



Trust our knowledge and expertise

Introduction

We wish you a happy new year and hope you had a restful Christmas break.

Clare Harding has joined us as a HR Adviser for a three-month secondment until April. Clare is from Croydon Council's Central HR Team and has a wealth of HR and Employee Relations experience. We will be involving Clare in our cases so some of you will be working with her this term. I am sure you will give her a warm welcome.

2023 looks to be another challenging year in particular with the cost of living continuing to increase. With this in mind, we have provided information on wellbeing and mental health training for senior leads to support our school workforce.

Strike action has been prevalent particularly within the transport sector, so we have put together some typical questions and answers to employee affected by travel disruption. We also have an update on strike action by the main teaching unions.

On a brighter note, we have information on the extra day's leave following the 2022 support staff pay award and an additional bank holiday on 8 May for the King's Coronation.

Please do not hesitate to contact us if you have any questions about the items in this newsletter or any other workforce matters.

We are looking forward to working with you over the coming Spring Term.

The Schools HR team

Recap on the 2022 Pay Award

i. Teachers

You will be aware that the School Teacher's Pay and Conditions Document (STPCD) 2022 came into force as of 4 November 2022. This followed the government's full acceptance of the School Teachers' Review Body's (STRB's) recommendations for 2022.

In summary the changes were:

1. A pay award of a 5% increase on all pay and allowance ranges and advisory points, with higher increases to some parts of the Main Pay Range (of between 5.5% and 8.9%) as a step towards achieving a minimum starting salary of £30,000 by September 2023. This was effective as of 1 September 2022.
2. A change to directed time to reflect the national bank holiday on Monday 19th September 2022 for the State Funeral of Her Majesty Queen Elizabeth II. This means that full time teachers will be expected to be available for work one less day in the academic year 2022/23 i.e. 194 days rather than 195 days. Directed time has reduced from the standard 190 days (or 1265 hours) to 189 days (or 1258.5 hours) for the academic year 2022/23.

ii. Support Staff

Following agreement by the National Joint Council (NJC) – the National Employers and majority of national trade unions – **all** Croydon support staff **pay grades** from 1 to 17, was increased by **£2,229** as of 1 April 2022. This included all support staff in Croydon schools employed on the Local Government NJC terms and conditions of employment.

Allowances were also increased by 4.04% with effect from 1 April 2022.

Annual Leave for Support Staff

As part of the 2022 pay award, the NJC has also agreed that from **1 April 2023**, all employees covered by this National Agreement, regardless of their current leave entitlement or length of service, will receive a permanent increase of one day (pro rata for part-timers) to their annual leave entitlement. The NJC's full expectation is that the additional day's leave will be applied for all NJC staff including those working in schools, regardless of existing local arrangements.

Please see the Extra Day's Leave section below for the full implications of this announcement.

Pay Award 2023

i. Teachers

Local authorities were invited to complete the LGA teachers' pay and conditions survey in December 2022.

The purpose of the survey was to extract evidence (including anecdotal evidence and best estimates) to inform the NEOST response to the School Teachers' Review Body (STRB). The aim is to influence the STRB recommendations for the 2023 pay award. We will keep you updated regarding developments as they arise.

ii. Support Staff

The NJC Committee has proposed that the 2023 pay claim is for an increase of RPI + 2% from 1 April 2023. The recognised support staff unions (Unison, GMB and Unite) are in the process of consulting their members on the proposal.

The NJC Committee also recognises that mileage is a huge concern for many members. It is proposed that the 2023 pay claim has a strong focus on improving mileage rates.

Following completion of the three unions' internal consultation processes, they will meet to finalise their pay claim for submission in January 2023.

Arrangements have been made for councils to be consulted on the unions' claim at regional pay briefings, to be held online between 6 and 15 February 2023.

Brazel v Harpur Trust – implications for casual staff.

Following the Supreme Court decision in July 2022, HR representatives from each London Council have formed a working group to agree on a uniform approach to calculating holiday pay for casual staff. The group have been working several options. As soon as a uniform approach has been agreed, we will update you.

