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**The agenda for today...**

Topic	Timing	Speaker
Keeping Children Safe in Education	01:15	Paula Dodd HR Business Partner
Employment Legislation / Pay updates	07:05	Nicola Coward Senior HR Business Partner
Employment Law cases	12:15	Tom Atkinson HR Consultant
Performance Management	19:35	Sandy Watkins HR Consultant
Covid absence	42:55	Rhys Howarth HR Business Partner
Closing remarks	49:55	Nicola Coward Senior HR Business Partner

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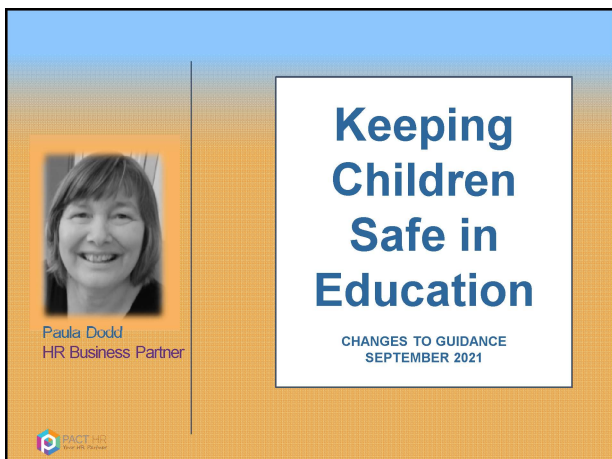
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**Keeping Children Safe in Education**

CHANGES TO GUIDANCE  
SEPTEMBER 2021

Paula Dodd  
HR Business Partner

**PACT** HR  
Partnership for Action

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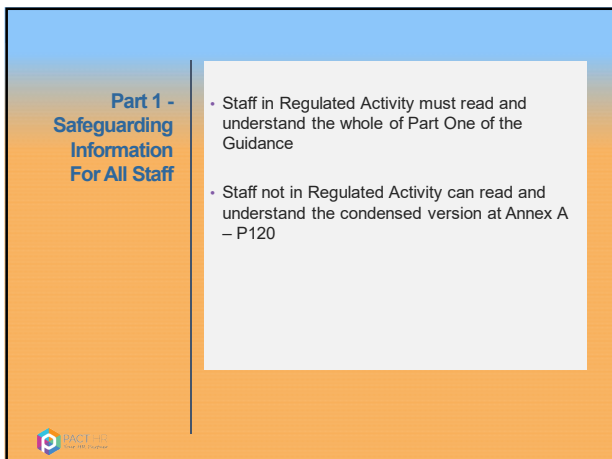
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**Part 1 - Safeguarding Information For All Staff**

- Staff in Regulated Activity must read and understand the whole of Part One of the Guidance
- Staff not in Regulated Activity can read and understand the condensed version at Annex A – P120

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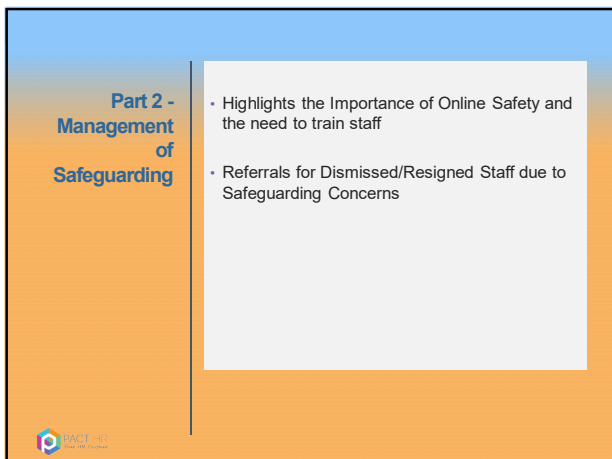
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**Part 2 - Management of Safeguarding**

- Highlights the Importance of Online Safety and the need to train staff
- Referrals for Dismissed/Resigned Staff due to Safeguarding Concerns

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### Part 3 - Safer Recruitment

- Whole Section Restructured
- Checking Birth Certificates
- Separate Barred List Checks
- DBS Checks/Filtering Information Flowchart
- Face to Face Safer Recruitment Training
- Online Refreshers

