

What's Hot?

Teachers' Pay 2023

Just before the Summer Closure the DfE accepted the School Teachers' Review Body (STRB) recommendation of a 6.5% pay increase (with a slightly higher increase at the bottom of the Main Pay Range). The statutory consultation process is underway and ends on 21st September. The Pay Order is then expected to be laid before Parliament mid-October and there then follows a 21 day "praying" period. It is highly unlikely that any changes will result from the praying period and employers can be confident in applying the award once it is laid before Parliament in mid-October if they wish, backdated to 1 September. As always Maintained School must apply the agreed pay award at least to the minimum of each pay range and allowance. Academies are free to make their own decisions on pay in accordance with their Pay Policy. We have published the [national Advisory Pay Scales](#) and the [2023 model pay policy](#) is also available for you to insert your own pay scales once decided.

You will also have seen that the Government has committed to provide additional funding in the form of a Teachers' Pay Additional Grant (TPAG). Schools can see how much they will receive [here](#), along with additional information on when and how the grant will be paid. Further funding is available for [schools in financial difficulty](#).

The Unions have called off their Industrial Action over Pay in light of the award, although the NASUWT has indicated that Industrial Action short of strike action over workload and working hours may proceed in the Autumn term. See "Did you Know" below for a link to our guidance on Industrial Action.

Support Staff Pay Award April 2023

As previously reported there is as yet no agreement of the April 2023 pay award and this situation is unlikely to change in the first half of this term as neither side has moved its position. Unison and Unites' ballots for industrial action closed in July but neither has yet announced any industrial action. GMB has begun to issue notification of their intention to ballot in some Council areas. This is a legal requirement and schools need take no action on receipt of such a notification. The ballot will run to 24 October 2023. The Employers side has re-iterated that their offer of £1,925 on all pay points up to Point 43 and 3.88% beyond that and has urged the Unions to accept the offer and commence negotiations for the 2024 award. Employers are reminded that they should not apply the pay offer before the collective bargaining process has concluded.

Keeping Children Safe In Education 2023

The updated document [Keeping children safe in education 2023](#) comes into effect on 1 September 2023.

The substantive changes are listed at Annex F and there is nothing new in term of HR elements – just a few clarifications to note:

Part 3 – clarification that candidates must be informed that on-line checks may be undertaken. This is already covered in our guidance; re-wording around DBS checks and fact that Certificates must be destroyed at least after 6 months.

Part 4 - New Para 377 – clarifying that if a school receives an allegation related to someone using their premises (e.g. a letting) they must follow safeguarding procedures including LADO referral.

Closures arising from RAAC issues

Affected schools should be following their business continuity plans.

Where the school is partially closed – staff should be redeployed to comparable duties and/or work from home e.g. on remote deliver of learning to students.

Where the school is fully closed – staff should work from home wherever possible.

Where staff are prevented from attending school due to closure or partial closure and cannot work from home they should be paid as normal.

NEW – HR Hot Topics

To further support schools and academies in managing their extensive HR responsibilities, each half term we will focussing on a key HR issue. As part of this we will be producing additional guidance and resources on the relevant topic and highlighting training and additional support that is available. This half term, we are focusing on **Sickness Absence**.

According to the last School Workforce Census:

- 1.9m days were lost to teacher sickness
- 45% of teachers took sick leave
- The average length of each absence was 8.6 days
- This averages at 3.9 days per teacher

We know that sickness absence is the most common HR issue schools have to deal with and that there are many challenges, including:

- getting the best out of Occupational Health referrals
- making reasonable adjustments
- mental health issues

Sickness Absence costs in terms of:

- Replacement / cover for absent employees
- Sick pay
- Administration
- Impact on pupils' learning
- Reduced productivity
- Low morale among staff
- Parental complaints
- Managers' time

We understand these challenges and we have enhanced our existing resources to support you in reducing and managing sickness absence. This includes:

