school staff finding attending virtual training much more convenient, not least due to the reduced need for travel.

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 relevant policies understand the roles, responsibilities and process to deliver a fair and robust approach to managing under performance.

Webinar	Dates
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.mcginn@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



NYHR News

Removal of Rolled Up Holiday Pay

Just a reminder that the last rolled up holiday payments were made to relief staff at the end of January (for hours worked in December). Hours worked from 1 January 21, and paid from February, will now accrue a leave entitlement rather than leave being included as an additional element in the hourly rate. Further details around the new arrangements are included in the [NYHR News – Pay and Pensions Special Edition](#) published last term.

Apprenticeship qualification with embedded NPQs

Schools will be familiar with the DfE's National Professional Qualifications (NPQs) for school leadership, which are an accredited suite of qualifications for aspiring and serving school leaders. The qualifications are DfE funded for a minority with the majority of schools having to self-fund the qualifications, until now.

The NPQs have 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 through the NYCC apprenticeship levy funding for maintained schools.

It is a great way to use levy funding but the normal rules for apprenticeships still apply, including the requirement for 20% off the job time for learning. Participants would also need to complete the End Point Assessment for the apprenticeship on top of the assessment for the NPQ.

For further information regarding this or other apprenticeship opportunities visit our updated the Apprenticeships page on [CYPInfo](#) or 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

Pension Contribution Bands from April 2021

The salary bands which determine employees' pension contribution rates, for both the Local Government and the Teachers' Pension Scheme, will increase from 1st April, 2021. These revised rates will be automatically applied by ESS to school employees. The new contribution rates are available for both the [LGPS](#) and [TPS](#) on CYPInfo.



Action

- Share salary band and contribution rate information to all members of the relevant pension schemes

Update your personal details

A recent data cleansing exercise had identified that there is a lot of out of date information held in the self-service module of NYCC's payroll system, MyView.

As well as being the system through which payslips are published, MyView also holds data items such as home addresses, telephone numbers and next of kin/emergency contact details. Employees can view and update their own information by going on the system. A link to the MyView system is available [here](#).

As with any information system, it is important that data is kept up to date and accurate. We would request that all school employees are asked to log into the system and ensure that the information on their record is accurate and up-to-date.

The main data items that are out-of-date are mobile phone numbers, addresses and postcodes and next of kin details.

Going forward, where employees notify schools of a change to their details, MyView can be updated in two ways:

- The school notifying ESS of the change through the portal
- The employee updating their details on MyView.



Action

- Ask all employees to access MyView and check and update their personal details
- Notify ESS of any personal details changes or ask the employee to update in MyView