



Human  
Resources

# HR NEWSLETTER

*For all NYC maintained education settings*

November 2023



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## Contact Us

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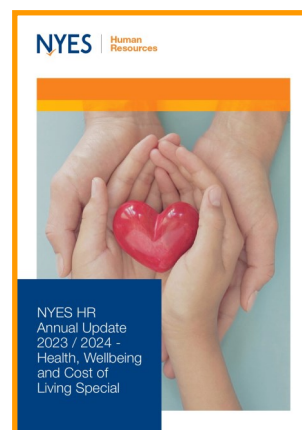
**W:** [Website](#)

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.

## 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 September and October newsletters, the School Teachers' Pay and Conditions Document (STPCD) 2023 has now been published on the DfE site [here](#).

We have now published our NYES [HR Model Pay Policy 2023](#) and recommend that schools adopt this policy through the Governing Body usual process. This policy was subject to consultation with Unions in September 2023 on the basis of the DfE recommendations.

### 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

You will recall from our July 2023 newsletter that NYC reached a collective agreement to pay the NJC employers side full and final offer for the 2023/24 NJC pay award in July's salary payments, pending conclusion of the national negotiations. We can now advise you that the 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 implemented by NYC. 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.

### 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](#).

## 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](#).

## Infectious diseases guidance

### ADVICE UPDATE

We are aware that NY Public Health have been communicating with schools on 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
- Updated in line with the current NYC position which also applies to maintained schools
- Measles Q&A developed in line with NY public health guidance

The guidance can be accessed [here](#).

## Term-time working arrangements – recalculation of pay upon leaving employment.

### RECOMMENDED ACTIONS TO ENSURE APPROPRIATE COMMUNICATION

As a reminder, the aim of the leavers' recalculation of pay arrangements is to ensure that those working term-time have been paid accurately recognising their working time and annual leave entitlement, up to their leaving date. This is based on the fact that for administrative ease and financial planning, TTO staff are paid 12 equal salary payments during the course of the leave year.

Under the arrangements, leave accrued is calculated based on the proportion of the contracted days and weeks which the employee has worked. This is based on a leave year of April to March and is the same principle which currently applies to full-year NJC employees.

The same principle applies to a term-time worker and a pay adjustment will be calculated by ESS when processing starters and leavers during the year. For example, someone starting in September may be paid slightly more in the first 7 months of their employment to reflect that they have worked proportionately more of the year than they would have been paid for without the adjustment.

As a reminder, and to ensure staff understand the implications for them, the following list of actions (taken from the full guidance document available [here](#)) are strongly recommended to ensure term-time working arrangements are communicated and administered appropriately.

#### Actions for school leaders



- Include information in recruitment documentation or application packs where an adjusted pro rata salary is due in the first year of employment. The NYES HR employee FAQ document for new starters should be included in recruitment documentation.
- Ensure new term-time employees are informed of the basis on which their pay and leave is calculated. The NYES HR new employee FAQ document (available [here](#)) should be included with offer letters and contractual documentation.
- Build in discussions about taking leave when employees are planning new periods of maternity, adoption or shared parental leave
- When employees submit their resignation, make them aware that there may be a pay adjustment to their final pay.
- Notify ESS asap when a term-time worker leaves employment and ask them to do a pay calculation.
- It is recommended that you issue the existing employee FAQ document on an annual basis (available [here](#)).

Schools do not need to understand these calculations in detail as they will be undertaken by ESS on your behalf, but you are able to contact NYES HR or ESS for further information or advice.

## 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.

## 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



## Employee benefits

### HOME TECHNOLOGY BENEFIT

All employees of North Yorkshire Council have access to many benefit schemes via the 'Everybody Benefits' platform - <https://northyorks.vivup.co.uk/>. The home Technology benefit scheme, provided by Let's Connect, provides access to brand new tech products, smart phones, as well as a great range of useful accessories, with home delivery included. The scheme spreads the cost over 24 months and is deducted directly from salary payments. There are no credit checks, upfront costs or deposits. The scheme provides individuals with savings on National Insurance contributions, although it is important to note that benefit in kind tax will apply.

The next window for applications closes on Sunday 19 November 2023.

#### Actions for school leaders



- Please share the flyer available [here](#) with your staff as soon as possible before the window for applications closes (19th November 2023).

### NYC CORPORATE LEISURE MEMBERSHIP

All From 1 October 2023, all serving North Yorkshire Council employees, including those in maintained North Yorkshire Schools are eligible for a corporate leisure membership at a reduced rate. The new North Yorkshire Council leisure membership is part of its investment into the health and wellbeing of employees.

#### Actions for school leaders



- Please download the information [here](#), and share with your staff so that they can access the discount as applicable



## Sickness absence—self certification

### ATTENDANCE MANAGEMENT TOOLKIT REVIEW

Following a query raised at the Admin and Finance conference, we wanted to clarify that the NYES HR Attendance Management toolkit has been reviewed in light of the September 2023 Attendance Management Policy and Procedure, however that the self-cert form has not changed as a result of this.

Please contact the NYES HR Team if you have any further queries.

## Parental leave policy changes

### NOVEMBER 2023 VERSION NOW LIVE

In our September newsletter we alerted you to an amended version of the template Parental Leave Policy. Since publishing this, a need for clarification has come to our attention and therefore we are alerting you to amendments made to the policy. The November 2023 version, available [here](#), confirms that to be entitled to statutory paternity leave and pay, an employee must have at least 26 weeks service with North Yorkshire Council (at the 15th week before the baby is born or notification of matching is received). The amendments to the policy are confined to:

- Table 2 – types of leave, paternity leave section
- Paragraph 5.1
- Paragraph 5.4

Whilst the amendments are small in number, the changes are important to ensure that entitlements to leave are clearly set out for all parties. We apologise for any inconvenience.

#### Actions for school leaders



- Please Schools should adopt the November 2023 version of the policy as soon as possible through the usual delegated approval process, you may wish to refer to our [policy review schedule](#) which details any required delegations in respect of policy adoption.
- Rather than creating a new document, you may choose to replace the existing sections listed above with the updated wording for ease.

## Upcoming Training

<b>Governor Panels: Staff Hearing and Appeals (evening session)</b> 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 <a href="https://nyes.info/Event/203347">https://nyes.info/Event/203347</a>
<b>Managing Stress in Schools (Staff Absence Scheme members only)</b> 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 <a href="https://nyes.info/Event/196232">https://nyes.info/Event/196232</a>
<b>HR Toolkit for Senior Leaders</b> 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 <a href="https://nyes.info/Event/203171">https://nyes.info/Event/203171</a>
<b>Managing attendance &amp; related HR issues</b> 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 <a href="https://nyes.info/Event/196248">https://nyes.info/Event/196248</a>
<b>Successful Appraisal in Schools</b> This webinar will develop the knowledge and confidence to prepare and deliver effective appraisals in line with policy.	21/02/24 <a href="https://nyes.info/Event/218099">https://nyes.info/Event/218099</a>