



What's Hot?

Teachers' Pay 2023

The Secretary of State issued the remit letter to the School Teachers' Review Body later than usual on 20 December. The remit asks the STRB to consider the pay increase for 2024, and does not ask for any other terms to be reviewed. At this stage there is no indication of what award the DfE propose - this may become clearer when the Government submits its evidence to the STRB, expected in early February.

Support Staff Pay Award April 2023

At the time of writing, although due to meet in November, the Unions have not yet submitted their Pay Claim for NJC staff for 2024. The National Living Wage increases by 9.8% wef 1 April 2024 (see Pay & Condition below). As the NJC is committed to being an above Minimum Wage employer, and based on previous years, we might anticipate a broadly similar rise at the bottom of the NJC spine to keep pace, but currently have no information from the Unions or the Employers side to confirm this.

Holiday Pay - post Brazel

Following the consultation earlier in the year, the Government has published Regulations which address the issues presented by the Brazel case. The Regulations will once again allow employers to use the 12.07% method of calculating leave entitlement for casual and irregular workers (but not for overtime).

The Regulations also specify how leave accrued during periods of family leave and sickness must be calculated. Some clarification is required on the interpretation of the Regulations which come into force on 1st January 2024, but overall this is good news. However, the changes to the method of calculating leave do not come into effect until the start of the next leave year, so 1 April or 1 September. We will be reviewing the finalised Regulations and will issue detailed advice to schools during the Spring Term. In the meantime employers must continue to follow Brazel.

Teachers' Pensions - Employer Contributions

Following the re-valuation of the scheme, the employers' contribution rate will increase by 5% from 23.68% to 28.68% with effect from 1 April 2024. The DfE has indicated that it will provide additional funding to cover 2024/25 and that costs for future years will be looked at as part of subsequent spending review round.

HR Hot Topics - Leave of Absence

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

Staff absences have a huge impact on pupil's learning, as well as on budgets in terms of both cover and administrative costs. At the same time, flexibility works both ways and can lead to a more content and productive workforce. The key is to get the balance right.

Employees have certain statutory and contractual rights to time off work, for example for family related leave or trade union duties, but employers still have some discretion to determine reasonable levels and in some cases whether the time off is paid or unpaid. Employers may also grant discretionary leave for example compassionate leave.

It is essential:

- to set an expectation of high attendance
- to operate within your policy fairly and consistently, but considering each case on its merits.
- that employees and employers follow consistent procedures for applying for, and approving leave
- to accurately record the exact reasons for all absences and to monitor global and individual levels of absence
- to take appropriate action when absences exceed reasonable limits and when procedures are not followed

Please contact your link advisor if you would like to discuss a specific case or for help with reviewing employee attendance overall.

Please note also that statutory leave for Carers and changes to Flexible Working Regulations come into force in April 2024 and we will be issuing guidance and updating relevant policies in the Spring Term.

Please see our supporting resources here: [Latest News - Juniper Customers \(junipereducation.org\)](https://www.junipereducation.org). This includes:

<u>NEW</u> - Leave of Absence FAQs	<u>NEW</u> - Guidance on dealing with persistent absences
<u>NEW</u> - Guidance on refusing requests and unauthorised absence	<u>UPDATED</u> - Guidance on Time Off to Train and funding agreement
<u>REVIEWED</u> - Guidance and template agreement on Secondments and Career Breaks	<u>UPDATED</u> - Leave of Absence Policy and Request From

Model Policies & Procedures

OUT NOW

MENOPAUSE	minor update to risk assessment and additional references to ACAS guidance	LEAVE OF ABSENCE	minor points of clarification (See also “Hot Topics”)
DISCIPLINARY	no changes	COMPLAINTS AGAINST GOVERNORS	no changes
EQUALITY, DIVERSITY AND INCLUSION	see “Did You Know” section		

OUT LAST HALF TERM

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

Resources and Admin Updates

Teachers' Working Time - updated guidance to cover part-time teachers' working time, including non-pupil days.

AWOL - guidance on employees who go AWOL can be found under [Discipline and Dismissal on the Website](#).

TRA checks and Ofsted – we have once again been alerted to some Ofsted inspectors insisting that Maintained School conduct Prohibition from Teaching Checks on school support staff. The requirement to undertake such checks only applies where staff are undertaking teaching work NOT under a system of supervision. In maintained schools support staff can only undertake teaching work under a system of supervision and therefore the check is not required – this is why it is not on the SCR template for support staff in Maintained school. In any case the TRA only consider prohibition in respect of teachers who hold QTS. Academies should undertake the check on any support staff undertaking unsupervised teaching work.

Pay and Conditions

The new **National Minimum Wage and National Living Wage** rates effective from 1 April 2024 have been announced as follows:

- 21+ - £11.44 (currently £10.42)
- 18-20 - £8.60 (currently £7.49)
- Apprentices - £6.40 (currently £5.28)
- 21-22 - separate rate (£10.18) abolished - now receive 21+ rates
- 16-17 - £6.40 (currently £5.28)

The **Essex Lettings Rates** will increase with effect from **1 April 2024** as follows:

Monday–Friday: £11.44 Saturday: £11.73 Sunday: £11.99

Residential Allowances

The JNC for Teachers in Residential Establishments have reached Agreement on increases as follows:

- Sleeping in Allowance to increase by 3.88% wef 1 April 2023 (in line with LGPS Pay award)
- Other Residential Allowances to increase by 6.5% wef 1 September 2023 (in line with Teachers' pay award)

Did you know?