The Government has sent out a consultation paper regarding calculating holiday entitlement for part-year and irregular hours workers. So please look out for this so you can express your views.

Please contact your HR Consultant if you wish to discuss further.

Extra day's leave (updated Green Book Part 4.12)

Part 4.12 of the Green Book contains joint guidance to ensure the pay and conditions of Term-Time Only (TTO) employees are transparent, consistent and fair and they are treated no less favourably than employees on all-year-round contracts.

The 2022 NJC pay agreement includes an increase of one day's additional annual leave for all staff employed on NJC conditions, with effect from **1 April 2023**. This will impact on the calculation of pay for staff in schools who work term-time only.

The leave entitlements for full time support staff in Croydon schools (that have not changed from NJC terms and conditions) are:

Employees on grades between Grade 1 and Grade 10.	29 Days or 5.8 weeks
Employees on grades Grade 11 and above or Employees with at least five years' continuous local government employment.	31 Days or 6.2 weeks
Employees on grades Grade 11 and above or Employees with at least five years' continuous local government employment employed in Voluntary Aided (VA) schools or Academies that were formally VA Schools.	34 Days or 6.8 weeks

The formula for calculating the Full-time Equivalent of a TTO employee will become.

$$\frac{39 \text{ (working weeks)} + 5.8 \text{ (annual leave)} + 1.6 \text{ (bank holidays)}}{52.14 \text{ weeks}} \text{ weeks} \times \text{weekly worked hours} / 36 \text{ hours}$$

Please apply this new calculation on payroll for all existing term time support staff from 1 April 2023. New contracts will also need to reflect the new formulae.

King's Coronation – Additional bank holiday and support staff working term time only.

The Government has announced there will be an additional bank holiday on Monday 8 May 2023 in honour of the Coronation of His Majesty the King.

In accordance with Part 2 Para 7.1 of the Green Book, all employees will be entitled to a holiday with a normal day's pay on the additional bank holiday (pro-rata for part-time employees).

DfE has confirmed it will in due course lay regulations to again reduce the school year from 189 days to 188 days, for the academic year 2022-23, as a result of this further additional bank holiday. For many staff, this may result in a further reduction in their working year.

The school year has already been reduced from 190 days to 189 days for the additional bank holiday that marked the State Funeral of Her late Majesty Queen Elizabeth II, on Monday 19 September 2022.

The National Joint Council for Local Government Services (NJC) have provided advice on the matter as it did so last year for the Queen's Jubilee celebrations.

For those employees who work less than a full week and their non working day includes a Monday, they have two options.

1. To give them a compensatory day off (if service needs can allow it) or
2. If this is not possible, the alternative is to pay the affected employee a compensatory payment for not being able to take the day off.

The NJC have developed a formula that recalculates the daily accrual rate of annual leave in light of the additional public holiday. This will determine a payment that can be made to those staff **who will not benefit from the additional day's leave**.

As there is an increase in holiday entitlement in the 2023/24 leave year, the daily holiday accrual rate will increase and the following formula should be used to calculate the accrual rate of annual leave

The basis of the formula is:

1. Weeks worked multiplied by days worked (by the employee) = number of days worked per year divided by
2. Number of days worked by a all-year-round employee per year
(This is calculated as a year's worth of 5 working day weeks = 261 minus the amount of leave a full-time employee receives (at the minimum 37 days) = 224)

This will give the daily accrual rate for annual leave.

As annual leave entitlements are dependent on grade and service, this will vary in practice. Please refer to the table below for ease.

A worked example of how this will apply with annual leave entitlements given in Croydon is as follows:

A TTO employee works three days a week.
 $39 \text{ weeks} \times 3 \text{ days} = 117 \text{ days per year.}$

If they have less than 5 years' service, their holiday entitlement in a normal year would be as follows: $117 \text{ days} \times 0.1652 \text{ daily leave entitlement} = 19.33 \text{ days.}$

In the year with the additional bank holiday, their working pattern is such that they are still required to work for 117 days in the year, the revised calculation of leave would therefore be: $117 \text{ days} \times 0.1704 = 19.94 \text{ days.}$

This is an increase in leave entitlement of 0.61 of a day. This would be the correct pro-rata entitlement when compared to an all-year-round employee. The TTO employee should therefore receive additional pay for the extra leave that is accrued. In this case you will need to pay this employee an extra 0.61 of a day.

