

Well-Being, Care & Learning Directorate

Report to Governing Bodies

Summer 2016

Update on HR Issues

Report by: Anne Calvert, Operational HR – Lead Specialist (Schools)

Ward Implications: None

For information		
-----------------	--	--

Summary

This report sets out updates on HR issues that will be of interest to Governors:

1. Online DBS Checks
2. Code of Practice on Disclosure of Criminal Convictions
3. Discretions in LGPS
4. Newcastle Living Wage
5. Trade Union Facility Time
6. Lead Assistant Director for Education & Skills Appointment
7. Pay Award Negotiations update – Support Staff

1. Online DBS Checks

Newcastle City Council has opted to use GBG Online Disclosures to provide secure online identity verification and criminal record checking services to support a robust people proofing service. Their service will provide a thorough background check of individuals, assisting the Council to safeguard, recruit and engage with confidence. The online checking service will increase speed, accuracy and efficiency by replacing the existing manual checking and postal process. We anticipate that the majority of criminal

record checks undertaken through the GBG online process should be completed within five days.

GBG offer an applicant a telephone helpdesk to assist them through the process.

The online checking process will inform us electronically when a criminal record check is clear and where it is we can proceed to appoint without the need to see an individual's original certificate (providing all other pre- employment checks are complete).

The online system will also inform us when a check is not clear, if this occurs the applicant must provide their original certificate within 7 days for referral to the Head Teacher. The Head Teacher will decide in accordance with the Criminal Convictions Code of Practice whether to confirm or withdraw the conditional offer of employment.

The online checking arrangement is currently being rolled out across all schools in Newcastle and it is expected that this exercise should be completed by end of April. As part of the rollout, Employee Services have developed a briefing pack and are arranging to go out and visit all schools to support the setup and smooth transition to the new checking system.

Any queries regarding this should be referred to Jane Bruce, Team Leader, Employee Services who can be contacted by telephone on 0191 2116675 or via email jane.bruce@newcastle.gov.uk

2. Code of Practice on Disclosure of Criminal Convictions

In relation to point 1, the Code of Practice on Disclosure of Criminal Convictions has been revised and updated in order to support the new checking process. This is available via the HR section on the intranet.

3. Discretions in Local Government Pension Scheme (LGPS)

The LGPS is a statutory scheme, the provisions of which are contained in regulations that are made by Communities and Local Government (CLG) and are ultimately approved by Parliament. The Regulations give specific responsibilities to employers. Each employer needs to exercise their discretion and make decisions in relation to certain provisions in the LGPS. A document has been

circulated to all Head teachers listing the main discretions employers have in relation to the LGPS. The LGPS is administered by Tyne and Wear Pension Fund for this area.

The document outlines the main discretions that governing bodies have in relation to the LGPS and suggests decisions that they should make in the relevant areas in keeping with those determined by the Local Authority. However, governors may wish to add or change the suggested criteria in some areas.

Once decisions have been made regarding the discretions, there is a proforma contained within the document to complete to confirm the decisions for your school and we request that a copy is sent to Anne Calvert for information and reference.

4. Newcastle Living Wage

As covered in last term's report, the City Council review the rate for the Newcastle Living Wage on an annual basis and elected members have committed to matching the Foundation Living Wage rate during 2016.

In November 2015, the Foundation announced that they were increasing the rate to £8.25 per hour therefore it is the intention of the City Council to raise the Newcastle Living Wage to the same rate during 2016 – this is likely to be October 2016. The current Newcastle Living Wage rate is £7.75 per hour which is higher than the newly established Statutory Living Wage rate of £7.20 per hour.

The City Council's decision will be applicable to Community Schools from implementation; as separate employers governing bodies of Academies, Voluntary Aided and Foundation Trust Schools will need to determine whether they will continue to adopt the NLW – a formal request to this effect will be sent out to these schools once Members have confirmed the City Council's position.

5. Trade Union Facility Time

Schools Forum met in January and decided to continue with the de-delegation of funding for the facility time arrangements for schools. This means that for the majority of maintained schools, the decision has been made to de-delegate funding to the Local Authority to enable the centralised management arrangement for facility time to continue. De-delegation does not apply to Academies or maintained

Special Schools; these schools can however, elect to 'contribute' to the centralised arrangement which is recognised by the DfE as being the most efficient way of managing facility time and mitigates disruption for schools who may otherwise have to manage requests for release time should they have a Trade Union representative on their establishment.

