

# NYES HR News

## Welcome

A warm welcome to this, the first HR Newsletter of 2022. Hopefully, you will find the articles and updates contained within this issue, topical, useful and informative!

## COVID 19 latest

The latest situation regarding the COVID 19 pandemic remains fluid. The government is not quite ready to say that the pandemic has entered the endemic phase, although it has suggested that by March 2022, there will be no requirement to self-isolate.

Schools should note that NYES HR advice and guidance remains up to date including published FAQs, however, these do change on a regular basis to reflect the changing national situation.

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

## Local government pay dispute, implications for school based NJC staff

UNISON's strike ballot result was announced on 14 January. Turnout was particularly low at 14.5%. This means the union was well short of the 50% required for lawful industrial action. UNISON cannot now call a strike over the National Joint Council [NJC] 2021 pay round. Remember, this claim is back dated to 01 April 2021 and covers the current financial year; 2021-2022. GMB also had a majority vote in support of industrial action, but again the turnout was below that required for legitimate action. UNITE union is balloting its members through to mid-February 2022. However, UNISON has the most presence and impact within educational settings.

Locally, NYCC has agreed with the local UNISON branch, mutual acceptance of the 1.75% national employers offer, [2.75% only where this applies to the very first pay point]. Relevant staff includes those employed under NJC terms and conditions within maintained settings. For schools buying into ESS the award will be paid in February 2022, together with any arrears backdated to April 2021.

Should there be any increase to the 21/22 pay award for support staff, as result of finalised national negotiations, NYCC will implement and back date accordingly.

## In this issue

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

**[NJC Staff pay dispute](#)** – An update on pay negotiations for support staff

**[School led Tutors and Academic Mentors – HR Implications](#)** – further information to support these initiatives

**[NYES Policy Update](#)** – latest NYES HR policy releases

**[TPS Indexation](#)** – Important query for schools to note

**[Queen's Jubilee – June 2022 – TTO staff](#)** – all change in June 2022!

**[Auto Pensions re-enrolment reminder](#)** – Important message for relevant staff

**[Employment Legislation and Case Law – the latest news](#)** – a school based ET case to take note of

**[COVID 19 Sickness Absence and Support Staff](#)**

**[Increments](#)** – Important consideration for support staff pay

**[Training and Wellbeing Updates](#)** – the latest training and wellbeing information for schools, including future training dates

## NYES HR News

Academies with schools in North Yorkshire will need to make their own determination as to whether they wish to follow suit and progress a similar collective agreement. For Academies purchasing NYHR services, your nominated Adviser can support you in progressing this.

Negotiations on the next pay round for 2022-2023 have yet to begin formally.

### School Teachers' pay 2022/23 and 2023/24

The School Teachers Review Body's (STRB) 2022 pay remit covers two years and is in the context of this Government's commitment to a minimum starting salary of £30,000 and the Comprehensive Spending Review 2021 allocation of an additional £4.7 billion. Local Authorities, including NYCC, have been consulted with and asked to provide input to inform the national employers' (NEOST) evidence to the STRB. We await further news of any outcome from STRB.

### NYES HR Policy update

Autumn has been a busy period for the team producing new and or updated HR policy and guidance for schools.

Recently published on the [CYPs.info site](https://www.cyps.info) is new, enhanced guidance in supporting employees with symptomatic menopause, including a handy information sheet for school managers to share with staff.

A thorough review of the KCSIE 2021 statutory guidance, including the inclusion of new requirements around Low Level Concerns [LLC], was undertaken. DfE amended KCSIE 2021 because it wants to continue to encourage a culture and environment within school that is open and transparent and where staff are encouraged to share **any** concerns. To this end, KCSIE 2021 introduces statutorily, the concept of Low Level Concerns [LLC]. These are behaviours or conduct by school staff **not** deemed to meet the threshold of an allegation, but, nevertheless may cause a sense of unease, a nagging doubt or similar feeling.

### Employing 'Academic Mentors' and 'School led Tutors' - HR implications

There are schemes available to help schools support pupils education lost due to the COVID 19 pandemic – School led Tutoring and Academic Mentors. Both of these schemes generate some questions for schools about how to employ staff into these roles as neither fit neatly into typical school staffing arrangements.

#### School led Tutors

A number of schools are deploying existing staff into these roles or recruiting new staff.

- **ACTION** for schools – if you are using this scheme and employing Tutors directly see [School Led Tutoring guidance](#).

