

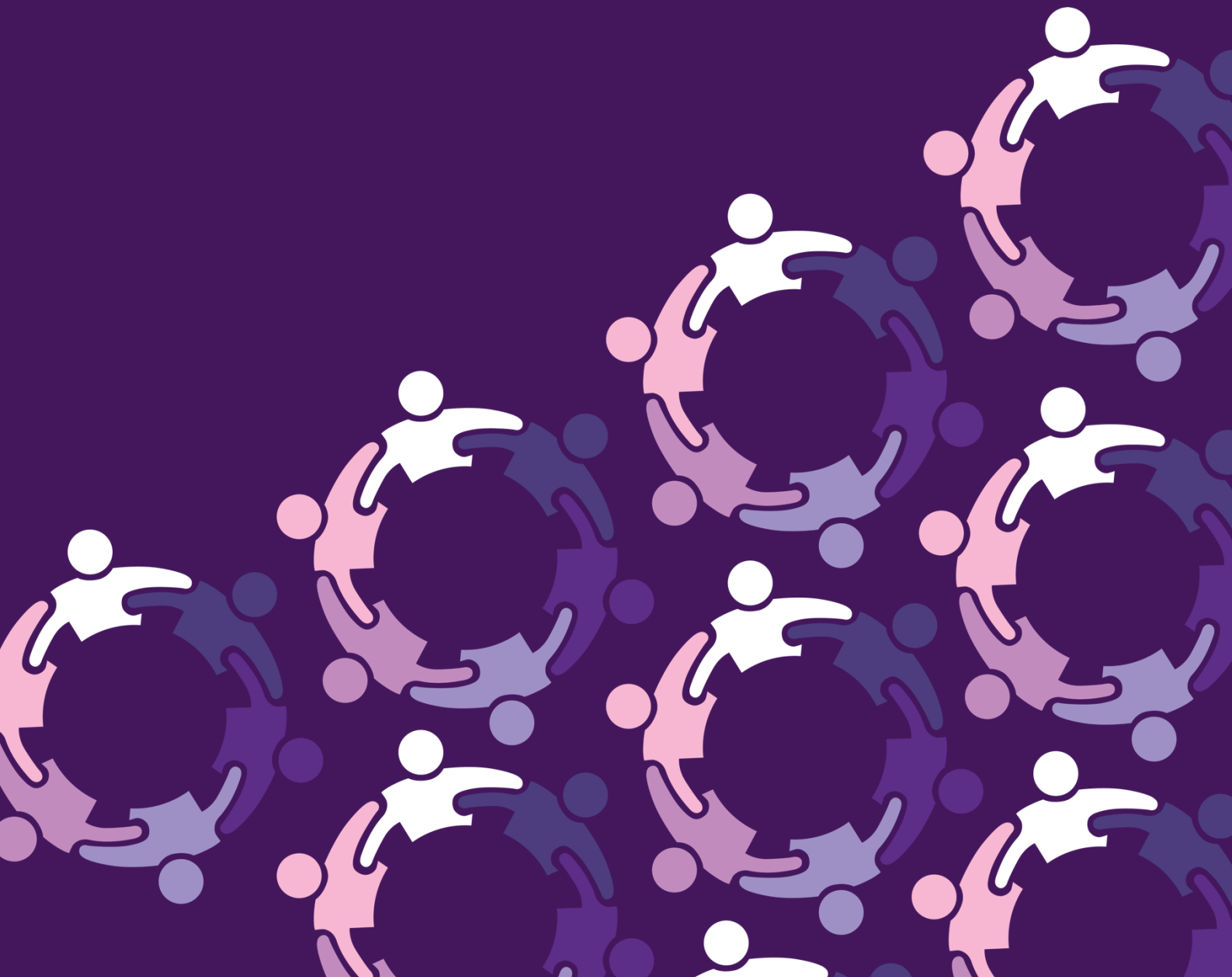


Croydon
Education
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HR Newsletter

Spring Term 2024
January 2024



Introduction

We wish you a happy new year and hope you had a restful Christmas break. We cannot believe that 3 weeks have passed already!

