



NYES HR
Annual Update
2023 / 2024 -
Health, Wellbeing
and Cost of
Living Special

Dear colleagues

Welcome to the 2023/24 academic year from your NYES HR team. We are pleased to share with you our fourth Annual Update, with a specific focus this year on Health and Wellbeing. As you will see in our article regarding absence trends, absence from work reportedly costs schools and academies over £1 billion per year - and with school finances under continuing pressure, we know that supporting staff to remain healthy and in work continues to be a high priority for our clients. Our aim in this guide is to assist you in considering how best to support employees in relation to their health and wellbeing, to achieve positive outcomes for all parties. The Annual Update includes articles covering health and wellbeing hot topics, which signpost to other NYES HR guidance documents available through our website.

Throughout the coming academic year we will continue to publish newsletters which include relevant and timely news and information, so please do keep an eye out for these. Your dedicated HR contacts will be happy to discuss any queries you may have relating to the information in this Annual Update or the associated documents. A reminder of our contact details are held within the 'Meet the Team' pages later in the document.

We were delighted to receive 100% positive feedback in response to our 2022/23 survey, which as always, supports the development of our service. Thank you to all of those who participated. A Secondary school in the west of the County were the winners of a free webinar of choice after being selected at random in the prize draw. Please do keep the feedback coming in via your HR contact or NYES.

As a reminder, as a Local Authority traded service, any profit generated by NYES HR is reinvested back into public services. If you would like a more detailed discussion regarding any aspect of the service you receive, please do get in touch with your NYES relationship manager.

I would once again like to take this opportunity to thank you for choosing NYES HR. We are delighted to continue supporting you.

Best wishes,

Penny Yeadon MCIPD

Head of HR



Contents

P2-3	Intro letter from Head of HR / contents
P4-5	Key developments from 2022/2023 and considerations for 2023/2024
P6-7	Sickness and Absence Trends
P8-9	Health and Wellbeing Strategy and DfE Charter
P10-11	Focus on..... Health and Wellbeing Survey
P12-14	Focus on..... Headteacher Support
P15	2023/2024 Training Schedule
P16-17	Focus on..... Cost of Living and Additional Benefits
P18-19	Focus on..... Mental Health
P20-21	Focus on..... COVID-19 / Employment Tribunal Learning
P22-24	Focus on..... Disability
P25-26	NYES HR policies and Annual Audit
P27-28	Meet the NYES HR team!



“Our HR Business Partner continues to offer an outstanding, supportive and reliable service.”

The Dales School

Key developments from 2022/2023

We keep you regularly up to date with news and information relevant to your setting via our newsletters, which can be accessed on our website. Below is a helpful reminder of the key events of the year just gone;

1st September 2022 - online searches recommended for candidates, as outlined in KCSIE 2022 (September 2022 newsletter)

1st October 2022 - temporary, COVID-19 related adjustments to Right to Work checks end (September 2022 newsletter)

1st January 2023 - A new collective agreement was introduced for support staff employed by North Yorkshire Council. Changes from implemented in 2023 included updates to the increment policy, apprentice pay, annual leave, special leave and the payment of maternity pay. (January 2023 newsletter)

February 2023 onwards - NEU Industrial Action

8th June 2023 - The Conditions of Service for School Teachers In England and Wales (The Burgundy Book) updated for the first time in over two decades. The updates included the use of inclusive language, updates to the maternity scheme, and revised terminology & legislative changes. (June 2023 newsletter)

13th July 2023 - The government accepts the School Teachers' Review Body (STRB) recommendation of a 6.5 per cent pay rise for teachers in England from September 2023.

10th August 2023 - law allowing the use of agency staff to cover for those taking industrial action is revoked (September 2023 newsletter)

18th September 2023 - NASUWT action short of strike action commences in some settings (September 2023 newsletter)



Looking ahead to 2023/2024

In July 2023 The Employment Relations (Flexible Working) Bill achieves Royal Assent, meaning workers will have the right to request flexible working from day one of a new job. Measures in the Act and secondary legislation are expected to come into force approximately a year after Royal Assent, to give employers time to prepare for the changes.

The Protection from Redundancy (Pregnancy and Family Leave) Act 2023 came into force in July 2023. The new law will give those who are pregnant or a recent returner from maternity increased protection from redundancy. Whilst the law has been passed, the specific regulations setting out the detail of the protections are awaited.

We will keep you updated in respect of both pieces of legislation, including amending any template policies as required in due course.

There has been some indication that there will be changes to employment law in the coming years. Although not guaranteed, this could include:

- Retained EU Employment Law Reforms becoming law
- The introduction of statutory carers' leave
- The introduction of neonatal leave and pay
- A bill to tackle bullying in the workplace and provide a legal definition of bullying in the workplace
- Reforms to the requirement to produce modern slavery statements
- Reforms to sexual harassment laws
- Amendments to the rules on settlement agreements
- New provisions to give workers the right to request a more predictable and stable contractual working pattern

Keep an eye out for our newsletters throughout the year, in which we will keep you updated on further developments.

“Our Senior HR Adviser in particular is a fantastic source of knowledge and guidance - I really value the fact that she is always extremely approachable, efficient and supportive, especially as I am reasonably new to the role of Headteacher. Nothing is ever too much to ask - thank you!”

Clifton Green Primary School

Sickness Absence Trends

Impact of sickness Absence

Staff absence reportedly costs UK schools and academies over £1bn every year (CiPD Absence Management Survey 2016). Its impacts are felt widely, ranging from reduced staff morale, difficult recruitment, and poor employee retention. Alongside this other employees are having to bear extra workload, which has the potential to lead to overwork, stress, and further sickness absence. The disruption of education, caused by absence of staff in schools, can also affect pupil performance and progress. So not surprisingly it can be one of the biggest causes of overspend in the education sector.

The Office of National statistics ([Home - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk)) reports that public sector workers are 24 per cent more likely to take time off due to sickness than their private sector counterparts.