CONTACT PACT HR




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### Part 4 - Allegations Against Staff

LOW LEVEL CONCERNS THAT MAY NOT  
MEET THE THRESHOLD

- How to link with other polices
- Recording Information
- Sharing Information including references




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### Part 5 - Child On Child Sexual Violence And Harassment

- Staff Overhearing Conversations
- Child's Behaviour Changes
- Sources of Health Support

Contact your HR Business Partner  
For any further information  
PACT HR Helpdesk – 01274 436644




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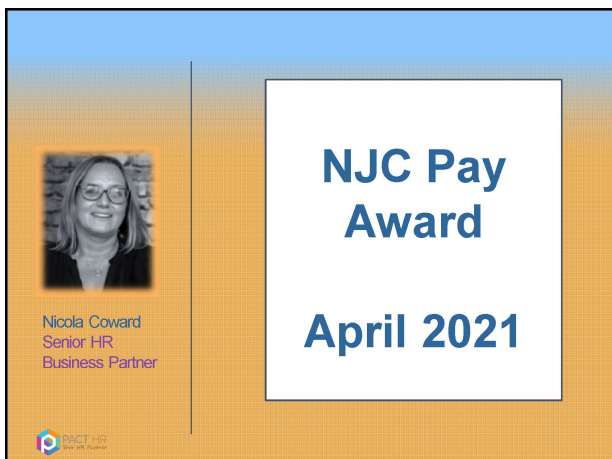
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**NJC Pay Award**

**April 2021**

  
Nicola Coward  
Senior HR  
Business Partner

 IMPACT HR  
Over 200 Teachers

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**NJC Pay Award April 2021:**

Earlier this year, in February the unions lodged their pay claim for:

- A substantial increase with a minimum of 10% on all spinal column points
- Introduction of a homeworking allowance for all staff who are working from home
- A national minimum agreement on homeworking policies for all councils
- A reduction of the working week to 35 hours with no loss of pay, and a reduction to 34 hours a week in London. Part-time staff to be given a choice of a pro rata reduction, or retaining the same hours and being paid a higher percentage of FTE
- A minimum of 25 days annual leave, plus public holidays and statutory days, for all starting employees, plus an extra day holiday on all other holiday rates that depend on service
- An agreement on a best practice national programme of mental health support for all local authorities and school staff
- A joint review of job descriptions, routes for career developments and pay banding for school support staff, and completion of the outstanding work of the joint term-time only review group
- A joint review of the provisions in the Green Book for maternity / paternity / shared parental / adoption leave

 IMPACT HR  
Over 200 Teachers

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**NJC Pay Award April 2021:**

- With effect from 1 April 2021, an increase of 1.50 per cent on all NJC pay points 1 and above
- Completion of the outstanding work of the joint Term-Time Only review group

The employers have also proposed that the NJC begins immediate exploratory discussions on three other elements of the claim, as follows:

- A national minimum agreement on homeworking policies for all councils
- An agreement on a best practice national programme of mental health support for all local authorities and school staff
- A joint review of the provisions in the Green Book for maternity / paternity / shared parental / adoption leave

This offer has also been rejected by the Trade unions

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### July 2021 – The LGA employers issues their Final pay offer:

- With effect from 1 April 2021, an increase of 2.75 per cent on NJC pay point 1
- With effect from 1 April 2021, an increase of 1.75 per cent on all NJC pay points 2 and above
- Completion of the outstanding work of the joint Term-Time Only review group
- The employers also considered the proposals on the three non-pay elements of their initial offer and hope joint discussions can begin on the basis of the following:
- A national minimum agreement on homeworking policies for all councils

The final offer has also been rejected and the trade unions are now balloting their members but recommending that the offer is rejected.

We'll be able to communicate further on this in early October, once the results of the ballot are in!



### Teachers Pay - 2021:

- On 21st July the Secretary of state confirmed the decision to implement a pay freeze for all qualified teachers.
- Only unqualified teachers earning under £24,000 will see any uplift. These will be teachers who are paid on the unqualified point 1 to 3.
- There has been a £250 uplift to these points, please see the table below.
- It is expected that as there are so few members of staff that are affected that these staff will receive their uplift in November, this will of course be back dated to 1st September 2021.