In this newsletter, as well as summarising last year's pay awards. We also have a brief update on a number of employment law updates coming up in early 2024. We mention the initial recommendations from the teacher workload reduction taskforce are published We also provide the HR Checklist for the Spring Term. This term's HR Hot Topic is about an important employment law case that focuses on consultation during a redundancy process. We are also happy to share a list of training courses for governors run by our colleagues in Governor Services.

We would like to draw your attention to the Contact Details at the end of the newsletter. The HR advice line email has changed to educationhr@croydon.gov.uk.

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 School's HR Team

Pay Award 2023.

Teachers.

School Teacher's Pay and Conditions Document (STPCD) 2023 came into force on 3rd November 2023. This is following the government's full acceptance of the School Teachers' Review Body's (STRB's) recommendations for 2023.

The changes last year were:

- 6.5% uplift to all pay points and allowance for both teachers and leaders.
- Higher uplift for M1 of 7.1% for England and 6.8% for the Fringe

Local authorities has been invited to complete the LGA teachers' pay and conditions survey in January 2024.

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 2024 pay award. We will keep you updated regarding developments as they arise.

Support Staff.

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 £2,226 from 1 April 2023.

The pay award was applied to basic pay, backdated to 1 April 2023.

Allowances were increased by 3.88% and will also be backdated to 1 April 2023.

Please note that in line with the national agreement reached for the 2022/23 pay award, spinal column point (scp) 1 has been deleted. This means that employees on this point should be moved onto spinal column point 2, with effect from 1 April 2023, or thereafter (depending on when they started scp 1).

This update applies to all support staff in Croydon schools employed on the Local Government NJC terms and conditions of employment.

The national pay agreement for Local Government Services employees was of a pay increase of £1,925. Because Croydon is an Outer London borough, this has been adjusted to £2,223 (incorporating the former outer London allowance).

We will provide you with the recommendations for the forthcoming 2024/25 pay deal in due course.

Interesting legal changes coming up in 2024.

Response to consultations on 'Brazel', other working time annual leave provisions and TUPE

The Government has responded to its January 2023 consultation on calculating holiday pay for part-year and irregular hours workers under the Working Time Regulations 1998 (the WTR), as well as its May 2023 consultation on proposed changes to other WTR provisions and TUPE.

The changes the Government will make are set out in the response but the 'headline' news for local government and education sector employers is that the Government is amending the way in which WTR holiday and pay is calculated for part-year (so including term-time only) and irregular hours workers so that the effect of the Brazel Supreme Court judgment is overturned. This is being done by providing for holiday entitlement and so pay at a simple 12.07% accrual rate based on hours worked.

Other changes are:

- permitting rolled-up holiday pay for irregular hours and part-year workers;
- setting out in the WTR what 'normal' pay must include, for example overtime pay, to accord with the requirement set out in EU case law that pay for the four weeks' Working Time Directive (WTD) holiday is paid at the rate of 'normal' pay;
- setting out in the WTR provisions concerning the ability to carry-over holiday from one leave year to the next, where the employee has been unable to take it due to sickness or family-related leave, in line with what is already required under case law;
- simplifying and clarifying the working time record keeping requirements;
- removing the provision which allows workers to carry over their four weeks' WTD holiday into subsequent leave years, where they have been unable to take it because of COVID; and
- simplifying the TUPE consultation requirements for employers employing fewer than 50 employees, or for larger employees in the case of transfers of fewer than 10 employees.

Further details of all the changes, which subject to Parliamentary approval will be implemented under the Employment Rights (Amendment Revocation and Transitional Provisions) Regulations 2023.

Employment Relations (Flexible Working) Act 2023

Intended to make flexible working more accessible for employees, this Act gives workers the right to request flexible working from the first day of employment rather than after 26 weeks under the current legislation. Employees will no longer be required to explain the impact of the change requested, as they do currently, and employers will have to make a decision on a request within two months of the request, rather than three as at

present. Workers will also have the number of requests permitted in any 12-month period increased from one to two.

The Employment Relations (Flexible Working) Act 2023 will come into force on 6 April 2024.

The Carer's Leave Act 2023

Under this Act, part of the Carer's Leave Regulations 2024, employees with caring responsibilities will have day one entitlement to one week of unpaid carer's leave in any rolling 12-month period. To qualify for the right to take leave, employees must have a dependent with a long-term care need and be taking the leave to provide or arrange care for that dependent.