Absence Data/Trends

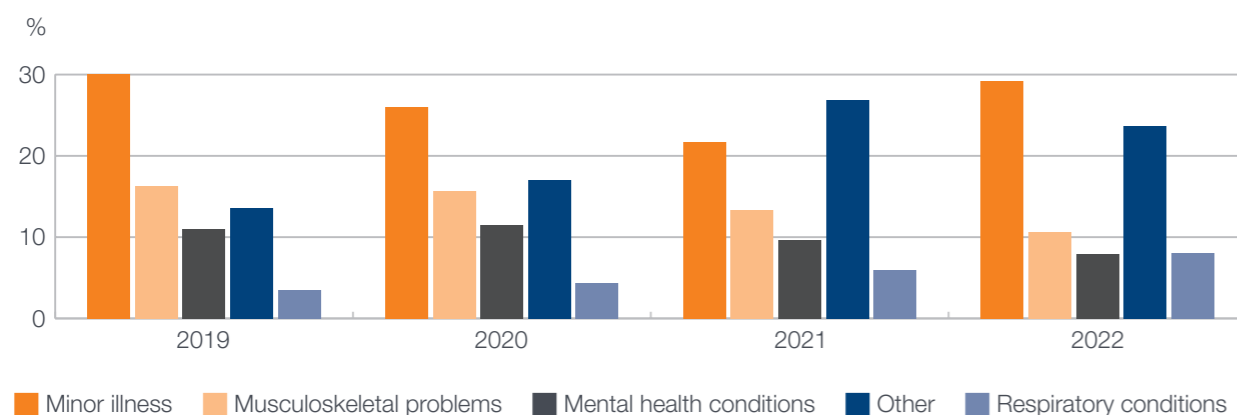
The national sickness absence rate (the percentage of working hours lost because of sickness or injury) increased to 2.6% in 2022, an increase of 0.4 percentage points from 2021 and up 0.7 percentage points from its pre-pandemic 2019 level. It is now at its highest point since 2004, when it was 2.7%.

The most common reason for sickness absence was minor illnesses, accounting for 29.3% of occurrences.

As you will see from the graph below respiratory conditions became more prevalent during 2022. COVID-19 has clearly impacted on these figures, with respiratory illness accounting for more than twice the proportion of absences than before the pandemic. However, post-pandemic, with COVID-19 absence cases decreasing, school staff absences are still high.

Figure 3: “Respiratory conditions” has overtaken “mental health conditions” to become the fourth most common reason for sickness absence in 2022.

Percentage of occurrences of sickness absence, by top five reasons in 2022, UK, 2019 to 2022



Source: Labour Force Survey from the Office of National Statistics

Sickness absence rates for public sector workers have been higher than those in the private sector for every year on record. The LGA reported that public sector absence was at 4.3% in 2021/22, which is approximately 8.7 days per FTE.

Education Sector Absence

In a recent TES [article](#), it was reported that “staff-related absences are being caused more by stress than COVID-19”. Working in a fast-paced and pressured environment, such as in the education sector where increased workloads, reduced budgets, supporting pupils with challenging and complex needs, recruitment and retention challenges and the inspection regime, will undoubtedly impact on the health and wellbeing of staff if they are not supported effectively. A 2021 survey of over 3,000 education staff found that 77% of teachers experience symptoms of poor mental health due to their workload ([Reducing teacher stress: how technology can help find a balance between wellbeing & workload \(schoolsweek.co.uk\)](#)).

Teacher Absence

Outlined in the School Workforce Census in the 2021/22 academic year, 67.5% of teachers took sickness absence, with an average of 9.3 days of sickness absence per year for each of these teachers. These figures relate to sickness absence only and do not include non-attendance due to, for example, isolation and shielding due to COVID-19, or for other reasons such as special leave.

Work Related Accidents & Staff Pay

In situations where absences have resulted from accidents, injury or assault at work, there are some factors to consider in relation to staff pay and how it is processed through your payroll provider. These are detailed in the terms and conditions under which a staff member will fall, for Teaching and Non-Teaching staff. The respective terms and conditions documents can be located on the CYPs.Info site, via the following links: Teaching (Burgundy Book) - [Here](#) (page 10), Non-Teaching (Green Book) - [Here](#) (page 16)

These will need to be considered at the time of informing your payroll provider about this type of absence, for it to be recorded and paid in the appropriate way. For clarification on the process, please contact your NYES HR contact or payroll provider for further guidance.

Resources;

There are resources on our website to support the effective recording of absence data. These include;

- [NYES Health and Safety - guidance on reporting and investigating accidents and near misses](#)
- NYES ESS reasons for absence (codes for clients who use NYES ESS for Payroll)

[Link 1 - NYC Maintained clients](#)

[Link 2 - clients in Teesside and Middlesbrough](#)

[Link 3 - all other clients](#)

Health and Wellbeing Strategy and DfE Charter

Staff health and wellbeing is a vitally important aspect of a whole school approach to wellbeing for all. As school staff manage a multitude of different tasks and demands, it is important that everyone is given the right emotional and practical support so that they can, in turn, support their pupils and colleagues.

In addition to having a positive impact on colleagues and children, positive staff wellbeing can improve performance and job satisfaction, which can lead to reduced staff turnover. It can also help reduce absence (both short and long term), increase productivity, and promote staff engagement.

Education staff wellbeing Charter

Staff and student wellbeing continue to be at the forefront of education policy, and in September 2021, the DfE launched the Education Staff Wellbeing Charter [Education staff wellbeing charter - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/education-staff-wellbeing-charter).

What is the Education Staff Wellbeing Charter?

The Charter is a long-term collaborative approach, which sets out commitments from government and educators on actions they will take to improve wellbeing of staff in schools. It aims to promote debate and accountability; the DfE commits to evaluate the impact of the charter on organisations that sign up.

The Charter includes a set of wellbeing commitments, which schools and employers can sign up to voluntarily, placing wellbeing and positive mental health at the heart of decision-making, and supporting staff to make positive choices for their own wellbeing. An effective wellbeing strategy is a holistic planned approach

that engages everyone in the process of identifying the key issues and implementing actions that will make a difference.



