

# HR NEWSLETTER

*For all NYC maintained education settings*

September 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.

## 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 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. You will recall from our [July 2023 newsletter](#) that in North Yorkshire, the national employers 'full and final' offer has been implemented after a local collective agreement was reached with UNISON to apply the proposed pay award pending the conclusion of the national negotiations. 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

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

There remain some 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.

The NYC Model Pay Policy for 2023/24 will be available after the STPCD has been published.

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
- Prepare for the model pay policy to be presented to your Governing Body for adoption later in the Autumn term (expected early November) .



## 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 NYES HR.

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.

## Parental Leave Policy Changes

### TEMPLATE POLICY UPDATE

The template Parental Leave Policy for NYC maintained schools has been updated along with associated letters. The changes are summarised in a word document, which along with the policy and associated documents, is accessible through the NYES HR site [here](#)

#### Actions for school leaders



- Adopt the updated policy and guidance through the usual Governing Body process

## 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.

## Attendance Management Policy

### POLICY AND GUIDANCE UPDATE

The template Attendance Management policy for NYC maintained schools has been updated along with the associated guidance and all supporting letters and documents. The attendance management process is intended as a supportive procedural framework through which open and transparent communication can flow.

After adopting the policy and guidance through the Governing Body process, it is recommended that you share and discuss the policy with your staff teams, introducing this as a supportive procedural framework and emphasising the importance of being open and transparent throughout.

The changes to the policy are summarised in a word document, which along with the policy and associated documents, is accessible through the NYES HR site [here](#). It is strongly recommended that you review the summary of changes and implementation guidance contained within the same document.

#### Actions for school leaders



- Adopt the updated policy and guidance through the usual Governing Body process
- Review the implementation guidance and take necessary actions.

## NYES HR Policies - Coming Soon

### POLICY UPDATE TIMETABLE

We thought it would be helpful to give you an early indication of the policies and associated procedures / guidance we intend to review this year for NYC maintained schools, to aid your planning for Governing Body meetings:

Policy	Expected Date of Publication
Induction	Spring term 2024
Probation	Spring term 2024
Travel and Expenses	Spring term 2024
Workplace Substance Misuse	Spring term 2024
Flexible Working	Spring term 2024
Resolving Issues at Work	Summer term 2024
Collective Disputes	Summer term 2024
Disciplinary	Summer term 2024
Hearing and Appeals	Summer term 2024
References	Summer term 2024

## Teaching Assistant Review Update

### FINAL CALL TO TAKE PART

You may recall from our [June 2023 newsletter](#) that a comprehensive review of Teaching Assistant roles will be undertaken following the NYC pay grade changes to the collective agreement affecting TA roles on grade C/D. The first project meeting is scheduled for September and we are grateful for a number of schools who have come forward to provide valuable support for the work. If you have not responded already, and would be interested in supporting the discussions and providing input and perspective from your setting, please do get in touch with [ruth.kirkbride@northyorks.gov.uk](mailto:ruth.kirkbride@northyorks.gov.uk). We will keep you updated with any news or information as the project progresses.



### Upcoming Training

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