Further to these examples we have created a table to show the pay entitlements for staff who will not receive the extra day off.

Type of NJC staff	1	2	3	4
Days worked per week	1	2	3	4
Days worked per year	39	78	117	156
Calculation based on 29 days annual leave and bank holidays for Grades 1-11 for EBCR & non EBCR schools	0.20	0.41	0.61	0.82
Calculation based on 31 days annual leave and bank holidays for Grades 11 and above and those with more than 5 years' service for EBCR schools	0.21	0.41	0.62	0.83
Calculation based on 34 days annual leave and bank holidays for Grades 11 and above and those with more than 5 years' service for non EBCR schools	0.21	0.43	0.64	0.85

The figures cited in the table are the fractions of a one day's pay that should be paid to staff who do not normally work on a bank holiday.

The NJC recommends that any additional payment should be made to those affected staff who are in post on 8 May 2023.

For those employees who work less than a full week and their working day includes a Monday, then they will take the day off.

King's Coronation – Teachers

We have not received similar detailed guidance for teachers. However, the STPCD was amended in September 2022 to take into account the additional bank holiday (for the Queen's Funeral) and these extend to the calculation of pay of part time staff. In the current academic year, a part time teacher's availability to work should be pro rated to 1252 hours instead of the normal 1265 hours.

Strike action (NEU)

The NEU has announced that its ballot of teacher members in England has met the thresholds required to commence industrial action. The ballot of support staff members in England failed to achieve the 50% turnout required by law.

They have announced several dates for national and regional action in England. The dates relevant to schools in our region are as follows:

- Wednesday 1 February 2023: all eligible members in England and Wales.
- Thursday 2 March 2023: all eligible members in the following English regions: London, South East & South West.
- Wednesday 15 March 2023: all eligible members in England and Wales.
- Thursday 16 March 2023: all eligible members in England and Wales.

Should the NEU decide to proceed with industrial action, they must give employers at least 2 weeks' notice.

To support schools, the DfE has updated its guidance on Handling strike action in schools. It expects that head teachers and governing bodies to take all reasonable steps to keep schools open for as many pupils as possible. The guidance also provides examples of approaches and flexibilities that can be used to maximise attendance and explains the law on trade disputes and picketing

Please see the link below.

[Handling strike action in schools - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/handling-strike-action-in-schools)

We will keep you updated regarding developments as they arise.

In the meantime, if you have any further questions or specific issues, please contact your HR Consultant.

Free wellbeing support for school leaders

School leaders can access free wellbeing support through [Education Support](#). The DfE funded scheme provides free one-to-one supervision, peer support and counselling to assistant headteachers, deputy headteachers and above.

School leaders can apply [here](#), even if they have access to an employee assistance programme in their school.

In addition to managers holding regular 1 to 1 meetings with their staff and maintaining regular contact during periods of absence, please remember that schools can purchase the Employee Assistance Programme if you haven't already done so. With ever increasing pressures at work and at home, an Employee Assistance Programme (EAP) can be a valuable resource to your employees who need some extra support.

As a reminder the programme offers:

- Comprehensive online resources
- Confidential 24 hours telephone-based support
- Up to 6 face to face/video or telephone confidential support sessions based on a triage call with a counsellor.

The Council's EAP is provided by Health Assured, an expert provider of employee support services. All staff members are highly trained and qualified professionals who are experts in fields such as:

- Health and well-being
- Family matters
- Relationships, elder care, workplace issues
- Debt management
- Employment issues
- Consumer rights
- Counselling

For further details, please contact ritika.singh@croydon.gov.uk

Mental Health Training for Senior Leads

The Department for Education (DfE) is offering a grant of £1,200 for eligible state-funded schools and colleges in England to train a senior mental health lead to develop and implement a whole school or college approach to mental health and wellbeing. This training is not compulsory, but it is part of the government's commitment to offer this training to all eligible schools and colleges by 2025.