#### Academic Mentors

Academic mentors are graduates or teachers who undergo intensive training before being placed in a school. They are salaried employees that will work alongside existing school staff to provide subject-specific work, revision lessons and additional support. Again, there are qualifying criteria that apply in terms of the government scheme and schools will need to be aware of these.

- **ACTION** for schools - If you are utilising this scheme or recruiting to this role directly, see the guidance on the options and for the HR implications: [Academic Mentors guidance](#)

## NYES HR News

As a result, NYES HR published an updated Code of Conduct and guidance on Managing Allegations Against Staff [MAAS] amended to reflect the new KCSIE 2021 position. Because the changes have been made to the template versions, you should ensure that your schools Governing Body have considered and approved for your school, that all relevant staff within school are aware and understand the changes and that some of the additional measures within the new CoC and MAAS have been put into practice. For example reporting and recording processes and documents.

Please use these links to access these published documents –

- [Code of Conduct](#)
- [Managing Allegations Against Staff](#)
- [Menopause guidance](#)
- [Menopause staff handout](#)

Coming shortly – updated employment references policy and associated templates and forms.

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

### Teachers Pension Scheme Indexation

The teaching unions have recently written to Local Authorities and Academies asking them to consider the impact of the recent pay freeze on final salary Teacher Pensions scheme members. In summary, the request is to make a notional payment (even £1 is enough) in order to trigger what is called pensions indexation. Triggering pension indexation can have a substantial impact on an individual teacher's pension although it also has the potential to cost the Teachers' Pensions scheme itself a significant amount.

This issue only affects teachers who are members of the **final salary** Teachers' Pension Scheme, not those in the Career Average or CARE Scheme, and who are close to retirement age/actively considering retiring. Therefore, a small proportion of your workforce.

There are discussions underway at a national level on this issue, the latest government advice received says that the matter is currently being discussed between the Teacher Pension Scheme team within the DfE and teacher unions, to consider whether the current Regulations need amending to avoid this complication in the event of a pay freeze.

As such, NYES HR advice is to await further guidance/outcome nationally. When available, we will issue guidance as appropriate and work with ESS to consider how best to implement, if at all. In the meantime, if individual schools wish to consider taking action sooner, please contact NYES HR.

### Automatic Pensions re-enrolment

A reminder regarding the next pension re-enrolment exercise for NYCC staff, including school based staff. As the employer, NYCC has a legal duty to reassess relevant employees and re-enrol eligible staff into an appropriate pension scheme every **three** years. The next re-enrolment exercise will take place on **1 February 2022**

If staff within your maintained school opted out, ceased membership or elected to contribute below the minimum required by the schemes, their post will be re-assessed. If they meet the assessment criteria, **they will be re-enrolled**. They will receive an individual letter advising them of this. In some circumstances, school may be asked to pass over this letter to your affected staff member.

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

## NYES HR News

### Queen's Jubilee – June 2022 – and Term Time Only [TTO]

As you are aware the Government has announced that there will be an additional bank holiday to celebrate Her Majesty's Platinum Jubilee in June 2022.

To accommodate this, the **late** May bank holiday will be moved to **Thursday 2 June 2022** and an additional Jubilee bank holiday will be added on **Friday 3 June 2022**.

To support this extra bank holiday, DfE has laid regulations to reduce the school year from 190 days to 189 days for the academic year 2021-22 and the STP&CD was revised to reflect a reduction from 195 to 194 teaching days. For many staff in schools, this will result in a reduction in their working year. We always advise 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. School should therefore, have already identified part time **teaching staff** affected by this change to the number of bank holidays this year and discussed and agreed individual options to take account in the reduction of directed time and teaching days.

We were however awaiting national guidance specifically on NJC TTO **support staff**. That guidance was received before Christmas, and NYCC intends to follow the national guidance to ensure that **support staff** Term Time Only (TTO) pay and leave entitlements fully take account of the additional bank holiday.

In accord with national advice, NYCC will not change the annual TTO pay set up. TTO **support staff** are entitled (pro rata) to the additional leave for the day that schools have stood down, to reflect one working day less over the course of the academic year.

NOTE : if that day is a **normal working day** for the employee, they will get paid time off. If that day is **not a normal working day**, then ESS have a recommended calculation to use and relevant staff should receive the additional pro rata payment in June 2022 pay run. ESS will issue instruction to schools in due course.