The Education Staff Wellbeing Charter



The Education Staff Wellbeing Charter encourages you to commit to developing a long-term strategy for improving staff wellbeing that will:

- Prioritise staff mental health
 - Give staff the support they need to take responsibility for their own and others' wellbeing
 - Give leaders access to the tools and resources they need to support the wellbeing of those they line manage
 - Establish a clear communication policy
 - Give staff a voice in decision making
 - Drive down unnecessary workload
 - Champion flexible working and diversity
 - Create a good behaviour culture
 - Support staff to progress in their careers
 - Protect the wellbeing and mental health of school leaders
 - Improve accountability, including by measuring staff wellbeing
- For more information: [Department for Education - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/education-staff-wellbeing-charter)

How can you champion wellbeing within your school?

1. Review and Inform

Reviewing what you already have in place is a great place to start - this will help you highlight exactly where any improvements can be made - big or small. Then, it's important to ensure your staff are aware of the support available to them such as any employee assistance programme or staff benefit scheme. Provide information on the staff notice board, discuss in weekly meetings, or consider a termly newsletter to ensure your team know the support is there should they need it.

2. Ask Your Team

It is important, and extremely valuable, to ask staff questions regarding their priorities around health and wellbeing and what information would be useful to them. That way, you will be concentrating your efforts on areas your staff value. A staff survey is a great way of doing this, for example the NYES HR Health and Wellbeing Survey (see page 10 and 11).

3. Update Your Strategy

Once you have identified some areas for improvement it's time to look at how you can update your strategy.

You can access a wide range of resources and training to support your school in developing and promoting your wellbeing strategy.

NYES HR offer a template Workplace Health and Wellbeing Strategy to support you in developing and promoting your wellbeing strategy which aligns with the commitments detailed in the Charter, and can make a significant contribution to improving the health and wellbeing of staff and students.

- [Strategy](#)

4. Appoint Wellbeing Champions

Invite staff across your teams to become Wellbeing Champions, bringing the wellbeing strategy to life, listening to what matters, generating interest and involvement in the activities and campaigns, and signposting to resources. You may also wish to train your champions to become Mental Health First Aiders.

FROM INSIGHTS TO IMPACT:

THE NYES HR HEALTH AND WELLBEING SURVEY

Prioritise Wellbeing, Elevate Success

In the education sector, nurturing the mental and emotional health of your employees is paramount. Understanding the factors driving wellbeing among your staff is a key step towards a thriving educational community. Let the **NYES HR Health and Wellbeing Survey** help you identify organisational issues that are impacting on health and wellbeing.



Aligned with Excellence

Crafted by the award-winning NYES HR team and developed with input from teaching unions, our survey is designed in alignment with the DfE Staff Wellbeing Charter. It focuses on five crucial drivers: Health, Security, Environment, Relationships, and Purpose



Bespoke Insights for Your Setting

Receive a personalised report tailored to your setting, including NYES HR's in-depth analysis of survey results. It's not just data; it's actionable insights. Moreover, we provide recommendations and signposting for follow-up.



A Comprehensive Evaluation

Explore your employees' perspectives on their roles, relationships, and workloads. Harness survey results to identify the resources and support that your staff truly need.



Customise Your Survey Experience

We offer a range of Health and Wellbeing Survey packages with optional add-ons to suit the unique needs of your educational setting.

THE NYES HR HEALTH AND WELLBEING SURVEY

Package Selection



Standard Package

- Easy to use survey for your staff to access via online link together with marketing content for school setting to promote the survey
- NYES HR analysis of anonymised results provided in a highly usable report
- Report provides recommendations and signposting for school follow up

Additional add-on for standard package

- 1 hour phone call with HRBP to discuss recommendations and next steps
- H&W toolkit access



Premium Package

Includes standard package plus:

- Two follow up pulse surveys to support continuous progress, development and to influence positive change
- 1 hr phone call with HRBP to discuss recommendations and next steps after initial full survey
- H&W toolkit access
- 30 min phone call with HRBP to discuss report after each pulse survey



Select Package

A bespoke service

- Create a bespoke survey to deep dive where there are organisational wellbeing concerns
- Provide training and consultancy to deliver the solutions you need in your organisation

Headteacher Support

The role of Headteacher comes with an array of challenges which must be managed effectively, and for some, the role can be isolating. As Headteacher you will also have an enormous amount and breadth of responsibility. It often takes time to develop the skills to deal with problems and issues which arise, and to develop resilience. Many Headteachers also find it difficult to create balance between their home and work life due to the nature of the job.

The National Association of Head Teachers (NAHT) sourced information through a freedom of information request which showed that over a quarter of primary leaders, and more than a third of secondary school leaders, left their posts within five years of appointment. The number of school leaders under the age of 50 leaving their leadership role within 5 years of being appointed has also gone up compared to data produced in 2018.

This presents a concerning trend. With this in mind, and in considering your own health and wellbeing as Headteacher, we wanted to signpost various ways in which you can find and access support.

Whilst recognising that you will have various routes of support available for day to day operational matters through your professional partners such as HR, finance, Health and Safety, LADO, school improvement, governance, we have included below some options for you personally in your role.

Your Employer

Whether employed in an Academy Trust or a maintained school, the Trust and / or Governing Body have a statutory duty to maintain an overview of headteacher well-being to ensure an appropriate work-life balance. Where a headteacher feels that their health and wellbeing could be compromised, they should discuss this with the Trust and / or Chair of Governors. Some Governing Bodies identify a Governor to act as a 'buddy' to provide informal support for the Head, and within Trusts, various arrangements exist to provide informal support.

Coaching

Coaching provides you with confidential space to reflect and explore key issues that are important to you, and to consider the opportunities and barriers to making progress. Through discussion and supportive challenge, working one-to-one with a coach, you will develop fresh insight to support decision making and planning the way forward.

We can facilitate on-line coaching by accredited coaches from the North Yorkshire Council coaching network at a time to suit you.

To find out more, or book up to 6 coaching sessions (90 minutes per meeting) please request a quote through NYES.

NYES Health and Wellbeing

Where Health Assured Employee Assistance Programme is purchased by the school through their NYES Health and Wellbeing Package, Headteachers and managers can access various services, subject to clinical assessment (where relevant) and agreement on costs. These include short-term counselling and executive coaching.

For those who don't buy in to NYES Health and Wellbeing, similar arrangements may be available through your own Health and Wellbeing provider.

