NYES | Human Resources

HR NEWSLETTER

November 2023

CONTENTS

Contact Us

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

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.

All information correct at the time of publishing

NYES HR Annual Update 2023 - 2024

HEALTH, WELLBEING, & COST OF LIVING SPECIAL

The NYES HR Annual Update 2023-2024, Health, Wellbeing and Cost of Living Special, is now available on the NYES HR site here! The document has been developed specifically to aid Trusts and school leaders with their strategic planning and operational activity in supporting employees in relation to their health and wellbeing. We recommend that Trusts and schools share this with Senior Leaders, Trustees and Governors as appropriate.

Pay updates

NYES HR MODEL PAY POLICY

Further to our recent update, the School Teachers' Pay and Conditions Document (STPCD) 2023 has now been published on the DfE site here. The Document incorporates a 6.5% increase to be applied to all pay and allowance ranges and advisory points, with a higher increase to the bottom of the Main Pay Range (M1) to achieve a minimum starting salary of £30,000. The STPCD also provides advisory pay points, i.e., scp 2-5 on MPS.

Despite it not being a statutory requirement, many Academy Trusts continue to adopt a Pay Policy and, where one is in place, this will need to be updated in line with the STPCD rates. If you are considering a review of your pay policy, your NYES HR team can provide advice and guidance tailored to your needs. We would be happy to discuss providing bespoke services, on request.

BACKPAY & UNIVERSAL CREDIT

Amendments to teachers' pay, in line with the revised STPCD 2023, will be made in November 2023 (backdated to 1st September 2023). When pay agreements are finalised after the implementation date and are backdated, the payment of many months' worth of back pay can have an adverse impact on employees in receipt of Universal Credit (UC), which works on a monthly snapshot of income rather than any form of averaging (as occurs naturally in annual systems, like taxation).

When income goes down, the system responds by increasing UC the following month, and if there's a permanent increase in earnings, the amount of UC reduces. However, if there is a one-off payment in a particular month, there is no way for a claimant to tell the DWP that it is a temporary increase in earnings. What then happens is, the additional pay (including any backdated award) is considered in the amount of UC someone receives in the following monthly period. In most cases the result is that UC is reduced by 55p for every extra £1 someone earns after income tax, national insurance, and pension contributions. This can cause serious problems if a one-off back payment means someone's UC falls to zero.

There has been reports back from regional joint meetings at which union colleagues have said that the National Employers have advised that payment of back pay can be staggered so as not to have an adverse impact on employees in receipt of UC. This information is incorrect. The Local government Association's advice to employers is, "Universal Credit is such a very specific issue that applies in different ways to different people, it is not possible for us to issue any national guidance. Employers should advise employees affected by this issue to speak to their Universal Credit Work Coach via their online account or call the Universal Credit Helpline on 0800 328 5644." DfE will be giving the same advice.

Line managers should advise employees affected by this issue to speak to their Universal Credit Work Coach via their online account or call the Universal Credit Helpline on 0800 328 5644.

Pay updates cont.

2023/24 NJC (SUPPORT STAFF) PAY AWARD

We can now advise you that the 2023/24 national negotiations have concluded and that agreement has been reached on the 2023/24 pay award, which has not changed from the full and final offer made by national employers back in February 2023 which is, with effect from 1st April 2023:

• An increase of £1,925 per annum on national NJC pay points 2 to 43 inclusive

• An increase of 3.88 per cent to apply to the locally negotiated points on the pay spine for employees on NJC terms and conditions i.e., pay points 44 to 76

• An increase of 3.88 per cent on NJC allowances

Given the delay in reaching agreement for this year, it is anticipated that the national negotiations for the 2024/25 NJC pay award will not be concluded for an April 2024 implementation. In light of the sharp increase over recent years, and forecasted further increase in the National Living Wage with an upper estimate projected at £11.42 for April 2024, the 'bottom loading' pressure on the NJC pay spine is set to continue. We will, of course, keep you regularly updated on matters relating to pay via our newsletters.

Actions for school leaders

- Employers who adopt the national NJC terms and conditions will need to implement the pay award for eligible employees, backdated to 1 April 2023

UPDATED DfE GUIDANCE—IMPLEMENTING YOUR SCHOOL'S APPROACH TO PAY

The DfE has published an updated version of the guidance document on Implementing Your School's Approach to Pay which includes a new section on salary safeguarding that includes some questions and answers to support schools. It should be read alongside the current version of the School Teachers' Pay and Conditions Document (STPCD). The document can be accessed here.