Leave may be taken in full or half days up to a block of one week and may be consecutive or non-consecutive. Employers cannot require evidence in relation to the request or decline requests, although they may postpone it in certain circumstances, and employees must give notice of their wish to take leave. Employees will also be protected from detriment or dismissal because they take or seek to take carer's leave. The Carer's Leave Regulations 2024 will come into force on the 6th April 2024.

The Protection from Redundancy (Pregnancy and Family Leave) Act 2023

At present, employees on maternity, adoption or shared parental leave are entitled to be offered a suitable alternative vacancy (if possible) in preference to other employees at risk of redundancy. The Protection from Redundancy (Pregnancy and Family Leave) Act 2023 will expand this protection to include pregnant employees, from the moment they notify their employer of their pregnancy, through to 18 months after childbirth.

The Protection from Redundancy (Pregnancy and Family Leave) Act 2023 will come into force on the 6th April 2024.

The Croydon Education Partnership Schools HR team are working to update our local procedures before the above legislation comes into effect.

The Employment Rights (Amendment, Revocation and Transitional Provision) Regulations 2023

Intended to simplify and streamline the law in these areas, these regulations will affect holiday pay and annual leave, working time and rights/obligations under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). With respect to holiday pay and annual leave, the regulations will make rolled up holiday pay lawful for employees with irregular hours or part-year workers with the aim of making it easier for employers to calculate holiday entitlement for such workers. It will also ensure that worker holiday entitlement better reflects the hours they work across a year.

Regarding TUPE transfers, the incoming regulations will allow businesses with either less than 50 employees, or transfers involving less than 10 employees, to consult with employees directly, and not undertake collective consultation as part of the transfer process.

The provisions regarding rolled up holiday pay and holiday accrual for part-year and irregular hours workers apply to holiday years which begin on or after the 1st April 2024, with the changes to TUPE transfers applying to transfers which take place on or after the 1st July 2024.

The Workers (Predictable Terms and Conditions) Act 2023

This Act introduces a new statutory right for workers to request a more predictable working pattern and is likely to be most relevant to industries that rely on more casual work and where shift patterns vary as rotas change. However, given the wide-ranging wording in the Act, other contracts could be fall into scope, such as fixed term contracts under 12 months.

Under the Act, workers with unpredictable work patterns will have the right to request predictability relating to their working hours, working days and times, and the length of their contract, with employers having a month to respond.

The Workers (Predictable Terms and Conditions) Act 2023 is expected to come into force in September 2024.

The Worker Protection (Amendment of Equality Act 2010) Act 2023

This amendment to the existing Act will introduce a duty on employers to take “reasonable steps” to prevent sexual harassment of their employees. In practice, this means a new, proactive duty to prevent sexual harassment in the workplace. Simply relying on anti-harassment policies and routine training will not be sufficient. Organisations will need to implement clear policies for raising and dealing with concerns, setting the tone from the top, and fostering a zero-tolerance culture.

The Worker Protection (Amendment of Equality Act 2010) Act 2023 will come into force in October 2024.

Workload Reduction Taskforce

The initial recommendations from the teacher workload reduction taskforce were published on 15 January 2024. This includes a joint response from the Secretary of State and the teaching unions.

These are as follows:

- Performance Related Pay. The Taskforce recommends a formal commitment to consult with statutory consultees on PRP with a view to removal in line with the School Teachers’ Review Body’s (STRB’s) observation and in time for the 2024/25 academic year.
- Administrative tasks. The taskforce recommends that a revised annex should be reinserted in the STPCD with an updated list of examples of administrative tasks that teachers should not be required to carry out.
- There are general recommendations to:

- strengthen the implementation of the 2016 workload review groups' recommendations and maximising sign-up to the education staff wellbeing charter.
- strengthening the implementation of the 2016 independent workload review groups' and the 2018 Workload Advisory Group's recommendations and to
- maximise sign-up to the education staff wellbeing charter.

The Taskforce will make final recommendations to government, Ofsted, and school and trust leaders by the end of March 2024.

Further information can be found by clicking the link here below:

[Workload Reduction Taskforce - Initial recommendations \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Training.

