

NYES HR NEWSLETTER

June 2023



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Contact Us

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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.

We are open all year between 8:30 am and 5 pm Monday to Thursday and 8:30 am to 4:30 pm Friday.

School Teachers' Pay 2023 and Industrial Action

PAY NEGOTIATIONS

With rejection of DfE pay offer of 24 March 2023 by all four education unions, the government has confirmed the issue of pay will revert to the school teachers' pay review body. Although not publicly confirmed, it has been reported that STRB have recommended a 6.5% pay rise for teachers.

INDUSTRIAL ACTION

NEU previously suggested they were considering three further strike dates in the summer term – but have delayed a decision on this pending feedback to the STRB recommendation of a 6.5% rise. A decision on further strike action in the summer term is expected to be taken on 17 June 2023.

NAHT and NASUWT have both formally issued notice of their ballot for industrial action. Any action by them would be in the autumn term. ASCL have announced balloting to commence from 19 June 2023.

Further updates will be provided as the situation develops.

NJC Pay Award 2023-2024 and Potential Industrial Action

PAY NEGOTIATIONS

All three national unions have rejected the National Employers final offer of £1,925 (pro-rata for part-time employees), for those on pay points 2 – 42, and 3.88% for those on pay points above the national pay spine. Due to balloting timescales, there is an anticipated lengthy delay to this year's pay settlement.

POTENTIAL INDUSTRIAL ACTION

The Unison ballot for strike action in relation to the NJC pay offer closes on 04 July 2023. GMB have stated their intention to move to industrial action ballot in some areas if pay negotiations are not re-opened. Unite are moving to industrial action ballot.

Pay Policy

As outlined above, the STRB report and recommendation on Teachers pay has not yet been published. Once it has been submitted, this and the Secretary of State's response, will be subject to a consultation process – and the typical timescales of this often result in the School Teachers Pay and Conditions Document (STPCD) being publicised around October.

We are now in the process of producing a NYES HR Template Pay Policy for 2023/24, however clearly this cannot be completed and shared until the government makes its announcement and the STPCD 2023 is published. We are working alongside Trade Union colleagues to ensure that the policy will be available as soon as possible into the autumn term. We will keep you updated.

Upcoming Changes to Employment Legislation

FLEXIBLE WORKING POLICY CHANGE TIMELINE FOR SCHOOLS

The Government has recently published its consultation response on “Making Flexible Working the Default”. The pending legislation changes include:

1. Giving employees the right to request flexible working from day one of employment, removing the present 26-week qualifying period
2. Requiring employers to consult with their employees before rejecting their flexible working request
3. Allowing employees to make two flexible working requests per year; and
4. Requiring employers to respond within two months.

POST-BREXIT CHANGES TO EMPLOYMENT LAW

The government has announced its intention to make some important changes to aspects of employment law now that the UK has left the EU. The timeline for change has not yet been determined so we will share further information once the dates are confirmed.

Working Time Regulations

- Merging ‘normal’ holiday leave with ‘additional’ holiday leave, to create one entitlement.
- Allowing ‘rolled-up’ holiday pay.
- Removing the requirement for record-keeping under the Working Time Regulations for working hours.

TUPE

- Removing the requirement to consult with appointed representatives when there are fewer than 50 employees in the business and fewer than 10 transferees. This is of limited impact, because of the existing micro-business exemption (meaning that consultation wasn’t required for businesses with fewer than 10 employees).

As the timeline is still pending from the government when these new rules will apply, we won’t update NYES HR policies and guidance until we know the timeline for legislative change coming into play.

Actions for school leaders



- The NYES HR Attendance Management Policy will be updated this summer. For our clients who use this policy, it is advised to put an action on the agenda for September to adopt.



Keeping Children Safe in Education (KCSiE) 2023

Keeping Children Safe in Education 2023 has been published by the DfE. The updated document was not subject to public consultation this year. From a HR perspective, the changes in the 2023 document are minimal, and the changes in part 3 and part 4 are summarised below.

- Paragraph 221 – inclusion of a sentence confirming that schools should inform shortlisted candidates that online searches may be done as part of due diligence checks.
- Paragraph 343 – ongoing vigilance / culture in respect of safeguarding – inclusion of ‘online’, ensuring staff feel comfortable discussing any matters which may have safeguarding implications that they arise in school or outside school (including online).
- Paragraph 377 – if an allegation is received relating to an incident where an individual or organisation was using school premises for running an activity for children, schools should follow their safeguarding policies and procedures and inform the local authority designated officer (LADO) consistent with any safeguarding allegation.