Eligible schools and colleges are now able to apply for a senior mental health lead training grant to commence training within the 2022 to 2023 financial year, up to 31 March 2023. Grants will be provided to cover (or contribute to) the cost of attending a quality assured course and may also be used to hire supply staff while leads are engaged in learning.

Please see the link below for more information.

[Senior mental health lead training - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/senior-mental-health-lead-training)

ACAS campaign and government employee health and disability service

With sickness absence rates increasing for many employers, Acas has launched a campaign to highlight its guidance on this issue. There is also a podcast on Sickness absence: how employers can better manage sick leave and a blog on understanding occupational health. Although aimed at small and medium-sized enterprises (SMEs), the resources may be of interest to schools.

Please see the link below for further information.

https://www.acas.org.uk/podcast/sickness-absence-how-employers-can-better-manage-sick-leave?utm_source=SicknessPodcast&utm_medium=Email&utm_campaign=Sickness

The Government has also launched a new service: Support with employee health and disability. This is an online question and answer service, which is currently in test format. Again, although aimed at SMEs, schools may find it of interest. For further details see the Government's press release.

Please see the link below for further information.

<https://www.support-with-employee-health-and-disability.dwp.gov.uk/support-with-employee-health-and-disability>

Appropriate Body Service

As you may be aware, Croydon local authority cannot act as an Appropriate Body (AB) for schools Early Career Teachers (ECTs) after 31 August 2023. However, for schools existing cohorts, i.e. ECTs that are completing their induction in July 2024, they are able to remain with Croydon as their AB.

We appreciate that you are probably starting to think about ECTs that you will be recruiting for September 2023 and have therefore scheduled a meeting for Head Teachers, ECT tutors and other senior leaders for **Tuesday, 7 March 2023 from 4pm to 5.30pm, via Microsoft Teams.**

Croydon's, designated Teaching School Hub (Harris – Crystal Palace) will be attending and will also respond to any questions that you may have. The main points that will be covered are:

Reasons for the Appropriate Body changes:

- The school's current cohort and what happens if ECTs that carrying are out an extension to their statutory induction period.
- Part time ECTs and those going on or on maternity leave.
- ECTs who start their induction prior to September 2023.
- Harris Teaching School Hub as an Appropriate Body and their requirements. We welcome a discussion on this and how it may differ from Croydon's Appropriate Body model.
- ECF provision to include the Full Induction Programme, Core Induction Programme and School Induction Programme. Harris TSH will give some context around this plus their charges. This will also include schools that are undergoing a FIP with a different TSH to Harris.
- The New National Institute of Teaching (NIOT) and the opportunities that it will provide.

To book a place login to www.octavopartnership.org, navigate to 'Training' and search for the course reference. Please book using course reference: NQT-IN-0323-T002. Places are non-chargeable.

For support with logging in or accessing your school's account, please email: octavo.enquiries@croydon.gov.uk.

Education Partnership

Back in 2020, the local authority proposed establishing a Croydon Education Partnership and informal consultation with schools on this proposal proved positive. This was delayed by the pandemic, but we are pleased to advise that this has now been identified as a local priority and included with the Croydon Mayor's Business Plan 2022-26.

The over-arching aim of the Partnership is to improve educational attainment and opportunities for all children and young people in Croydon, by bringing together the full range of education settings across all age phases (early years to post-16), which may include:

- development and agreement of local education priorities, strategy and policies.
- collaborative and complimentary delivery of training, support, meetings and events.
- adoption of a centralised communication vehicle – bulletins, headteacher briefings, networks etc.
- maximising opportunities for funding, for example coordination of joint external funding bids.