Infectious diseases guidance

ADVICE UPDATE

You will likely have seen and heard that public health departments have been preparing for the possibility of a measles epidemic. As a result, the previously titled COVID-19 guidance has been updated to include advice regarding employment implications regarding measles, and is now titled 'Infectious Diseases Guidance and FAQs'. The changes are summarised below:

- Applies as Q&A for school leaders regarding infectious diseases – currently covid and measles
- Removal of expired advice regarding COVID-19
- Measles Q&A developed in line with NY public health guidance

The guidance can be accessed here: Teesside & Middlesbrough clients / All other clients

NYES HR | North Yorkshire Council | County Hall | Northallerton | North Yorkshire | DL7 8AD | 01609 798343 | NYES.HR@northyorks.gov.uk

Teachers’ Pensions valuation outcome

DfE TO PROVIDE ADDITIONAL CONTRIBUTIONS

The Department for Education (DfE) has published the outcome of the valuation of the Teachers’ Pension Scheme based upon 2020 data.

As a result of this, Teachers’ Pensions Scheme has confirmed the need to increase the employer contribution rate by 5% from 1 April 2024 to ensure that the Scheme continues to meet present and future obligations.

The DfE will provide additional funding to cover the increase in the employer contribution rate for directly funded scheme employers for the financial year 2024/25. This includes mainstream 5-16 schools; high needs settings; post 16 and further education settings; and eligible early years providers. The subsequent costs for directly funded scheme employers for future years will be looked at as part of subsequent spending review rounds.

The DfE appreciates that the result means Independent Schools that participate in the Scheme will be faced with additional costs that aren’t funded. It’s hoped that the information shared previously, on the likely final result, will have helped them in planning for the change.

Pension changes following McCloud Judgement

When the Government reformed public service pension schemes in 2014 and 2015, transitional protections were introduced for older members. In December 2018, the Court of Appeal ruled that younger members of the judicial and firefighters’ pension schemes had been unlawfully discriminated against because the protections did not apply to them. This ruling is called the ‘McCloud Judgment’. Because of the ruling, there will be changes to all public service pension schemes that provided transitional protection, including the LGPS and TPS. The changes are called the McCloud remedy and are intended to remove the age discrimination found in the McCloud court case.

What are the changes?

Some years ago, the LGPS and TPS changed from final salary schemes (a pension based on your pay when you leave) to a career average schemes (a pension which builds up based on what you earn each year). Older members who were closer to retirement were protected from the changes. This means when a protected member takes their pension, the benefits payable under the career average scheme are compared with the benefits that would have been built up, had the final salary scheme continued and they receive the higher amount. This protection is called the underpin.

To remove the McCloud age discrimination, qualifying younger members will now receive the underpin protection too. This change came into force on 1 October 2023. Underpin protection only applies to pension built up in the remedy period, between 1 April 2014 and 31 March 2022. The underpin will have stopped earlier if you left the scheme or reached your final salary normal retirement age (usually 65) before 31 March 2022. From 1 April 2022, there is no underpin protection. Pension built up after this date is based on the career average scheme only.

The LGPS and TPS schemes will communicate directly with members affected by the McCloud Judgement, which will help members understand their remedy choice and to help with pension planning. The LGPS have created dedicated pages on their website for members in respect of the McCloud judgement, which can be accessed here, and the TPS here.

Actions for school leaders

- Please share the websites with your staff so that they can access information relevant to their pension directly

Holiday pay – Government consultation outcome

GOVERNMENT INTENDS TO MAKE HOLIDAY PAY CHANGES

This week, the government have published the outcome to its consultation, undertaken earlier this year, into calculating holiday entitlement for part-year and irregular hours workers. This consultation followed the Supreme Court's decision in the Harpur Trust v Brazel case, and you may recall from our January 2023 newsletter (link) that this case resulted in part-year workers being entitled to a greater annual leave entitlement than part-time workers who work the same number of hours across the year.

The consultation outcome, which is available here, suggests that the government intends to make legislative changes. However, whether such changes are achievable in advance of the impending general election remains to be seen.