Union Membership

Additional support can be obtained through your Trade Union. Different Unions offer specific packages of support, but these can include counselling and other therapies, support for specific workplace issues, legal advice, codes of practice / practical guides, information on work-life balance and flexible working.

NYES HR Training

There are a number of live webinar and on demand NYES HR training sessions which can be accessed through the NYES Website to help Headteachers develop essential management skills. These are detailed within this annual update.

NYES Training

NYES training have a wide range of training courses and bespoke sessions available and can offer opportunities to develop Headteachers skills and knowledge. More detail can be found at [NYES Training](#).

Buddy System

Headteachers may want to consider the benefits of organising a Buddy System with other Heads, as this can provide essential support, and an impartial source of advice. Although this is an arrangement which would need to be organised on an individual basis, the benefits of support from a colleague cannot be underestimated.

Mentoring

Mentoring can be accessed to link headteachers with a more experienced colleague who uses his or her knowledge and understanding of the work or workplace to provide support, guidance and development opportunities. Arrangements will vary depending on your setting, but this may be facilitated through a LA School Improvement service, through Alliances, or through your Trust.



Network Meetings

Many Headteachers benefit from participating in network meetings, whether this is within a geographical 'patch', through the Local Authority or the Academy Trust. Such meetings, in a similar vein to a Buddy system, can provide invaluable support and an opportunity to reflect and share learning with colleagues experiencing similar challenges.

Charitable Organisations

When supporting employees and pupils with challenging times, it is vital to also prioritise your own health and wellbeing. Various charities offer support free of charge to individuals facing challenging times, such as the Samaritans (<https://www.samaritans.org/>), Mind (<https://www.mind.org.uk/>), and many others.

One charity that offers support specifically relating to Headteachers, is Headrest (<https://www.headrestuk.co.uk/>). The charity was established in 2020 to provide a safe, sympathetic and confidential listening ear, and provides their service free of charge.

School Leaders are able to apply for fully funded professional supervision through Education Support. See the website for further information [Wellbeing support for school and FE leaders \(educationsupport.org.uk\)](https://www.educationsupport.org.uk)

NYES HR Training

Many school staff have found attending virtual training to be convenient and easy to fit into their working day. Our programme of webinars frequently includes:

Successful Appraisal

Engage staff so they are prepared to discuss their performance and progress against targets. Understand the statutory requirements and review good practice.

Staff Hearing and Appeals: Governor Panels

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.

Managing Performance and Capability - Refreshed for 23/24

Review the principles and policies that support good performance and promote a culture of challenge, support and continuous improvement. Utilising the Developing Performance and Capability Policy understand the roles, responsibilities, and process to deliver a fair and robust approach to managing under performance.

HR Toolkit For Senior Leaders

This webinar provides practical guidance to equip senior leaders with the knowledge to effectively manage contractual arrangements. Understand the rights and obligations under the contract of employment, including how to vary or end contractual arrangements.

Managing Attendance and Related HR Issues

The course will guide you to manage staff absence in a timely and effective way. We

will also address a range of frequently asked questions to support you in the day-to-day management of staff.

All courses are delivered via Teams and can be booked through NYES.

These courses are available to book through nyes.info/Training

Upcoming Training	Dates
Successful Appraisal	Coming soon
	Coming soon
Governor Panels: Staff Hearing and Appeals (Evening)	20/11/23
	04/03/23
Managing Performance & Capability	Coming soon
	06/03/24
HR Toolkit for Senior Leaders	Coming soon
	17/01/24
Managing Attendance and Related HR Issues	Coming soon
	25/01/24

If these dates aren't suitable, the following courses are also available as a pre-recorded session to access on demand at your convenience;

- Single central record guidance
- Successful appraisal in schools
- Governor panel training
- Building resilience in the workplace
- Managing Stress in Schools

Session for Staff Absence Scheme customers only

Upcoming Training	Dates
'Managing Stress in Schools	22/11/23

Book your place by visiting www.nyes.info/training

Focus on...

Cost of Living and additional benefits

In this section we look at additional support that is available for clients to access to support their employees in managing their finances and making disposable income go further. North Yorkshire maintained schools

have access to Employee Benefits, which is also available as a benefits framework for Trusts to buy into should they so wish. If you wish to discuss this option further, please contact payandreward@northyorks.gov.uk

Employee Benefits Partners with North Yorkshire Council

Vivup Discount and Lifestyle Savings

- **Gym discounts**
- **Supermarkets** - save 4-7% on gift cards for major supermarkets
- **Discounts on days out** - up to 56% off theme park tickets

Salary Sacrifice Schemes hosted on the Vivup Platform

- **Green Car Benefit** (through Tusker) - no deposit required, monthly payments include insurance, tyres, maintenance and breakdown cover. (maintained school teachers unable to access due to national T&Cs)
- **Cycle to Work Scheme** (through Vivup) - over 1000s partners, save up to 42%
- **Home Technology Scheme** (through lets connect) - affordable way to access the latest technology from the biggest named brands. Access through scheme windows throughout the year. (maintained school teachers unable to access due to national T&Cs)
- **Financial Wellbeing** (through salary finance) - affordable loans available, savings support and money education

- **Health Cash Plan** (through vivup)- claim back costs on categories including dental and optical and benefits for hospital in-patient stays and maternity/paternity

All of these schemes are available to buy into as part of the Everybody Benefits Framework offer for Trusts.

northyorks: Welcome (vivup.co.uk)

Employee Assistance Programme (EAP)

Where employers buy into an EAP (such as Health Assured), this provides employees with free access to a range of support provided by a third party. As an example, Health Assured provide access for both employees and their immediate family members to various resources in addition to health specific services, such as financial, legal and debt management advice. Confidential counselling telephone service is also available through the Health Assured EAP.

Leisure Centre discounts for NYC staff

Employees of NYC (including those in maintained schools in the county) can now benefit from discounted membership of leisure centres accross the County. For further information please visit the website [here](#).

Other resources:

Residents of North Yorkshire are able to access various support mechanisms in relation to cost of living ([Cost of living support | North Yorkshire Council](#)). Other councils and local authorities may well have similar services for residents within their boundaries.