A Safer Recruitment Refresher course will be held on Friday 8 March 2024 in the morning at the Clocktower offices starting. 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 all courses, please refer to the Croydon Education Partnership website.

[Courses | Croydon Education Partnership](#)

HR Hot Topic - De Bank Haycocks c ADP RPO UK Ltd (2023).

We would like to bring to your attention an important employment law case that focuses on consultation during a redundancy process. In *De Bank Haycocks v ADP RPO UK Ltd [2023] EAT 129*, the employment appeal tribunal held that an employee's dismissal for redundancy was unfair as the result of a clear absence of meaningful consultation at the formative stage of the redundancy process.

This case is not specific to a school or education setting, but it has some key learning points for all employers.

The background to the case is that Mr Haycocks worked for ADP on one specific client account. During the pandemic, demand for work declined and ADP decided to reduce the number of employees in his team of 16 people.

Each employee in the team was scored against a matrix of 17 subjective criteria. Mr Haycocks scored the lowest of all 16 employees. The scoring took place before ADP had decided on the number of redundancies required. Mr Haycocks was called to an initial meeting and was informed of the need for the business to make redundancies and was told that he could ask questions and put forward alternatives to redundancy. He then had another meeting before a third one, at which he was dismissed.

Mr Haycocks was unaware of both his own criteria scores and other employees' scores for comparison. He appealed the dismissal. He also complained that his total score was too low, and that the procedure was unfair, using completely subjective criteria. At the appeal meeting Mr Haycock

did have his scores, but still did not have the other scores for comparison. He brought a claim in the employment tribunal for unfair dismissal.

The employment tribunal held that the appeal process 'cured' any fault in the original redundancy procedure. The tribunal deemed that as Mr Haycocks had not provided any evidence to show his total score should have been higher and decided the redundancy was fair.

Mr Haycocks appealed to the employment appeal tribunal, stating the employment tribunal had not considered the requirement for consultation at a formative stage.

The employment appeal tribunal highlighted the fact that many employees do not have membership of a trade union and therefore do not have formal representations during redundancy processes. It also agreed with Mr Haycocks that there was a clear absence of consultation at the formative stage. He was never given the opportunity to discuss alternatives to redundancy before the redundancy numbers had been determined.

The case appears to impose a new obligation on employers to consult with employees at a formative stage, irrespective of whether collective consultation is required by law.

In schools we are in a better position. We recognise trade unions for teaching and support staff and have established relationships with local representatives. They are invited to early consultation meetings with schools and therefore involved at a formative stage of restructuring exercises.

Furthermore, the law requires employers to formally consult with affected staff. It states that there is no time limit for how long the period of consultation should be, but the minimum is 30 days for 20 to 99 redundancies and at least 45 days for 100 or more redundancies before any dismissals take effect.

Many schools restructuring, reorganisation, and redundancy procedures require that schools act fairly and conduct a consultation for all reorganisations that may result in redundancies. This is regardless of the minimum number of staff affected. In our model policy, it is recommended **that a minimum of 30 days** be allowed for consultation, where fewer than 20 employees are involved, before the first redundancy takes effect. This best practice goes over and above the requirements of the law.

This case serves as a good reminder for schools to consult with unions at an early stage to discuss any restructuring proposals to see what alternatives there are to compulsory redundancies. These could include pay/hours reductions, termination of fixed term contractors or offering voluntary redundancy for example.

Where there are reductions to be made for roles where there are more people than available posts, it is also important to share with the trade unions the proposed selection criteria as part of the consultation process to consider their views before implementation.

Please contact your designated HR professional for further advice before commencing any restructuring activities.

HR Checklist 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.

<https://www.gov.uk/government/publications/proposed-benefit-and-pension-rates-2024-to-2025/proposed-benefit-and-pension-rates-2024-to-2025>

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.