Legislative changes the current government intends to make are:

- Introduction of an accrual method for calculating holiday pay for irregular hours and part-year workers – entitlement being calculated at 12.07% of hours worked in a pay period.
- To legislate for the use of rolled up holiday pay (RUHP) for irregular hours workers and part-year workers
- To introduce a definition of irregular hours workers and part year workers

The proposals, if introduced, will provide Trusts with a standard approach to calculating holiday entitlement and pay for irregular hours and part-year workers. Over the coming weeks and months we will be monitoring any developments closely, and will consider how the proposed changes affect our guidance, which is available here.

For now, the guidance remains accurate, but this will change if the proposals are introduced. If and when there is a clear pathway towards new legislation, we will of course publish updated guidance for your consideration.

As ever, please do contact your allocated HR Professional if you have any queries or would like to discuss.

Flexible working

UPDATES TO POLICY EXPECTED SPRING 2024

In preparation for the recent legislative changes in 'The Employment Relations (Flexible Working) Act 2023', our Flexible Working Policy is being updated to reflect these changes. Our updated version will be available on the portal once these changes come into force which is expected to be around Spring 2024.

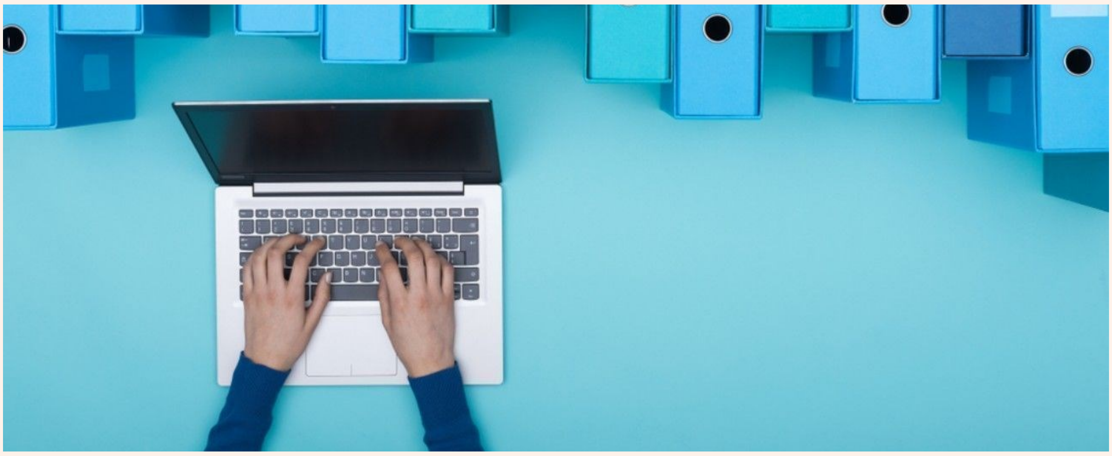
The DfE have also published a flexible working toolkit to support schools to implement flexible working in their settings. Trusts and Schools are also able to access advice and support from ambassador MATs / Schools to improve flexible working in their setting. Further details can be accessed here.

New NYES HR website launching soon

WATCH THIS SPACE!

A new NYES HR website where policies, guidance, and useful information will be stored is coming soon for Academy clients.

More information will be provided in our December 2023 newsletter.



Upcoming Training

Governor Panels: Staff Hearing and Appeals (evening session) This webinar provides insight into the hearing & appeals process, including a demonstration of questioning a witness in a hearing, giving delegates an opportunity to ask questions of the witness.	20/11/23 https://nyes.info/Event/203347
Managing Stress in Schools (Staff Absence Scheme members only) This webinar will review how to use the stress risk assessment & HSE talking toolkit as both a pre-emptive support measure and part of the absence management process for staff	21/11/23 https://nyes.info/Event/196232
HR Toolkit for Senior Leaders This webinar provides practical guidance to equip senior leaders with the knowledge to effectively manage contractual arrangements, and other related HR issues.	17/01/24 https://nyes.info/Event/203171
Managing attendance & 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.	25/01/24 https://nyes.info/Event/196248
Successful Appraisal in Schools This webinar will develop the knowledge and confidence to prepare and deliver effective appraisals in line with policy.	21/02/24 https://nyes.info/Event/218099