

HR NEWSLETTER

September 2023



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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.

Pay and industrial action update

NJC SUPPORT STAFF

As reported in our [July 2023 newsletter](#), the UNISON ballot regarding the NJC pay award proposed nationally did not reach the turnout threshold in support of industrial action in many parts of the UK (including North Yorkshire). As it stands, nationally, UNISON are awaiting the outcome of UNITE's ballot prior to determining their next steps. The third union party to the national negotiations, GMB, is conducting disaggregated strike ballots in some councils and schools in the country, which will open on 24th September and close on 24th October 2023. GMB's ballot timetable means that there is unlikely to be an outcome to the national negotiations, and a confirmed pay award for NJC support staff for 2023/24 until later in the autumn term at the earliest.

Over the summer break, in response to a joint Union letter urging for an improved pay offer to be negotiated, the NJC employers side confirmed that their offer is full and final, and urged Unions to accept and stand down any planned ballots or potential industrial action.

We will, of course, keep you updated as the matter progresses.

TEACHERS PAY

This article is relevant for clients who follow national terms and conditions for Teachers, or have an interest in the national position .

You will no doubt have seen in the news over the summer period that the Government accepted the recommendation of the STRB in respect of pay award for 2023/24, and that all four teaching unions have accepted the award.

There are still a few important steps in finalising and implementing the pay award which cannot be actioned until the School Teachers Pay and Conditions Document (STPCD) 2023 has been published. The estimated timeline, provided by the DfE for this is currently:

- 10am on 21 September 2023 – close of Government consultation on draft STPCD and STRB's 33rd Report
- End September 2023 – Secretary of State is advised of consultation outcome
- Mid-October 2023 – pay order is laid in parliament for 'praying' period
- 21 calendar days after pay order is laid (assuming no parliamentary amendments received during the praying period) pay order will become law. This is the formal end of the process.
- Pay award expected to be confirmed early November backdated to 1 September 2023.

Whilst NEU, ASCL and NAHT have called off their planned industrial action for the Autumn term after members accepted the pay award, NASUWT have confirmed that their dispute is ongoing pending resolution of matters relating to historical pay restoration, workload and working hours. Further information about the NASUWT position, and their intention regarding further industrial action, is detailed in the next article.

In the meantime, the DfE have published a salary calculator to help those on teachers terms and conditions understand what their pay may look like following implementation of the 2023/24 pay award. The calculator can be accessed here: [Calculate teacher pay - GOV.UK \(www.gov.uk\)](https://www.gov.uk/calculate-teacher-pay)

Actions for school leaders



- Promote the salary calculator to staff where applicable



Industrial Action

NASUWT—NOTICE OF INDUSTRIAL ACTION (FOR SOME WORKPLACES)

The NASUWT has given notice of its intention to induce some members to take part in continuous and consistent industrial action, in the first instance as action short of strike action, with effect from Monday 18th September 2023. This will apply only in workplaces where the legal thresholds were met for lawful industrial action to take place, and those settings will have received notice confirming that this is the case and full details of the work to rule recommendations members are encouraged to take via NASUWT or your Trust/LA.

The NASUWT's position is that this year's pay recommendations do not sufficiently address excessive teacher workload. In summary, the instructions to members from the NASUWT (which the Union state are within and subject to their contractual obligations) are:

1. To refuse to undertake inappropriately directed duties outside school session times
2. To refuse to be directed to undertake extracurricular activities
3. To refuse to be directed to undertake midday supervision of pupils
4. To refuse to be directed to undertake any work-related tasks or activities during their lunch break
5. To refuse to be directed to undertake work-related tasks or activities on weekends or Bank Holidays
6. To refuse to undertake any other duties during PPA time
7. To refuse to cover for absence other than in circumstances that are not foreseeable
8. To refuse to undertake routine administrative and clerical tasks
9. To refuse to co-operate with mock inspections
10. To refuse to cooperate with inappropriate planning, marking and data management policies, practices and initiatives that have not been workload impact assessed and subject of consultation or agreement with NASUWT

The NASUWT are clear, however, that where members voluntarily undertake extracurricular activities and have not been placed under pressure to do so, the action short of strike instructions are not intended to prevent these from continuing.

We have updated our [industrial action guidance](#) and are happy to provide further advice on request.



Industrial Action Cont.

HIGH COURT JUDICIAL REVIEW CHANGES

You might remember that in our NYES HR industrial action guidance published earlier in the year, we explained that from July 2022, the law changed to allow employment agencies to supply temporary supply staff to be utilised as cover where employees are absent through strike action. However, these Regulations have been declared unlawful by the High Court following a judicial review brought by 13 trade unions against the Government. The case succeeded on the basis that the then Secretary of State for Business, Energy and Industrial Strategy had failed to comply with his statutory duty to consult before making the Regulations in 2022. The Regulations are quashed with effect from 10 August 2023, and from this date the previous position - that employment agencies will again be acting unlawfully if they provide agency supply staff to cover for employees absent due to strike action – will apply.

We have updated our industrial action guidance accordingly, which can be located on the [NYES HR site](#) for future reference.

Actions for school leaders



- In the event of further industrial action, refer to the updated version of the guidance accessed from our NYES HR site.

Coming Soon...

NYES HR ANNUAL UPDATE 2023/24

Our 2023/24 NYES HR Annual Update is coming in the Autumn term, with a specific focus this year on Health and Wellbeing.

Upcoming Training

Governor panels: staff hearing and appeals (evening)	20/11/23
Managing performance & capability Refreshed for 23/24	12/10/23
Successful Appraisal Refreshed for 23/24	27/09/23
	10/10/23
HR Toolkit for Senior Leaders	04/10/23
Managing attendance & HR related issues	24/10/23
Session for Staff Absence Scheme customers only	
Managing stress in schools	22/11/23
Book your place by visiting www.nyes.info/training	