Eye Care vouchers

Did you know that employees could be entitled to a free eye test and glasses?

The Health and Safety (Display Screen Equipment) Regulations 1992 as amended by the Health and Safety (Miscellaneous Amendments) Regulations 2002, requires an employer to provide a user with an appropriate eyesight test and spectacles (if necessary).

A "User" is defined in the regulations as "an employee who habitually uses display screen equipment as a significant part of their normal work".

Within the school environment staff working regularly with computers could fall into this definition, such as administrators.

For further details regarding the legislation, please contact NYES HR. the NYC eyecare scheme (applicable for NYC maintained schools) can be accessed [here](#).

Other discount providers for school based staff

www.discountsforteachers.co.uk

www.teacherperks.co.uk

Expectant Parents

Expectant mothers with 1 year or more of continuous service at week 25 of their pregnancy (or equivalent in relation to adoption) will be entitled to occupational maternity pay (OMP). For North Yorkshire employees, a recent update to the NYC collective agreement enables this benefit to be spread over the weeks of maternity leave rather than being paid in weeks 7-18. Some parents may find this makes it easier to manage their finances.



Mental Health

Over recent years, there has been a notable increase in the number of employees in the Education Sector feeling negative pressure on their mental health due to work related factors. In 2022 the charity Education Support, in conjunction with YouGov, completed a 2022 Teacher Wellbeing Index surveying 3,082 education professionals which found:

- 75% of staff were feeling stressed as a result of work
- 47% of staff always felt unwell when attending work
- 78% of staff had experienced some form of mental ill health symptoms as a result of work during their time in the education sector

(Education Support, 2022)

Poor mental health in staff will undoubtedly have wide ranging impact, including on employees work and workplace. It is vital that employers put in place measures to create a positive culture where staff members feel comfortable talking openly about their mental health, before any issues build and result in adverse impact on the individual, their attendance or performance, or the provision of education.

ACAS have created a [framework for positive mental health at work](#) as a tool to help highlight how the employer, managers and

the employee can work in conjunction to improve mental health pressures in the workplace. This framework is designed as a printable resource that can be displayed in your school where it will have the most impact, to remind not only school leaders, but employees of their responsibilities when it comes to managing mental health at work.

The framework is broken down into 3 sections:

The Employers: Which highlights the bigger picture side of mental health, advising employers what steps should be taken workforce wise to ensure the workplace is a positive place to work.

The Managers: Which provides advise on supporting at a more local level, the steps that should be taken by direct management to create a safe and stable work environment.

The Individual: Which helps place an element of responsibility back onto the individual, drawing attention to the expectation of protecting your own mental health at work and taking the required steps to do this.

By choosing to display and promote the ACAS framework, you'll be drawing attention to the fact that the employer, the managers, and the individual all share the same goal when it comes to mental health - a positive wellbeing for all staff and a productive workplace.

NYES HR have a range of tools and resources to help managers support employees in maintaining positive mental

health, and to support employees to take actions which are appropriate for them during periods of mental ill health.

School leaders should nurture a culture where mental health is taken seriously, and any stigmas associated with it are removed. An individual will find it easier to discuss their mental health more openly if they are reassured that they are not going to be viewed as a 'failure' or 'weak'.

Try and ensure that you know your staff well enough to be able to identify when their behaviour is out of character. Not everyone who experiences mental ill health will exhibit obvious symptoms, but if they do, they may include:

- changes in usual behaviour, mood or how they interact with colleagues
- changes in the standard of their work or focus on tasks
- appearing tired, anxious or withdrawn and reduced interest in tasks they previously enjoyed
- changes in appetite and/or increase in smoking and drinking

- increase in sickness absence and/or turning up late to work.

Remember that mental ill health manifests itself differently with each individual and at different times; therefore, it is important to listen and try to understand the individuals' personal circumstance and challenges.

Practical resources available;

- Top tips - supporting staff to maintain good mental health and manage stress

[Link 1 - NYC Maintained clients](#)

[Link 2 - clients in Teesside and Middlesbrough](#)

[Link 3 - all other clients](#)

- Stress Risk Assessment

[Link 1 - NYC Maintained clients](#)

[Link 2 - clients in Teesside and Middlesbrough](#)

[Link 3](#)

- Stress Risk Assessment Case Study

[Link 1 - NYC Maintained clients](#)

[Link 2 - clients in Teesside and Middlesbrough](#)

[Link 3 - all other clients](#)



Focus on...

COVID-19 / Employment Tribunal Learning

Since the beginning of the COVID-19 pandemic, a lot has changed in relation to the guidance for employers and staff. Our NYES HR Infectious Diseases guidance has been refreshed to ensure it remains up to date and relevant, taking into account national and North Yorkshire public health advice and guidance.

Employment Tribunal

This year (2023), something of a test case went before the Employment Tribunal - it was the first claim in our region concerning an individual suffering from Long COVID-19. In this instance, a panel hearing had dismissed the employee (with notice) as a result of capability due to illness, after 8 months of continuous absence. An appeal panel agreed with that decision and did not uphold the employee's grounds of appeal.

The ex-employee raised a tribunal claim on the grounds of unfair dismissal, along with disability, age and sex discrimination (the premise Long COVID-19 is a disability that disproportionately affects older women).

The claims were dismissed in full at the ET in early 2023. The outcome, which found in favour of the employer, depended on some key influencing factors in the way the case had been managed and presented. These are detailed below as a useful guide as to the steps an employment tribunal may deem reasonable in an attendance management process, and in this case they led the Judge to conclude that the employer had acted reasonably and

objectively in justifying the decision to dismiss.

