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## NYHR Advisory service

The NYHR Advisory service operates as a hotline with **desk based staff** available to take queries during office hours. It is your point of contact for queries relating to the interpretation of HR policies, procedures and statutory staffing related documents, including terms and conditions. Contact the team on [01609 798343](tel:01609798343) or alternatively by email at: [NYHR@northyorks.gov.uk](mailto:NYHR@northyorks.gov.uk). We also have a **Live Chat** facility available at <http://cyps.northyorks.gov.uk/hrpages>.

All Schools and Academies also have a **team of Advisers** who are your key contacts for casework and HR Support who **work flexibly across the County**. All HR Advisers and Senior HR Advisers are managed by our Principal Advisers, [Mairi Reed](#), [Harry Rashid](#) and [Julie Boucher](#). The HR Advisory Service is overseen by [Penny Yeadon](#) as Head of HR.



## Pensions Update

### **Teachers' Pension Scheme - Employers' Contribution Rate Increase**

It has been confirmed that, as a result of the actuarial valuation of the Teachers' Pension Scheme, the employer contribution rate will **increase to 23.68% from 1 September 2019**. This is a significant increase from the current rate of 16.48% and the DfE have announced that **additional funding** will be provided to schools and academies with the methodology [published here](#).

The DfE **will not** be providing additional funding for **independent schools**. It has also been announced that the DfE will consider allowing independent schools to **leave the TPS via a phased withdrawal**, whereby a school could retain its current teachers in the TPS but the scheme would be closed to new teachers joining the school.

### **Pension Scheme Warning**

We have been made aware that a private pension provider, TPT Retirement Solutions, have introduced a new defined benefit scheme called the Pension Scheme for the Education Sector. TPT **have approached some schools** regarding the scheme and their website advertises that it is open to schools, colleges and academies for both academic and non-academic staff.

We wanted to ensure that you were aware, for **all maintained schools, VA schools and academies**, it is a **statutory requirement** to enrol staff, based on their job role, into either the **Local Government Pension Scheme or the Teachers' Pension Scheme**. This requirement does not apply to independent schools.

### **Revised Pension Bandings from April 2019**

As a reminder, the new contribution rates, were shared through the Red Bag in March ([available here](#)). Schools and Academies are advised to **disseminate salary band and contribution rate information** to all members of the relevant pension schemes, if they have not already done so.

## **Green Book update – Term-time only employees**

In February, the NJC for local government services issued new Part 4 guidance, as part of the [Green Book](#), concerning term-time only working arrangements. The NJC had agreed to conduct a joint review of term-time working as part of the 2016-18 pay deal and their remit was to consider '**an NJC approach to deliver fair, consistent and transparent contracts for school support staff**'.

The initial section of guidance has been published and covers the following:

- Guiding principles on calculation of pay and annual leave
- Designation of annual leave
- Calculation of redundancy pay
- Termination of employment or contractual change part way through leave year
- Payment for overtime and additional working hours
- School closure periods
- Training and career development
- Participation in trade union activities and duties

Academies who have chosen to **continue to apply the Green Book** will need to consider the impact of the revised Part 4 guidance. NYCC is working through the document and we are talking with Unison about how the revised guidance can be applied. We would be interested in the **views of schools and academies and would welcome volunteers** to contribute views and consider the practical implications of proposals. Please contact NYHR if you would like to be involved.

In the meantime, the NJC model **calculation of term-time only pay** has been applied by the LA with effect from **1<sup>st</sup> April 2019** and academies were asked if they wished to adopt the new values. Further information regarding the new calculation is available on [CYPInfo](#).

## **Frequently Asked Questions**

We often publish Q&As received through the Hotline. This term we consider safeguarding checks for Ofsted inspectors and the responsibilities of a manager making an OH referral.

### **Ofsted Inspectors – what safeguarding checks do we need to undertake?**

We are often asked what safeguarding checks need to be undertaken when Ofsted arrive to inspect the school. The simple answer is, as long as schools check their official **Ofsted ID badge**, you do not need to carry out any further checks on Ofsted Inspectors.

Ofsted's own [safeguarding policy](#) confirms that safe recruitment checks are undertaken on everyone who works for them and that all inspectors are subject to an **enhanced DBS check** and are required to register with the Update Service. Section 10 of the Education Act 2005 gives inspectors a power of entry to a school to conduct an inspection and, as they are there to discharge a statutory function under the Act, their Ofsted DBS is sufficient.

However, if you have in place a **specific school security policy**, for example requiring all non-staff to wear a visitors badges, then you need to ensure you follow this with Ofsted inspectors.