Advisory Pay Ranges	September 2020 £	September 2021 £	Hourly Rate 2021 (Salary / 1595 hours)
Unqualified Teacher Pay Range			
1 Minimum	18,103	18,219	14.55
2	20,262	20,532	16.25
3	22,384	22,644	17.55
4	24,507	24,807	19.37
5	26,622	26,922	21.15
6 Maximum	28,735	28,735	22.72



### Changes to right to work checks extended:

- We informed you that the temporary arrangements for checks to be carried out remotely had come to an end in July.
- However, the government has just announced that the end date for the temporary adjusted checks has now been deferred to 5 April 2022. The following temporary changes were made on 30 March 2020 and now remain in place until 5 April 2022:
- checks can currently be carried out over video calls
- job applicants and existing workers can send scanned documents or a photo of documents for checks using email or a mobile app, rather than sending originals
- employers should use the Home Office Employer Checking Service (<https://www.gov.uk/employee-immigration-employment-status>) if a prospective or existing employee cannot provide any of the accepted documents





Tom Atkinson  
HR Consultant

## Employment Law Update




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### Absence and Investigation -The Case:

Kane v Dabnet Surfacing Limited



- Employee was absent from work due to ill health caused by an ongoing lung condition, which began on Monday 9th March 2020. The employee was then seen at a social club in the afternoon of Monday 9th March.
- His manager, Mr Turner contacted Mr Kane, who stated he "had been in bed all day with chest problems".
- No witness statements or photographic evidence were provided in relation to the allegations.
- Also alleged that Mr Kane had been seen on "numerous occasions" at the social club – although no evidence of this!
- Mr Kane stated the phone call took place on Tuesday 10th March, and not Monday 9th March when he had been seen outside the social club. As such, Mr Kane actually was in bed on Tuesday 10th March, when Mr Turner rang him.
- Mr Kane also claimed he was aware of other people going to the social club whilst they were ill, but nothing was ever done – Mr Kane was unsure why he was being disciplined as this was the culture at the company.

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### Absence and Investigation -The ET Decision:

Kane v Dabnet Surfacing Limited



- The Employment Tribunal concluded the investigation was not reasonable, and that a fair disciplinary procedure was not followed.
- Investigation flawed from the start, with no real evidence gathered as part of the process. Equally, there was no medical evidence to state he should remain at home due to his illness, however the company used this as a reason to dismiss.
- The employer was aware of a previous employee's attendance at the social club whilst off sick, and no action had been taken at the time.
- There was nothing within the company policy to state employee must remain at home when ill – therefore as a result of a number of factors, a dismissal wasn't a reasonable response in the Employment Tribunals view.

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### Absence and Investigation -Conclusions & Recommendations:

Kane v Delamot Surfacing Limited

- Depending on the medical issue, it can be seen as beneficial for employees to be outside of the home in order to aid their recovery – that's not a free pass to attend your local social club whilst absent though!
- Evidence and record keeping is key. Where conversations have occurred and issues raised, gather statements and notes.
- Medical advice from Occupational Health is also important in most HR cases, especially when making assumptions regarding an employee's health or state of mind – cannot make assumptions.
- Consistency in managing these situations is really important, as the culture of an organisation may be taken into consideration by an Employment Tribunal.
- Would members of your senior leadership team of Governing Body benefit from PACT HR training in relation to conducting investigations & disciplinarys? Follow the ACAS Code of Practice when managing investigation process, which PACT HR can help you with.




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### Decision to Suspend:

Agreya v London Borough of Lambeth

- Suspension – is there a reasonable and proper cause to suspend an employee from work?
- The Headteacher found 2 of the incidents had been dealt with appropriately by the Teacher, but had concerns over a third incident.
- No fact find was undertaken, or statement gained from the Teacher in relation to the third incident – flawed from the start!
- The suspension letter stated the suspension was a 'neutral action and not a disciplinary action' and was to 'allow the investigation to be conducted fairly' – however concerns were raised by the High Court with this wording.
- No alternative roles considered as part of the suspension process, or rationale as to why the member of staff couldn't remain in work during the investigation process.