- **Ensure the 'process' was not unduly rushed.** Whichever policy is being observed (in this case Absence Management), ensure that all the procedural steps are carefully observed. Hold all of the necessary review meetings, and make sure they are properly documented by a competent notetaker. Show that interventions such as occupational health referrals have been made, and include the reports in the information. In this case, a recent Occupational Health report was provided that the hearing panel were able to accept as current/up-to-date.
- **Present a full 'bundle' of papers to the hearing and appeal panels (and therefore also to the ET).** Ensure that the documents that will be relied on in the hearings are clear, systematically ordered, include all relevant evidence and are easily referenced. This might include, for example, copies of all the fit notes carefully set out in sequence, minutes of meetings/interviews, witness statements, letters, emails and adopted policies.
- **The outcome letters from both hearing and appeal panels.** The conclusions from both panels' deliberations in this case were considered to have been 'carefully and fully reasoned and set out'. This allowed the ET to be satisfied that 'every relevant factor was taken into account'. These included those factors that might

be weighed *against* the reason to dismiss but demonstrated that a balanced decision was taken. There are differing views about the amount of detail to go into the outcome letters, but as a general rule for those creating such letters, more justification for the decision is better!

- **Supporting evidence.** In this case, the employee had claimed they contracted COVID-19 at school. The ET accepted this was a possibility but ruled that the school could not be held responsible. This was because evidence was presented of how the school were obliged to remain open as directed (by DfE) and that appropriate guidance was abided by including carrying out full risk assessments, and measures to facilitate ventilation in the school had been followed. So try to anticipate the challenges and address them accordingly.
- **Ensure other avenues/adjustments have been explored.** The judge noted the 'sufficient enquiry from HR' as to whether ill health retirement might be a possibility. Also, that exploration of other workplace adjustments had been reasonably considered, and if rejected, the reasons fully explained.
- **Burden on the school.** The Respondent in this case had set out both the financial implications of the individual's absence, and the strain it was having on colleagues being called on to cover. It was interesting that financial loss in isolation might not have held much sway with the ET - they would still view an individual school as part of the LA (or MAT) which is big enough to absorb the cost. The toll it was having on co-workers was the more compelling argument.

Overall, panels need to show they have acted within the 'range of reasonable responses', and it was objectively proportionate to arrive at the decided outcome. Even if that outcome is that continued employment was no longer deemed sustainable, it can still be viewed as reasonable to reach that point where a thorough, fair and compliant process has been adhered to. As outlined above, it is vital to follow and observe your own adopted policy.

Resources available;

- NYES HR Infectious Diseases Guidance and FAQ
[Link 1 - NYC Maintained clients](#)
[Link 2 - clients in Teesside and Middlesbrough](#)
[Link 3 - all other clients](#)
- NYES HR Top Tips - Long COVID-19
[Link 1 - NYC Maintained clients](#)
[Link 2 - clients in Teesside and Middlesbrough](#)
[Link 3 - all other clients](#)

Focus on...

Disability

In March 2023 the Government published “Transforming Support: The Health and Disability White Paper”, which aims to ensure that everyone has the same opportunity for a fulfilling working life regardless of whether they have a disability or health condition. It’s important to understand what support is available for disabled employees (and those with long term health conditions), and how that support can be accessed for both the benefit of the employee and the employer.

A disability, as defined by the Equality Act (2010), is a physical or mental impairment that has a ‘substantial’ and ‘long term’ negative effect on an individual’s ability to do normal day to day activities. Employers are legally required to make reasonable adjustments to prevent employees who have a disability from being put at a disadvantage compared to non-disabled employees in the workplace. It is estimated that 24% of the total population in the UK have a disability ([House of Commons Library](#)).

It is vital that employers carefully and pro-actively consider the support they can offer throughout the whole employment life cycle; from the point you advertise the role, shortlisting and interviewing, through the induction process and then during their employment. One way to do this would be to familiarise yourself with the support, guidance and resources available through [Access to Work](#). Access to Work is a government funded initiative that can help employees with physical, mental health condition or disabilities to obtain work and

stay in it. The government, through the White Paper, set out their plans to “pilot a new Access to Work enhanced package for people who need more support than the existing scheme can provide”. To obtain funding and support, employees apply to the scheme themselves as opposed to this being employer led, however it would be helpful if employers could sign post people to the Access to Work website where appropriate [Access to Work: get support if you have a disability or health condition: What Access to Work is - GOV.UK \(www.gov.uk\)](#).

A positive step in approaching conversations around reasonable adjustments, and one often recommended by Occupational Health providers, is to introduce a Workability Passport (or Health Adjustment Passport as it’s sometimes known). This provides a mechanism for open and solution focussed conversations around reasonable adjustments, and also supports disabled employees when they may move roles or have a new manager allocated, by removing the need for employees to repeatedly explain conditions, or barriers, and gives employers a start on what adjustments might be possible which reduces duplication of work. There are also plans for a new service from the government which is currently being live tested, which will allow employers to apply for funding in the workplace to support disabled people and people with long-term health conditions. If this passes the testing phase and is rolled out nationally we will update you about what this means for employers as soon as we hear.

The nature of adjustments can vary greatly for each individual and their specific medical condition/s. Sometimes small changes can make a big difference to someone’s ability to obtain work and stay in work long term. As an education provider, you will understand the importance of creating an inclusive school environment not just for the employee, but also for the children, parents and the community that surrounds the school.

NYES HR have a wide range of resources to support your consideration of how best to support employees who have a disability, and your discussions with employees, including;

- [Tops tips documents on Reasonable Adjustments and other specific health conditions](#)

[Link 1 - NYC Maintained clients](#)

[Link 2 - clients in Teesside and Middlesbrough](#)

[Link 3 - all other clients](#)

- [Template Workability Passport](#)

[Link 1 - NYC Maintained clients](#)

[Link 2 - clients in Teesside and Middlesbrough](#)

[Link 3 - all other clients](#)

- [Template Attendance Management Policy and Guidance](#)

[Link 1 - NYC Maintained clients](#)

[Link 2 - clients in Teesside and Middlesbrough](#)

[Link 3 - all other clients](#)

Example Case Study - Access to work

One of your employees, a Teacher, is diagnosed with a degenerative visual impairment. Through meetings to discuss their diagnosis and provide support, you identify barriers which prevent them from having an



- [Template reasonable adjustments log](#)

[Link 1 - NYC Maintained clients](#)

[Link 2 - clients in Teesside and Middlesbrough](#)

[Link 3 - all other clients](#)

- [Case Study - reasonable adjustments, Fibromyalgia](#)

[Link 1 - NYC Maintained clients](#)

[Link 2 - clients in Teesside and Middlesbrough](#)

[Link 3 - all other clients](#)

Advice regarding reasonable adjustments will also be available from your Occupational Health provider.

reasonable adjustment, and in taking advice from your Occupational Health provider, you identify a classroom from which they can work at as a permanent base, reducing the need to navigate through the site throughout the day. Through a risk assessment and in discussion with Estates, you also put in place appropriate lighting and layout of the classroom to reduce risk and support the Teacher. The impact of the change means that some other teachers have to navigate the site more frequently (i.e. have more different classrooms), however, you understand, having taken HR advice and read the school Policy, that it is vital to support disabled employees by making such adjustments so they can work without barriers that colleagues who are not disabled do not face.