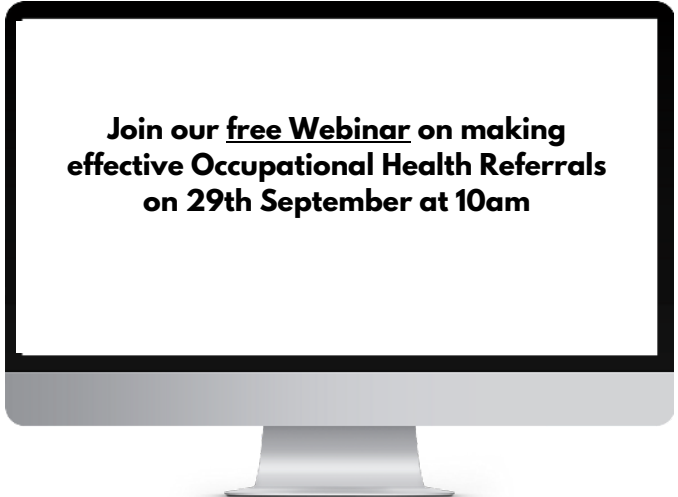
- A sickness Absence Management Flow diagram
- Sickness Absence FAQs
- Guidance and FAQs on Occupational Health Referrals
- Guidance and a record form for reasonable adjustments
- Checklists for short-term and long-term absence review meetings

We will also be adding additional resources to our mental health and wellbeing toolkit.

And remember our HR consultants are here to support you every step of the way.



**Join our Managing Staff Absence
Training on 9th November at 9.30am
To register, visit our [training portal](#).**



**Join our free Webinar on making
effective Occupational Health Referrals
on 29th September at 10am**

Model Policies & Procedures

OUT NOW

PAY POLICY

revert to 195 days for supply rates and schools to insert pay scales once agreed

CODE OF CONDUCT

changes to make “low level concerns” policy explicit

DEALING WITH SAFEGUARDING ALLEGATIONS AGAINST ADULTS

minor change to reference low level concerns policy in Code of Conduct

ECT INDUCTION

minor changes in line with updates to the ECT framework

OUT LAST HALF TERM

EQUALITY, DIVERSITY AND INCLUSION IN EMPLOYMENT

LGPS DISCRETIONS POLICY (ACADEMIES)

Note:

Over the summer we have reviewed and updated many of our toolkits and other resources.

Please ensure that when using template forms and letters you download the latest version from the Website.

Some of the key new/amended resources are listed under “Admin issues below” and updates to guidance on managing sickness are detailed in the Hot Topics section above.

All our model policies, procedures and guidance are available from www.junipereducation.org/

Did you know?



Industrial Action – the high court has ruled that the Government's legislation permitting Agency workers to cover for striking staff is unlawful and the legislation was revoked on 10 August 2023. Our [guidance](#) on Industrial Action has been updated accordingly.



Legislation - We reported in the last edition of HR News that 3 important pieces of legislation had received Royal Assent - The Neonatal Care (Leave and Pay) Act, The Protection from Redundancy (Pregnancy and Family Leave) Act and The Carer's Leave Act. These have now been joined by the Employment Relations (Flexible Working) Act 2023. While all have passed through Parliament they are not enacted until Regulations are published setting out how they will operate in practice. So employers need take no action at this stage and we will update you when they come into force, which in most cases will be next year or beyond.

Admin issues

Detailed below are updates to resources available

Revised Guidance

- Shared Parental Leave – refreshed guidance to help schools navigate this complex legislation
- Personal File Checklist - updated to include a column for the checker to add their initials and an additional section for notes
- Leavers Checklist - minor additions and scope for local adaptation
- Essex LADO Safeguarding check - clarified that this check applies only to Essex Maintained Schools
- Unqualified Teachers – updated guidance covering employment and pay (under Teachers' Pay quick guides)
- Guidance on checks for Work Experience and Work Placements - clarified guidance
- Guidance on Visitors - updated clarification on Ofsted inspectors
- Calculating holiday pay due following non-return from long-term sick leave - simplified with additional flow diagrams. We will be completing a similar update to the guidance on holiday pay following maternity leave shortly
- Additional payments - improved guidance on the circumstances and methodology for calculating additional payments for teachers and support staff

New Guidance

- SENCOs – guidance on employment, qualifications and pay for SENCOs (under Teachers' Pay quick guides)
- Letter of Expectation and Professional Advice flowchart.