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### Decision to Suspend:

Agreya v London Borough of Lambeth

#### High Court Decision

- High Court found suspension cannot be deemed a "neutral act", as the act of suspension is likely to have negative connotations for the employee.
- Suspension may have implications for the Teachers career prospects.
- The suspension letter was ambiguous, the school should have outlined its rationale for suspension and detailed what other alternatives it has considered prior to suspension.
- The school had not made a clear evidence based decision when issuing the suspension.
- The High Court found the school had made a "knee-jerk" reaction to suspend the Teacher. As such, the school had breached its implied term of trust and confidence in the view of the High Court.




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## Decision to Suspend:

Agreya v London Borough of Lambeth



### Considerations

- Ensure there is a fair and proper reason to suspend an employee, and all alternatives considered beforehand.
- An initial fact finding decision may help schools determine whether it is appropriate to consider suspension – make an evidence based decision!
- Can the employee remain in the workplace conducting alternative duties, or still conduct their work whilst under strict supervision?
- Consider why an investigation cannot be undertaken whilst the employee is still in work – what are the risks?
- Have a clear rationale within the suspension letter in terms of the decision made, and outline all considerations that were made prior to suspending an individual.
- Review the suspension on a regular basis – let the staff member know why you cannot lift the suspension and your rationale.
- Always offer wellbeing support to the employee during their suspension.
- Seek support and guidance from a member of the PACT HR Team!

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Sandy Watkins  
HR Consultant



## Performance Management Appraisals

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## Performance Management Appraisals:

### Content

- Introduction
- Definition
- Performance Related Pay: Appraisal Linked Pay
- Appraisal Process
- The Appraisal Meeting
- Setting SMART Targets
- Six Monthly Reviews
- Getting it Right
- Conclusion and Useful Information




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## Performance Management Appraisals:

### Introduction

- Appraisals are a key and useful tool in any organisation and education setting to ensure that employees are being supported and that they understand the key outcomes and expectations of their role.
- Getting the appraisal process right is key to staff engagement and staff retention as appraisals are a great way to engage employees.
- An appraisal is not a tick box exercise and this Briefing Session will assist you in conducting successful appraisals to help increase employee's work input and staff engagement.



## Performance Management Appraisals:

### Definition

- An appraisal is a face-to-face discussion regarding job input and objectives between an employee and usually their line manager. It is a formal opportunity to analyse and appraise performance at work and provides the employee an opportunity to discuss career aspirations.



## Performance Management Appraisals:

### Performance Related Pay: Appraisal Linked Pay

#### Teaching Staff

- The School Teachers' Pay and Conditions Document (STCPD) states that pay progression must be linked to performance management and PACT HR's Pay Policy has always maintained a position of an automatic progression up the pay range unless the teacher has been made aware of concerns during the performance management cycle.
- The same process will apply – but being a non-automatic progression process - with regard to application onto and through the Upper Pay Range (UPR), and further advice should be sought on a case by case basis from the school's PACT HR Business Partner.



### Performance Management Appraisals:

#### Performance Related Pay: Appraisal Linked Pay

Associate (Support / Non-Teaching) Staff

- Although associate staff pay is not linked to appraisals, it is strongly advised that you follow the same appraisal processes and cycle as teaching staff to ensure that the school objectives are both vertically and horizontally aligned across your school and that all staff are working towards your School Improvement Plan / School Objectives




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### Performance Management Appraisals:

#### The Appraisal Process

- The 12 monthly Appraisal Cycle
  - Teachers – October to October
  - Headteachers – December to December
  - Associate Staff – Recommended to follow Teaching Staff Cycle
- Informal and Regular One to Ones
  - Monthly Basis
- Six Monthly Reviews




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### Performance Management Appraisals:

#### The Appraisal Process – Considerations

- The Person Conducting the Appraisal
- Pre Appraisal Planning
- The Appraisal Meeting
- Setting Objectives using SMART Targets
- Appraisal Paperwork
- Staff Experiencing Difficulties through the Appraisal Cycle




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## Performance Management Appraisals:

### The Appraisal Meeting

#### The Person Conducting the Appraisal

- Ideally, the person who is conducting the Appraisal should be the employee's immediate line manager. For teaching staff this should be the Head of Department or Key Stage Leader or in a smaller school setting this could be the assigned Deputy Headteacher. Headteacher Appraisals would normally be held by the Chair of the Governing Body with support from the Local Authority for maintained schools or the CEO of an Academy School or Trust of Schools.