Unfortunately, after 3 years, the Teacher's condition has deteriorated, and their vision is further impaired. It is becoming increasingly challenging for them to navigate the site safely, such as to access the canteen, main hall and toilets, and reading the pupils work in class is becoming much more difficult. During a meeting with the Teacher, you agree that advice would be sought from Access to Work. The Teacher self-refers, and Access to Work attend to undertake an assessment.

The Access to Work assessment provides invaluable support and advice. As well as making some practical recommendations around physical supplies, equipment and IT packages, they are able to recommend, and fund (75% of the costs of), a pair of glasses which the teacher can use to view text and which read the content out loud for the teacher, and in addition, they provide the individual with funding for a support worker, who will support them throughout the day in navigating the site, reading work, and to remove any other barriers

faced. The Teacher wants to keep working, and these adjustments will enable them to do so safely and effectively whilst their vision is at the current level of impairment, and to some level of reduction. However, the Teacher is clear that it will continue to degenerate, and as they are fatigued more often, they also request a reduction in hours which you agree to. Given the likelihood that ill health retirement will be explored in the future, in the event of further degeneration, you support the Teacher to complete a [TPS Step Down](#).

Regular reviews of the reasonable adjustments are held to review the efficacy and impact for the individual and the school. These open and transparent discussions help both parties and, with the reasonable adjustments provided, the Teacher is able to continue to work effectively in the school for a further 7 years. Towards the end of their time with the school there is a further deterioration in the individuals' sight, and they become significantly fatigued leading to a short period of sickness absence. A meeting is held at the point the absence commences, and the individual states they wish to apply for ill health retirement, which the school supports, and which is accepted by the TPS.

Without adjustments, the Teacher's employment (and career) would have been in jeopardy 10 years prior as it was unsafe for them to undertake their role, and they would not have been able to do so effectively due to the barriers faced. In putting in place an appropriate package of support and adjustments, and keeping this under discussion and review, the Teacher had 10 further years of effective service. At the end of their employment, they were able to leave on their own terms and to finish their career with dignity.

“A very well-run course with informative discussions”

Headteacher

Consultation and Adoption HR policies

In our newsletter we often refer to consultation and the adoption of new or revised HR policies. We have put together a brief guide to help schools and Trusts understand the requirements and their obligations under these processes.

Consultation and Negotiation

Where Trade Unions are recognised by the employer, it is a requirement to undertake consultation with these Unions when changes to policy are being proposed. Consultation is not negotiation, but it should be meaningful and undertaken with a view to reaching agreement. Where proposed changes relate to terms and conditions of employment, employers are required to negotiate with recognised Trade Unions to reach agreement in respect of proposed changes, through a process called collective bargaining. Any new collective agreement reached becomes part of the contractual terms and conditions for the employees affected.

NYC Maintained Schools

Under the NYC central trade union facilities arrangements, NYES HR consult on new and revised HR policies at LA level. NY maintained schools are part of this arrangement and therefore they do not then need to undertake an additional period of consultation with staff and unions at school level prior to adoption. The exception to this would be if the school wished to depart from the template NYES HR policy, although this is not advised.

Voluntary Aided Schools

NYC VA Schools typically follow the NYC policies and collective agreements, and do not need their own collective agreement or to consult locally on policies. The exception would be if the school wished to depart from the template NYES HR policy, or wished to deviate from the NYC collective agreement.

Trusts

Trusts will need to ensure they have mechanisms in place for policy consultation, and collective bargaining, with recognised Trade Unions. Where a Trust pays into the TUSfS, and their schools sit entirely within the NY boundary, and they wish to adopt the NYES HR template policies (which have been consulted on with NYC recognised Unions), they can do so without further consultation. It is important to note that any NYC collective agreements apply to NYC staff only, and even where Trusts wish to implement amended terms and conditions consistent with NYC, they would still be required to undertake their own collective bargaining process with recognised Trade Unions.

Trusts who wish to adopt and implement their own policies, or have deviated from a template that has already been consulted upon, will need to establish their own mechanism for consultation and negotiation with Unions, which would typically take the form of a Joint Consultative and Negotiating Committee (JCNC). Further advice is available from NYES HR if you are considering establishing a JCNC.

It is important to note that for cross boundary Trusts, consultation and negotiation may be necessary with representatives from different branches of recognised Trade Unions.

Maintained Schools in other LA areas

Maintained schools in other LA boundaries will need to familiarise themselves with the local facilities arrangements within their LA to determine the policy consultation and collective bargaining arrangements in place.

Adoption

Once consultation has taken place in respect of new or amended HR policies, the employer will need to formally adopt the policy or new arrangement. How this happens will depend on the delegation arrangements in place and the nature of the policy or arrangement under consideration.

The DfE issues guidance regarding which policies are required (from a DfE perspective), and the requirements around adoption, both for maintained schools and academies. Our NYES HR Policy Schedule, detailed below and updated regularly, includes this information. [\(Link\)](#). Please note - where a policy is required for Academies, this is noted with an individual entry on the schedule as an academy specific policy. Where there is no related academy policy shown on the schedule (alongside the maintained version), this is not a requirement for Trusts, but our maintained version provides a template which you may wish to refer to for consideration.

Adoption arrangements within Trusts will be determined by their individual governance arrangements and schemes of delegation. It is anticipated that Academy Trusts will choose to adopt the majority of HR policies at a trust level to ensure consistent treatment of staff across their whole organisation.

It is important to ensure that revised HR policies are communicated to employees at the point of being adopted, and that these are available for future reference.

