



# HR Update: October 2019



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## Topics

School teachers' pay 2019 and 2020

NJC pay claim 2020

Declaration of criminal records during recruitment

Employment law changes 2020

The Harpur Trust v Brazel

Employee health and wellbeing resources



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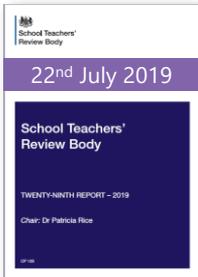
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## School Teachers' Pay Update: September 2019



2.75% on all pay and allowance ranges

Part-funded by DfE

1<sup>st</sup> 2% by schools

STPCD: 11<sup>th</sup> October

www.strictlyeducation4s-hr.co.uk



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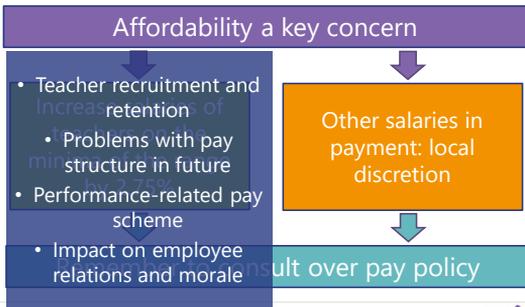
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## Teachers' Pay Update: September 2019



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## Teachers' Pay Update: September 2020

Remit to STRB for 2020 published 18<sup>th</sup> September 2019



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## NJC / GLPC Pay Claim 2020/21



- A "real living wage" increase to **£10 per hour** at the bottom of the pay spine
- 10%** increase on all other NJC/GLPC pay points
- A **1 day increase to the minimum paid annual leave** entitlement set out in the Green Book
- A **2 hour reduction in the standard working week**
- A comprehensive joint national review of "the workplace causes of stress and mental health throughout local authorities"

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## Declaration of Criminal Records During Recruitment

Principle of data minimisation



"adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed"

When should job applicants be making a criminal records declaration?



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## Employment Law Changes: April 2020+

<b>APRIL</b> Holiday pay reference period ↗ 52 weeks	<b>APRIL</b> Extension of IR35 rules	<b>APRIL</b> Changes to the right to a written statement of particulars	<b>APRIL</b> Introduction of parental bereavement leave and pay
<b>APRIL</b> Changes to tax treatment of termination payments (NICs)	<b>TBC</b> Restrictions on use of non-disclosure clauses	<b>TBC</b> Extension of redundancy protection for new parents	<b>More details in this term's HR law and policy briefing</b>



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## The Harpur Trust v Brazel

What is the correct way of calculating statutory holiday pay for workers who are engaged on a term time basis or with irregular hours?

Historically common practice to pro rata holiday for part year workers  
All workers entitled to minimum of **5.6 weeks' paid holiday** per year

For workers with **no normal working hours (i.e. irregular working patterns)** a week's holiday pay is average of previous 12 weeks (i.e. ignoring weeks where no remuneration was payable)

Means that workers who work part-year will receive **proportionately more holiday pay** than those who work full-year

Court of Appeal acknowledged this outcome but said that the law did not prevent it



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### The Harpur Trust v Brazel: **Term Time Workers**

- Need to ensure all TT workers receive minimum 5.6 weeks' holiday pay
- Various options for achieving this and/or mitigating risk
- Community/controlled maintained schools / PRUs should have regard to local authority mechanism



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### The Harpur Trust v Brazel: **Casual Workers**

- Need to ensure all casual/zero hours workers receive minimum 5.6 weeks' holiday pay
- Correct mechanism for a week's pay = average of previous 12 weeks (52 weeks from April 2020)
- 12.07% mechanism not correct for workers who are not working every week
- Consider alternative options + review contracts
- Community/controlled maintained schools / PRUs should have regard to local authority mechanism



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### Employee Health and Wellbeing



2 EAP & *Optimise* digital wellbeing platform



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