### **What are the responsibilities of a manager making an Occupational Health referral?**

When a manager makes a referral to OH they must:

- Discuss the referral and the reasons for it with the employee
- Submit a written referral through the [OH portal](#) (if using NYCC Health and Wellbeing Service)
- Notify the employee of the time and date of any appointments
- Support the employee to ensure they can access the OH portal to view referral documents and the completed report. An employee guide to accessing the portal is available [here](#) (if using NYCC Health and Wellbeing Service)

### **Brexit and Support for EU Workers**

As the uncertainty of Brexit continues it is important that all EU workers currently working within schools are given clear assurances about their ability to **continue to work in the UK now and into the future**. Having not left the EU on 29<sup>th</sup> March, the UK is now working towards reaching a withdrawal agreement by the revised deadline of **31<sup>st</sup> October 2019**.

Whilst Brexit agreements are still subject to negotiation there is more assurance around EU workers ability to work in the UK post Brexit. EU citizens and their families are now able to apply to the **EU Settlement Scheme**, for free, to enable them to continue living in the UK after 30 June 2021.

EU citizens and their family members who, by 31st December 2020, have been **continuously residing in the UK for five years** will be eligible for '**settled status**', enabling them to stay indefinitely. EU citizens and their family members who arrive by 31st December 2020 but will **not yet have been continuously residing in the UK for five years** will be eligible for '**pre-settled status**', enabling them to stay until they have reached the five-year threshold enabling them to then apply for settled status.

The deadline for applying for 'pre-settled status' or 'settled status' will be **30 June 2021 if the UK leave the EU with a deal** or **31 December 2020 if the UK leaves the EU without a deal**.

It is not currently a requirement for schools to check an individual's settled or pre-settled status so **this should not form part of their pre-employment vetting process**. At present, the processes for checking and recording the right of employees to work in the UK remain unchanged and should be recorded on the Single Central Record. Guidance regarding how settled status should be checked and recorded as part of the pre-employment vetting process will be issued when the national picture becomes clearer.

Further information regarding settled and pre-settled status, eligibility and the application process is available on the [Gov.UK](#) website.

**Recommended actions** - Academies are advised to identify any EU workers within their workforce so that they can engage with them during this period of uncertainty and support them through the settled status application process if required.

## Improving staff health and wellbeing

Education Secretary Damian Hinds is setting up an Advisory Group on how to develop a supportive schools culture **to promote better mental health and wellbeing for staff**. Recent research by the DfE found that around 1 in 5 teachers reported stress and health issues, including problems with sleep, memory, anxiety and panic attacks, and the ability to switch off. Mental health problems have a greater impact on people's ability to work than any other group of disorders.

It is timely to review what schools know about their culture, the impact of policies, practice and planned interventions on staff wellbeing. The impact of workload has been widely discussed in schools, and other factors for consideration include management style, managing change, communication and consultation, performance management, learning and development, and supportive supervision.

The [Workplace Wellbeing Award](#) launched in March by Public Health North Yorkshire supports schools and businesses within the County to **develop a comprehensive approach to staff wellbeing**. An online staff survey helps to identify key issues and inform an action plan, supported by wellbeing champions, SLT and the Governing Body. In addition a **Workplace Wellbeing Strategy and Toolkit** will be available for schools and academies from NYHR later in the summer term, and we continue to provide support and training to improve attendance and hold effective conversations with staff.

## Are teachers leaving the profession? – HR Adviser needs your help and views!

You may have seen in the previous newsletter that I am carrying out a research project into the above for my dissertation as part of my Masters Degree in Human Resource Management & Development.

The [online survey](#) is now available and I am seeking your support to receive responses from a variety of individuals working in and supporting the education sector. All responses will be anonymous and should be submitted by the **closing date of 21<sup>st</sup> June, 2019**. The link can also be requested by emailing [NYHR@northyorks.gov.uk](mailto:NYHR@northyorks.gov.uk).

If you have already completed the survey, thank you! I thank you in advance for your help and assistance in promoting my survey amongst your school staffing and contacts.

*Danielle Cawood*  
*HR Adviser*

## Bespoke training delivered in school

*“My knowledge and understanding of how to cope in difficult situations and lead challenging conversations has improved enormously.”* Resilient Leadership Training Programme

We deliver training at a time and place to suit you, including **training days** and **twilight sessions, in school and across clusters**. Our training provides practical tools and guidance to develop the skills, knowledge and confidence essential in **managing staff** and **improving personal effectiveness**.

We will deliver a **single event** or develop a **bespoke programme** to build the resilience and skills that make a difference for your staff, including;

- Challenging conversations
- Appraisal
- Holding people to account
- Engaging staff in change
- Coaching conversations
- Supporting attendance and wellbeing

If you would a conversation to find out more about what we offer please email [susan.mcgin@northyorks.gov.uk](mailto:susan.mcgin@northyorks.gov.uk)

### Upcoming events:

| Code         | Date                         | Name                                 | Venue                  |
|--------------|------------------------------|--------------------------------------|------------------------|
| HR-0619-T001 | 20 Jun 2019<br>09:30 - 15:30 | How to succeed with common HR issues | Ripon Spa Hotel, Ripon |

Visit [www.nyeducationalservices.co.uk](http://www.nyeducationalservices.co.uk) now to book a place