Schools forum have however, reviewed the amount of funding and have reduced the provision for 'floating time' and also in the spirit of fairness, included Unison and GMB in the funding arrangements. This does have an impact in terms of the amount of funded time allotted to each Trade Union, particularly the NASUWT and NUT.

To avoid disruption part way through the academic year, the City Council is seeking agreement with the teaching unions to mitigate the impact on release arrangements until the end of this academic year.

It is fair to observe that the decision made by Schools Forum and resultant impact on TU facility time funding has resulted in significant challenge from the teaching Trade Unions and HR are working with senior management in Wellbeing Care and Learning to help mitigate some of the concerns albeit the decision of Schools Forum cannot be changed.

6. Lead Assistant Director for Education & Skills Appointment

As part of the City Council's review of management and Directorate structures, the advert to recruit a new Lead Assistant Director for Education and Skills has been placed in the Municipal Journal on 07 April 2016 with a closing date of 21 April 2016.

This new role will bring together the Council's relationship and responsibilities for schools, colleges and wider community learning; including the oversight of Newcastle City Learning. The post is viewed as a senior appointment taking on a wider role supporting operational delivery across the whole Directorate. The recruitment process will seek to involve Head teachers from across a range of Newcastle schools as well young people from within the City.

7. Pay Award Negotiations update – Support Staff

The National Employers pay offer was outlined in last term's report. The latest update from them confirmed that Unison and Unite conducted ballots of their members with a recommendation that the offer be rejected, which it duly was. Unison were also seeking permission from its Industrial Action Committee to conduct a ballot for all-out strike action though it is understood that this request is still being considered.

GMB conducted a postal ballot of their membership and the offer was accepted by a majority of 9:1.

The Trade Union side met on 18 March to consider next steps but was unable to agree a joint position. On 22 March, Unison and Unite wrote to the National Employers informally proposing a revised one-year pay deal and to agree the timetable to complete the reviews of the pay spine and term time working which were part of the original offer.

The National Employers considered this when they met in early April but concluded unanimously that they were not prepared to consider the informal proposal following feedback from regional pay consultations last year which requested the pay award should not exceed 1%; the duration should be 2 years to provide financial certainty and allow some time to review the national pay spine to take account of the impact of the National Living Wage; that Unison and Unite would have to re-ballot their membership on any revised proposal so there is no guarantee of the revised offer being accepted; the unions have stated that they would also submit a new pay claim for 2017 later this year which would further delay discussions on restructuring the national pay spine; and finally, national collective bargaining requires participation of two full sides of the NJC (TU and Employer) to engage in negotiations and reach agreement however GMB are not in support of the informal proposal put forward by Unison and Unite as they wish to see agreement reached for the 2 year pay offer originally made in December.

The National Employers are keen for a resolution on this so that employees receive a pay rise and have again written to the Trade Unions to invite them to meet and draft the Terms of Reference and timetable for and composition of the Working Groups to take the

pay spine and term-time reviews forward. They have also asked Unison and Unite to reconsider the offer and reach agreement on the 2 year pay offer made in December.

8. Recommendations

It is recommended that:

- Governing Bodies note the move to using online checking provisions for recruitment in schools
- Governing Bodies note that the Code of Practice on Disclosure of Criminal Convictions has been revised following the move to on line checking
- Governing Bodies note and arrange to make the necessary determinations for their school regarding the employer discretions in the LGPS and send confirmation to Anne Calvert once this has been done.
- Governing Bodies note the current position on the Newcastle Living Wage
- Governing Bodies note the position on facility time arrangements for schools
- Governing Bodies to note that the City Council is seeking to appoint to the post of Lead Assistant Director for Education and Skills
- Governing Bodies to note the update on the pay negotiations concerning support staff

Requests for advice on all terms and conditions issues as well as HR policies and procedures should be made to the school's usual HR adviser

- Anne Calvert on 2115233
- Alan Taylor on 2116281
- Tracy Canto on 2115236
- Wendy Dowdall on 2115234