We are pleased that a small group of education leaders, representing the breadth of our local provision from early years to post-16, was formed in the Autumn Term to draft a Partnership Terms of Reference. We are now moving forward with wider engagement, with a view to establishing the Partnership Board in the Summer Term. We look forward to supplying further information shortly.

Safer Recruitment Courses

We are happy to announce that we are running the full Safer Recruitment course this term. This is the nationally recognised Safer Recruitment Consortium training and is delivered by an accredited trainer. It focuses on the “safeguarding” aspects of recruitment, rather than general selection techniques. This is designed for school staff with responsibility for safer recruitment. This training is a statutory requirement for one person on every recruitment panel for school staff to have completed safer recruitment training. Please note that this is not a Designated Safeguarding lead course.

The course is delivered online in two half day sessions. Part 1 will be held on **26th January 2023** (including a short break) followed by Part 2 on **2nd February 2023**. Both sessions will be held in the morning.

The next Safer Recruitment Refresher Training will be held on **20th April 2023 for 4 hours** (including a short break). This course is designed to provide school staff with updates of recent changes. If you are interested, you **must** have attended the full course previously and provide your Safer Recruitment Training certificate to verify this.

For booking details for both courses, please refer to the Octavo website.

HR Checklist – 8 things to do in the Spring Term

1. Personal File Audit

The Spring Term is a good time to conduct an audit to ensure that personal files are compliant and up to date. We have resources on our website in relation to records management which you may find helpful. Please refer to the HR Records Management Protocol section which is found under the Resources area of our website.

2. Sickness Pay Audit

This is also a good time to conduct a sick pay audit to ensure that those employees on sick leave are receiving the correct amount of sick pay. This is especially relevant for those on long term sickness absence. Getting this wrong can lead to overpayment and then having difficult conversations about repayments.

Please check your employee sick records with your payroll provider and identify who is due to go onto half pay and nil pay. The timescales will depend on whether the employee is a member of teaching or support staff and their continuous service. Please consult your HR Consultant for advice if you are unsure.

3. Increase to Statutory Rates

Statutory rates including Statutory Maternity and Sick Pay are due to increase in April. Please see the link below for further details.

[Benefit and pension rates 2023 to 2024 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/benefit-and-pension-rates-2023-to-2024)

The government has also raised the minimum wages rates for the London Living Wage and National Living Wage. These will also increase in April. Please see the link below for further details.

[Minimum wage rates for 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/minimum-wage-rates-2023)

4. Teacher Resignation Dates

Please note that for teachers resigning their appointments with effect from the end of the Spring Term, will be paid salary to 30 April.

However, in the case of a teacher resigning to take up an appointment with another employer, they will be paid salary up to the day before the first day of the new employer's Summer Term if this is earlier than 1 May. They are not required to attend the first days of the Summer Term with their former employer if their Summer Term starts earlier than 1 May.

For both circumstances, all teachers resigning their appointments are required to do so by 28 February.

5. Annual Performance Appraisal for Support Staff –

If your school's annual performance appraisal cycle for support staff operates from April to March in line with the annual pay award, then you are required to complete your end of year performance discussions by 31st March. New objectives will be set at the start at the Summer Term.

Other school's performance appraisal cycles for support staff operate from September to August in line with the academic year. The key dates will therefore be different.

6. Review school employment policies

It is a good opportunity to ensure that school employment policies that are due to be reviewed by the Governing Board are done so ahead of their review date.

7. Contracts of Employment and Changes to Terms and Conditions

Please remember when making changes to employee's terms and conditions in writing, you may have to issue a new contract of employment.

Since **6 April 2020**, all employees and workers must be given a written statement of particulars on or before the first day of employment or engagement. In schools, the written statement of particulars is normally provided via the contract of employment. It is also normal practice for casual staff (who are defined as workers in legislation) to receive casual contracts that will meet the new legislative requirement.

If there is a change of terms and conditions such as different hours or working days and a contract has not been issued since 6 April 2020, then a new contract is required. This follows the legislative change which requires further information on variable working hours, paid leave other than sick pay, benefits, probationary periods and training to be provided.