Actions for school leaders



- We would recommend that clients outline the position in respect of online searches to candidates at advertising, and within invite to interview letters for shortlisted candidates, to ensure that it is clear that online searches will be undertaken.

Our colleagues in Resourcing Solutions have suggested the following phrasing:

We are committed to meeting the needs of our diverse community and aim to have a workforce reflecting this diversity. We are also committed to safeguarding and promoting the welfare of children, young people and adults. We have a robust child protection policy and all staff will receive training relevant to their role at induction and throughout employment. We expect all staff and volunteers to share this commitment.

This post is subject to satisfactory references and enhanced Disclosure and Barring Service criminal records check for work with children. An online search may be undertaken for shortlisted candidates as part of the recruitment process on information available in the public domain. Candidates should disclose anything that may be relevant in line with Keeping Children Safe in Education.

Over the remaining weeks of the summer term we will review our template policies and associated documents, making any changes necessary to ensure compliance with KCSiE 2023. We will keep you informed of any such amendments in the Autumn term so that you can adopt and / or implement within your setting as appropriate.

Conditions of Service for School Teachers In England and Wales 2023 Update

CHANGES TO THE BURGUNDY BOOK

The Conditions of Service for School Teachers In England and Wales (The Burgundy Book) has been updated for the first time in over two decades. This revision is intended to clarify language and update legislation without amending the application of any of the terms and conditions of employment contained in the Burgundy Book.

The key changes introduced in this edition are as follows:

- **Inclusivity Promotion:** The Burgundy Book 2023 Edition emphasizes the use of gender-neutral language throughout the document to create an environment that respects and includes individuals of all gender identities. Notably, Section 5, the Maternity Scheme, has been updated to explicitly state that the provisions apply to pregnant women, trans men, and non-binary teachers, ensuring equitable treatment for all.
- **Updates to Maternity Scheme:** Notable changes in this revision include acknowledging the Equality Act 2010, providing clarification on requirements for ante-natal appointment evidence, a refined trigger point for maternity leave in reference to pregnancy related absence, simplified return-to-work notification, and updated legislation references.
- **Revised terminology & Legislative Changes:** This edition makes use of up to date wording to reflect changes to the educational landscape. Furthermore, this update includes statutory changes that have come into force since the previous version and features current pension and compensation regulations.

We will review the changes introduced in this revision to the Burgundy Book and ensure that these updates are incorporated into relevant documentation and policy where appropriate.

For a more detailed understanding of the updates introduced in the Burgundy Book 2023 revision, please review pages 59 – 63 of the document for a comprehensive overview of the changes available [here](#) on CYPInfo

Actions for school leaders



- Watch out for our Annual Update coming in October—Health, Wellbeing, and Cost of Living Special Edition



Training

NYES HR INTERACTIVE WEBINARS 2023

Successful Appraisal - Engage staff so they are prepared to discuss their performance and progress against targets and review good practice

Governor Panels: Staff Hearing and Appeals - Gain insight into the hearing and appeals process, including a live demonstration of questioning a witness in a hearing. Develop your confidence to be a panel member

Managing performance and capability - Review the principles and policies that support good performance and managing capability issues. Deliver a fair and robust approach to managing under performance

HR Toolkit for Senior Leaders - Understand the rights and obligations under the contract of employment, including how to vary or end contractual arrangements

Managing attendance and related HR issues - 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

Session for Staff Absence Scheme customers only:

Managing stress in schools - Explore tools that help to identify key stress risk factors and create a dialogue for implementing solutions

Contact us to discuss training tailored to your school: NYES.HR@northyorks.gov.uk



We deliver scheduled webinars, some of which are also available as a pre-recorded on-demand webinar, to watch at a time to suit you

Successful Appraisal	On demand
Single Central Record Guidance	On demand
Governor panels: staff hearing and appeals (evening)	20/11/23 & On demand
Managing performance	12/10/23
HR Toolkit for Senior Leaders	04/10/23
Managing attendance & HR related issues	24/10/23
Sessions for Staff Absence Scheme customers only	
Building resilience in the workplace	On demand
Managing stress in schools	04/07/23 & on demand
Book your place through https://www.nyestraining.co.uk/	