Minimum Service Levels - Consultation

Following the passing of the Strikes (Minimum Service Levels) Act 2023, the DfE is consulting on Regulations which will describe how the Act will operate in Education. In summary, the proposal is to require schools to maintain provision for certain pupils in the event of strike action by teachers or support staff and that school leaders will have to determine which staff must attend and therefore cannot take strike action. Have your say by responding to the consultation: [Minimum service levels in education](#).

The Equality Act 2010 (Amendment) Regulations 2023

Come into effect on 1 January 2024. The Regulations cover certain EU-derived discrimination protections which would otherwise have disappeared at the end 2023 due to Brexit. It covers, indirect discrimination by association, definition of disability in relation to ability to participate fully and effectively in working life, equal pay comparators, discrimination on the grounds of breastfeeding falls under the protected characteristic of sex and discriminatory statements related to recruitment. These changes are covered in the Appendices of our updated Model Equality, Diversity and Inclusion in Employment Policy.

As previously reported the Worker Protection (Amendment of Equality Act 2010) Act 2023 introduces a requirement for employers to take reasonable steps to prevent sexual harassment in the workplace and introduces additional fines for failure to do so. Although the main provisions will come into force on 26 October 2024, employers should of course already be taking reasonable steps to prevent all harassment.



You can now follow members of our HR Team - Nicki Harris, Melanie Maul-Proir, Kate Merryweather and Debbi Penny - on LinkedIn and along with Juniper Education on LinkedIn and [Twitter.com/JuniperEd](#)



Case Review - Leave of Absence

Each half term, we will highlight an Employment Tribunal decision and identify lessons which may be learned. In *Jewell v Stax Covertng*, Mr Jewell's partner was pregnant and was told to attend an emergency hospital appointment. This presented a childcare problem for them and Mr Jewell submitted a request to take Monday off as holiday, but this was refused. Mr Jewell sent in further requests for unpaid time off. No response was received and he telephoned the employer to confirm that he would not be able to attend work on the day of the appointment.

The following day, he was called to a disciplinary hearing in relation to unauthorised absence and insubordination. It was decided that no action would be taken. Five months later he was called to another disciplinary meeting and dismissed. The reasons cited included smoking, using a mobile phone on the premises and not following procedures or providing sufficient notice before taking time off.

Mr Jewell, who still had less than two years' service, claimed that the dismissal was automatically unfair. It was held that Jewell had been unfairly dismissed on the grounds that the primary reason was that he had taken time off work to care for a dependent.

The decision is a reminder of the importance of taking into account that employees have statutory rights to take a reasonable amount of time off to deal with an emergency involving a dependant and that right applies from day one of employment.

Upcoming Training Courses

PLEASE BE AWARE THAT WE ARE INTRODUCING A NEW BOOKING SYSTEM FOR HR TRAINING. You do not have to register on this new system to book onto our courses. Please use this system [Juniper Education Webinar Booking](#) to book any HR courses running **on or after 1 March 2024**. Detailed information and instructions are [here](#).

For courses running **before 1 March 2024** and the Safer Recruitment **Full Day** Training only please continue to book via junipercpd.org/cpd/portal.

If you have already booked on a course running after 1 March we will transfer your booking for you.

If you have any difficulties booking on the new system please email EducationHR@junipereducation.org

Please note all courses are subject to minimum numbers and may not run if these are not met. Delegates will be offered alternative dates where courses are cancelled. Further information on all our courses can be found [here](#).

The **Spring Term HR Briefings** will take place on **24th, 26th and 30th January 2024 at 10am and 29th January at 1.30pm**. The briefings will each last one hour. There is no need to book – you will receive an email in January with the meeting links so you simply need to join whichever one you want.

FOR HR STAFF AND MANAGERS

HR Administrators Induction	Various dates from 10th January & 24th April	9:30-11:30
Recruiting and Checking New Staff	17 January 2024 & 2 May 2024	9:30-11:30
Maintaining the SCR for Academies & MATs	25 January 2024 & 4 June 2024	9:30-11:30
Maintaining the SCR for Maintained Schools	1 February 2024 & 13 May 2024	9:30-11:30
Maternity and Other Child Related Absence NEW	7 February 2024 & 7 June 2024	9:30-11:30
Understanding Teachers Pay and Conditions	14 February 2024	9:30-10:30
Understanding Local Government P&C	14 February 2024	10.45-12:00
Contracts of Employment	13 March 2024	9:30-11:30

FOR LEADERS AND LINE MANAGERS

Safer Recruitment Refresher	8 January & 11 March 2024	9:30-12pm
Equality in Employment	18 January 2024	9:30-10:30
Developing your Management Skills	13 February 2024	9:30-11:30
Performance Management for Support Staff	5 March 2024	9:30-11:30
Managing Employee Exits and Terminations	7 March 2024	9:30-11:30
Managing Staff Absences	15 March 2024	9:30-11:30
Challenging Conversations with Staff	21 March 2024	9:30-11:30
Safer Recruitment	9 January & 26 March 2024	Full Day

HR TRAINING FOR GOVERNORS

Pay and the role of the pay committee	15 May 2024	5.30-7.00pm
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