Where a contract has been issued since April 2020, then a contract change letter with the relevant changes to terms and conditions is provided to the employee. It is important for them to receive two copies, one for them to sign and return to the school and the other to retain for their records.

8. Headship Recruitment.

If your school is recruiting a new Head Teacher, it is a good idea to advertise your vacancy as early as possible in the Spring Term. If you don't attract suitable candidates, you have the opportunity to advertise again.

When planning your timetable for your recruitment and selection programme, please remember that the final deadline for Head Teachers to resign from their posts is 30 April.

Hot Topic

Travel disruption: Employers' questions answered

With further strikes taking place in early 2023, nationwide industrial action on the railways (and some bus routes) continues into the new year. This effectively will shut down the rail network and cause ongoing travel disruption for millions of employees.

Here are a few common questions from employers on the workplace impact of travel disruption.

1. Do we have to pay employees for working hours missed because of transport disruption?

In principle, an employer would be within its rights to refuse to pay an employee who misses work because of transport disruption.

This is because an employee who is not working during their contractual hours is not fulfilling their contract of employment, and so the employer does not have to pay them.

This is the case even if the employee's lateness or non-attendance is out of their control, for example because of transport disruption.

However, it is good practice for employers to take a pragmatic approach, even if employment law is on their side in this scenario.

As an alternative, you can ask the employee to make up the time later if that is possible

The financial disadvantage of paying staff even though they are not working because of transport disruption may be outweighed by the benefits. Staff morale and a reputation as a good employer are among the benefits of paying staff who miss work because of transport disruption.

2. Can our employees take periods of annual leave when they cannot get to work because of transport disruption as annual leave?

Where an employee is unable to get to work because of disruption to transport, taking the time as paid annual leave may be a good option. However for schools this is only an option for staff employed all year around who are not in direct contact with pupils for their education. These include School Business Managers, Care takers and Cleaners.

3. What if transport issues disrupt an employee's childcare arrangements, for example if their nursery is closed or their usual childminder is late or unavailable?

Employees have the statutory right to a reasonable period of unpaid time off for dependants.

The right applies where an employee needs to take time off work because of unexpected disruption to the care arrangements for a dependant.

The right to time off for dependants would clearly apply to an employee where their nursery is closed because of staff shortages, or their usual childminder is late or unavailable.

An employee who is taking time off for dependants must inform the employer as soon as is reasonably practicable of the reason for their absence. The employee must also tell the employer how long they expect to be absent.

The right to time off for dependants is designed to allow the employee to deal with an unexpected event and to make alternative arrangements. It is therefore likely to be reasonable for an employee to take one day's absence to make these arrangements. The right is not designed to give employees time off to care for their child for an extended period. This is included in the School's Discretionary Policy.

4. Do we still have to pay our staff if transport disruption has resulted in us closing temporarily because of a staff shortage?

If an employee has been able to work remotely (which can occasionally happen), the employer must pay them their normal wages. For schools this is limited to staff whose absence does not directly impact on the pupil's education.

If an employee is unable to work because their employer has made the decision to close the premises, this will in effect be a period of lay-off.

The employer should pay the employee their normal wage, unless there is a contractual provision allowing for unpaid lay-off, or the employee agrees to being laid off without pay.

With all of the above you may well need to consider in conjunction with your discretionary leave policy.

Contact Details

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David Wiggs – HR & Finance Service Centre Support Officer -
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extension 22609.

Recruitment Queries:

Teach in Croydon website: www.croydoneducationjobs.org.

Adverts on Croydon Council website: 020 8667 8337; vacancies@croymdon.gov.uk

DBS Queries: schoolsdb@croymdon.gov.uk

Occupational Health: Ritika Singh - Ritika.Singh@croymdon.gov.uk

Teachers Pensions: Vicki Langston – 020 8604 7190 (DDI); 020 8726 6000, extension 27014

Julia McDougall – 0208 604 7383 (DDI), 020 8726 6000, extension 27056
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Local Government Pension Scheme: 020 8726 6000, extension 44034;
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Liberata Payroll

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