Annual Audit

NYES HR suggests that the full Governing Board / Body / Board of Trustees should confirm at the beginning of the academic year which governors have responsibility and are on any HR committees.

Education settings must have adequate structures in place to carry out their functions and to ensure transparent decision making in line with their obligations. Governing Bodies in Maintained Schools must ensure compliance with;

- The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013
- School Staffing (England) Regulations 2009
- The Education (School Teachers' Appraisal) (England) Regulations 2012

All governing bodies should have regard to the latest version of The Governance Handbook. Trusts and Academies must comply with the latest version of the [Academies Trust Handbook \(2023\)](#).

We have provided an audit tool to support clients in undertaking a brief health check regarding HR matters within the Trust/school. Specifically, this will assist you in considering whether your processes and arrangements are robust in relation to governance of HR matters, including; contractual arrangements, HR policies, managing staff, workforce planning and health and wellbeing.

You can access the audit here;

- [Link 1 - NYC Maintained clients](#)
- [Link 2 - clients in Teesside and Middlesbrough](#)
- [Link 3 - all other clients](#)

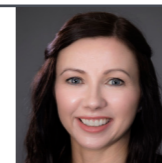
Meet the NYHR Team

Please note our new email address for general queries - NYES.HR@northyorks.gov.uk
Individual team member email addresses are as shown below.

Lead Contacts

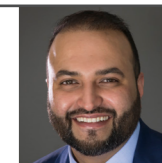
Mairi Reed

Principal HR Adviser
Mairi.Reed@northyorks.gov.uk



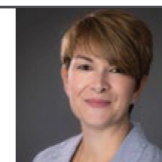
Harry Rashid

Head of HR (Commercial)
Haroon.Rashid@northyorks.gov.uk



Julie Boucher

Principal HR Adviser
Julie.Boucher1@northyorks.gov.uk



Penny Yeadon

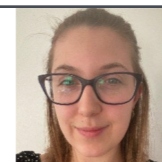
Head of HR - CYPS
Penny.Yeadon@northyorks.gov.uk



HR Advisory Service

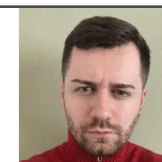
Rachel Hall

HR Adviser (Advisory)
Rachel.Hall@northyorks.gov.uk



Joshua Lucas

HR Adviser (Advisory)
Joshua.Lucas@northyorks.gov.uk



James Wand

HR Adviser (Advisory)
James.Wand@northyorks.gov.uk



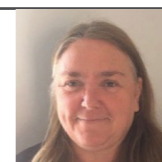
Liam Phillips

HR Adviser (Advisory)
Liam.Phillips@northyorks.gov.uk



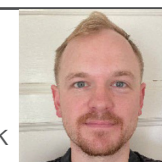
Debbie Bakewell

HR Adviser (Advisory)
Debbie.Bakewell@northyorks.gov.uk



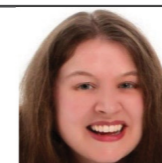
Jonathan Trowsdale

HR Adviser (Advisory)
Jonathan.Trowsdale@northyorks.gov.uk



Laura Hird

HR Adviser (Advisory)
Laura.Hird@northyorks.gov.uk



HR Case Workers

Katie Peacock

HR Adviser (Casework)

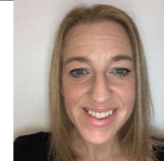
KatieEllen.Peacock@northyorks.gov.uk



Tracy Graham

Senior HR Adviser (Casework)

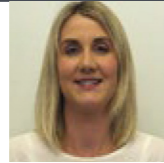
Tracy.Graham@northyorks.gov.uk



Kate Thompson

Senior HR Adviser (Casework)

Kate.Thompson@northyorks.gov.uk



Rachael Skidmore

Senior HR Adviser (Caseworker)

Rachael.Skidmore@northyorks.gov.uk



Amy Binks

Senior HR Adviser (Casework)

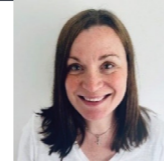
Amy.Binks@northyorks.gov.uk



Siobhain Scanlan

Senior HR Adviser (Casework)

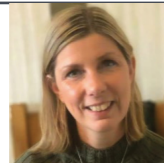
Siobhain.Scanlan@northyorks.gov.uk



Emma Perkins

HR Adviser (Casework)

Emma.Perkins@northyorks.gov.uk



HR Business Partners

Sarah Cooke

HR Business Partner

Sarah.Cooke@northyorks.gov.uk



Nicola Brown

HR Business Partner

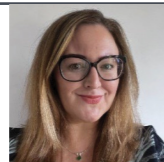
Nicola.Brown@northyorks.gov.uk



Katy Thornber

HR Business Partner

Katy.Thornber@northyorks.gov.uk



Megan Anderson

HR Business Partner

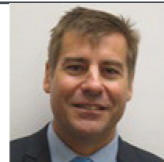
Megan.Anderson@northyorks.gov.uk



Dave Cox

HR Business Partner

Dave.Cox@northyorks.gov.uk

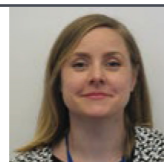


Core Team

Ruth Kirkbride

HR Business Partner

Ruth.Kirkbride@northyorks.gov.uk



Matthew Slaney

HR Adviser (Casework)

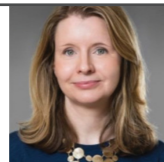
Matthew.Slaney@northyorks.gov.uk



Helen Bird

HR Business Partner

Helen.Bird@northyorks.gov.uk





Contact us

NYES HR

E: NYES.HR@northyorks.gov.uk **T:** 01609 798343

NYES HR portal: <https://cyps.northyorks.gov.uk/hrpages>
(login details available from NYES HR)

The contact details above will take you through to our office based HR Adviser (Advisory) team and all initial queries should be made via this contact. It may be necessary to escalate your query to your nominated HR Adviser (Casework).

We are open all year between 8.30am and 5pm Monday to Thursday and 8.30am and 4.30pm on Friday

To find out more about any of the services we offer and how we can support you please contact the North Yorkshire Education Services team:

W: www.nyes.info **E:** nyes@northyorks.gov.uk **T:** 01609 533222