<https://www.gov.uk/government/publications/minimum-wage-rates-for-2024>

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

Governor Services: Spring 2024 Training & Development Programme

Governor Services offer a wide range of training and development opportunities. For further details on the courses go to: www.croydoneducationpartnership.org

Course Title	Date	Time	Course Reference	Suitable for Academies?
Effective Minute Writing for Clerks	Friday 26 th January	10.00-11.30	GOV-0124-T001	Yes
Chairs' Briefing: Croydon	Tuesday 30 th January	18.30-20.00	GOV-0124-T004	Yes
Safeguarding for Trustees & Governors	Thursday 1 st February	18.30-20.15	GOV-0224-T001	Yes
Clerks' Briefing	Friday 2 nd February	10.00-11.30	GOV-0224-T002	Yes
NEW DEVELOPMENT SESSION				
Building Rapport Based Relationships	Tuesday 6 th February	18.30-20.00	GOV-0224-T003	Yes
Effective Governance & Challenge	Thursday 8 th February	18.30-20.00	GOV-0224-T004	Yes
Accredited Safer Recruitment Training for Trustees & Governors	Wednesday 21 st February	09.30-17.00	GOV-0224-T005	Yes
Managing Difficult Conversations	Thursday 22 nd February	18.30-20.00	GOV-0224-T006	Yes
Mental Health & Wellbeing: What Trustees & Governors Need to Know	Monday 26 th February	18.30-20.00	GOV-0224-T007	Yes
Pupil Exclusions: What Trustees & Governors Need to Know	Tuesday 27 th February	18.30-20.00	GOV-0224-T008	Yes
Ofsted: What Trustees & Governors Need to Know	Wednesday 28 th February	18.30-20.00	GOV-0224-T009	Yes
The Role of the Designated Safeguarding Governor	Thursday 29 th February	18.30-20.15	GOV-0224-T010	Yes

Course Title	Date	Time	Course Reference	Suitable for Academies?
Welcome to Educational Governance (all three sessions must be attended)	Thursday 7 th March, Thursday 14 th March AND Wednesday 20 th March	18.30-20.00	GOV-0324-T001	Yes
Prevent Training for Bromley Trustees & Governors	Wednesday 13 th March	18.30-20.00	GOV-0324-T002	Yes
Forum with Bromley LA	Tuesday 19 th March	18.30-20.00	GOV-0324-T003	Yes
Diarising & Prioritising Your Work	Thursday 21 st March	18.30-20.00	GOV-0324-T004	Yes
Hot Topics for Trustees & Governors	Tuesday 26 th March	18.30-20.00	GOV-0324-T005	Yes
Prevent Training for Croydon Trustees & Governors	Wednesday 27 th March	18.30-20.00	GOV-0324-T006	Yes
Hot Topics for Clerks	Thursday 28 th March	18:30-20:00	GOV-0324-T007	Yes

For more information, on how to book, costs and other governance learning resources, please contact the Croydon Education Partnership Governance team on 020 8726 6000 or educationgovernance@croydon.gov.uk

Contact Details:

Advice Line: 020 8241 5483 educationhr@croydon.gov.uk

Gordon Mackenzie – Schools HR Lead gordon.mackenzie@croydon.gov.uk
020 8726 6000, extension 24295. Mobile: 07920657757

Fiona Evans – Schools HR Lead fiona.evans@croydon.gov.uk
020 8726 6000, extension 24190. Mobile: 07920657755

Clare Harding – Schools HR Adviser clare.harding@croydon.gov.uk
020 8726 6000, extension 22661. Mobile 07356135297

Christine Lonsdale – Education Partnership Manager
christine.lonsdale@croydon.gov.uk
Mobile: 07920657797, extension 22661

David Wiggs – HR & Finance Service Centre Support Officer
croydonschools@croydon.gov.uk or david.wiggs@croydon.gov.uk
020 8726 6000, extension 22609.

Recruitment Queries:

Teach in Croydon website: www.croydoneducationjobs.org.

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

DBS Queries:

schoolsdb@croydon.gov.uk

Occupational Health:

Ritika Singh - Ritika.Singh@croydon.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
teacherspensionsteam@croydon.gov.uk

Local Government Pension Scheme:

020 8726 6000, extension 44034;
pensions@croydon.gov.uk

Liberata Payroll:

Technical support:
LiberataSchoolsTechnicalSupport@liberata.com

Team:

Richard Heywood - 020 8603 3340 Nandish Sheth – 020 8603 3335
Mary Rides - 020 8603 3343 Camila Politanski – 020 8603 3407
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