NEW – Case Review

Each half term, we will highlight an Employment Tribunal decision and identify lessons which may be learned.

Maxwell v HBOS is as a useful reminder of the importance of executing internal policies and procedures.

Maxwell submitted a grievance regarding his treatment during a restructuring, including that the combined issues had led him to suffer from stress and mental health issues. The grievance and subsequent appeal were not upheld, and the employee was signed off sick.

The manager agreed to weekly check-in meetings; referred him to various support networks; created a wellness plan to record discussions and actions; and arranged an OH assessment. OH recommended Maxwell complete counselling sessions before discussing work issues, and that a stress risk assessment be conducted. The employer implemented the OH recommendations and undertook several further meetings under a “wellness plan,” as well as making attempts to identify a mental health advocate for the employee. Despite this, all attempts to encourage him to return to work had failed and the final review meeting stage was reached. Maxwell was made aware that a potential outcome of this meeting was dismissal. Maxwell was clear that he could see no way of returning to work. Maxwell was dismissed on the basis of medical capability.

The ET rejected Maxwell's claim for unfair dismissal, highlighting that the key to this decision was the employer's efforts to accommodate his concerns and bring him back to work. Specifically, it consulted him throughout the absence, offered adjustments recommended by OH, including reduced hours, discretionary breaks and a phased return. The process followed in this case is what led to the employer's success.

Upcoming Training Courses

Details of courses that will run this term. All courses are delivered remotely unless indicated:

HR ADMINISTRATORS

HR Administrators Induction	13 Sept & other dates	9:30 - 11:30
Recruiting and checking new staff	18 September 2023	9:30 - 11:30
Maintaining the SCR for Maintained Schools	10 October 2023	9:30 - 11:30
Maintaining the SCR for Academies & MATs	19 October 2023	9:30 - 11:30
NEW for 2023: Maternity & other child related absences	2 November 2023	9:30 - 11:30
Understanding Local Government P&C	8 November 2023	9:30 - 10:30
Understanding Teachers P&C	8 November 2023	10:45 - 12:00
Contracts of Employment	16 November 2023	9:30 - 11:30

The **Autumn Term HR Briefings** will take place on 11th and 13th Sept at 10am and 15th and 18th Sept at 1.30pm. The briefings will each last one hour. There is no need to book – you will have received an email on Monday 4th September with the meeting links, so you simply need to join whichever one you want.

LEADERS AND LINE MANAGERS

Managing Misconduct in the Workplace	26 September 2023	9:30 - 11:30
Developing your Management Skills	5 October 2023	9:30 - 11:30
Managing Employee Exits and Terminations	11 October 2023	9:30 - 11:30
Redundancy & Restructuring	30 November 2023	9:30 - 11:30
Managing Staff Sickness and Absence	9 November 2023	9:30 - 11:30
Disciplinary Investigations*	17 November 2023	9:30 - 11:30
Managing Grievances in the Workplace	7 December 2023	9:30 - 11:30
Safer Recruitment Refresher	3 Oct, 22 Nov, 13 Dec 2023	9:30 - 12pm
Safer Recruitment	19 Sept, 1 Nov* 2023	Full Day

*the Disciplinary Investigations course will be delivered face to face in the Training room at Juniper offices in Chelmsford. The full day Safer Recruitment course will be delivered at Hamptons Sports and Leisure Centre in Chelmsford.

Please note all courses are subject to minimum enrolment and may not run if this is not met. Delegates will be offered alternative dates in the event a course is cancelled. For details of the courses and appropriate audiences, and to book, please see junipercpd.org.