#### **ACTION:**

- For part time **teaching staff**; refer to your annual discussions around working arrangements for the school year 2021/22
- For **support staff**, school will need to consider who needs the TTO payment based on the work pattern, (ie who isn't getting any benefit from one school day less in 2021/22 academic year) complete a ESS driven reporting process later in the year and pro rata payment will be processed in June 2022.

## NYES HR News

### **Covid 19 Sickness Absence and Support Staff Increments**

In preparation for considering incremental progression for support staff, please be aware that one period of up to 2 weeks of sickness absence (up to 10 working days) due to COVID should be **discounted** when considering whether support staff have met the attendance criteria to receive their increment (where schools apply this policy). The same applies to up to 2 days sickness absence due to a reaction to a COVID vaccination and/or booster. Note that absence due to 'isolation' **is not** classed as sickness absence and so does not need to be factored into this consideration.

### **Free Peer networks for Headteachers in North Yorkshire schools and academies:**

Headteachers meet virtually in small facilitated 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.

We currently have four established peer network groups, and are now able to set up four additional facilitated networks, that are free to attend. Book your place on a free introductory 60-minute webinar, [www.nyestraining.co.uk](http://www.nyestraining.co.uk), or email Susan.mcgin@northyorks.gov.uk Thursday 17th February 2022 10:00

### **Free Mental Health support for School Leaders**

A new mental health support scheme has been launched for school leaders, to be delivered by the charity [Education Support](http://EducationSupport.org) until March 2023. The programme will provide one-to-one counselling and peer support to around 2,000 school leaders, helping those at deputy head level and above with their mental wellbeing. Leaders can apply now <https://bit.ly/3n1fHIY>

### **Help for school staff with their Mental and Physical wellbeing**

Please share this updated guidance for staff, signposting resources to support health and wellbeing. The fact sheet can be accessed here : [Help for school staff with their mental and physical wellbeing](#)

### **Health and Wellbeing special edition Newsletter – January 2022**

A separate newsletter dedicated to health and wellbeing has been published by NYES HR with information regarding free webinars to support schools in developing staff wellbeing and is available via this link : [Health and Wellbeing Special Edition newsletter](#)

## NYES HR News

### Employment Legislation and Case Law

In the Employment Tribunal case of Basit vs Education Partnership Trust – Liverpool ET, 2021 – The Employment Judge [EJ] found that school had failed to meet the legal requirement for a **‘thorough and careful’ investigation**. Mr Basit, a Maths teacher, was therefore, unfairly dismissed.

Mr Basit had a clean disciplinary record of 9 years and a self-professed love for his job. The EJ ruled that for a well thought of teacher of good character with a good disciplinary record, dismissal was an “extremely harsh sanction” and not within the band of reasonable responses.

The EJ found that Basit didn’t know about a pupil’s allegations against him, nor was he told how seriously the school was treating it. Pupil statements taken as part of the investigation were described as inconsistent and the Employment Judge criticised the failure to take into account a complaining student’s 300 previous reports of poor behaviour.

The EJ concluded that because of the seriousness of the allegations against Basit and the implications for his career, “the most thorough and careful of investigations was required”.

This case proves a useful reminder on the importance of conducting a fair, thorough and balanced investigation. Schools should always follow their adopted policies to manage conduct, capability and attendance matters. Where necessary, schools and governing bodies can take advantage of NYES HR training offer, covering these types of scenarios including the attendance at and management of Panels and Hearings. See the Training section within this edition of the Newsletter for more information.

### NYES Training dates

Webinar	Dates
Appraisal for support staff	10/02/22 8/03/22
Challenging Conversations	15/02/22 22/03/22
Managing attendance and other HR issues	15/02/22 4/05/22
Governor Panels: Staff hearing and appeals	8/03/22 16/05/22
Managing conflict in the workplace	29/03/22 19/06/22
Getting the employment contract right	10/02/22 10/05/22
Managing performance and capability	10/02/22 10/05/22
<b>*NY schools and academies only</b>	
*Building a strategy for wellbeing	TBC
*Wellbeing champions	31/01/22 03/03/22
<b>Schools who buy into Staff Absence scheme only</b>	
Stress risk assessment and the Talking toolkit	TBC
Building resilience in the workplace	8/02/22 14/02/22 24/02/22 24/03/22

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.mcginin@northyorks.gov.uk](mailto:susan.mcginin@northyorks.gov.uk).