## Performance Management Appraisals:

### The Appraisal Meeting

#### Prepare for the meeting

- Review the employee's last appraisal form and make a note of which objectives have been met. If any objectives have been missed, consider the reasons.
- Failure to meet objectives will not always be the fault of the employee. Priorities may change over time, so that the objectives which were originally set become less relevant.
- Go through the new appraisal form but be mindful that you may wish to change your assessment after the appraisal meeting, when you have taken the employee's views into account.



## Performance Management Appraisals:

### The Appraisal Meeting

#### Prepare for the meeting

- Refer to any examples or evidence of work as this gives the discussion a solid base and is difficult to refute. Think back over the whole period of time since the last appraisal. Recent events may be the freshest in your mind but they may not be representative of the employee's longer term performance.
- An employee does not normally have the right to be accompanied at an appraisal meeting.
- Give the employee time to prepare and issue the employee well in advance of the appraisal meeting a copy of their previous appraisal form, so they have time to consider all of the assessment criteria and think about future objectives and training needs.
- Arrange a suitable time and place for the meeting and allow sufficient time for the meeting ensuring you are not going to be interrupted.



## Performance Management Appraisals:

### The Appraisal Meeting

During the meeting

- At the start of the meeting, explain the purpose and structure of the appraisal review.
- Start with asking your employee to talk you through their own assessment of performance. What has gone well and why? Where have they been less successful and why? Your employee may well identify problems of which you are unaware. How have they performed in relation to their last targets?
- Discuss your employee's performance, focusing on the objectives which were set last time.
- As the discussion progresses, add your own views about your employee's performance. Praise where praise is due. We are all motivated by the acknowledgement of our achievements.
- It is also important to recognise situations where, even though an employee failed to meet an objective, they have nevertheless worked hard and the failure was due to other factors.



## Performance Management Appraisals:

### The Appraisal Meeting

During the meeting

- Encourage the employee to be open about their strengths and weaknesses.
- Where an employee has an obvious weakness, encourage them to suggest ways to improve. This might involve additional support, mentoring or training. Try not to impose the remedy. Let it emerge as a result of your discussion. This way your employee takes joint responsibility for making it happen.
- Be specific about any areas of your employee's performance which need to be improved and agree the actions you and your employee will take to address the problem.



## Performance Management Appraisals:

### The Appraisal Meeting

During the meeting

- Agree the new targets for the next appraisal year.
- What support mechanisms / training is required to meet these targets?
- Set the date and time for the six monthly review meeting.
- Record the above information on the appraisal form.



## Performance Management Appraisals:

### Setting and reviewing objectives

#### SMART TARGETS

Outcomes should be set in 'SMART' terms which is a familiar acronym for setting work targets as follows:

#### Specific:

SMART target setting should have a clear end and action steps in mind. The target must have detailed (but not too detailed) actions that will show how the task will be achieved. Including a specific number within your objective, which is the best way to be specific.

#### Measurable:

In a similar way, a measurable goal has clearly defined markers that will tell you when you've reached the goal. Whether by time, cost or percentage progress, find the best scale of measurement to fit the employee's role.




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## Performance Management Appraisals:

### Setting and reviewing objectives

#### Achievable:

Can the employee achieve the target? Is the expectation reasonable given the scope and size of the school and the employee's knowledge and skills base?

#### Realistic:

Specific SMART objective should align with the employee's overall personal goals and professional aims, and the action steps that you take for each of these real goals should relate directly to how they plan to achieve them.

#### Time-bound:

A time-bound and/or deadline is critical to knowing whether or not the employee has actually reached their objective with the timeframe ideally being in line with the school's overall objective and / or Service Improvement Plan for that academic year.




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## Performance Management Appraisals:

### Setting and reviewing objectives

- Whole School
- Individual:
- TLR
- Leadership
- Consider Factors of Target Setting re the Covid-19 Pandemic
- What support is needed to achieve the targets set?




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**Performance Management Appraisals:**

**Six Monthly Reviews**

**Six Monthly Reviews**  
A review appraisal should take place six months after the initial appraisal meeting and this ideally should take place in April, if the school is following the October to October cycle.

**Praise**  
Look at praising the employee, what have they done well. Consider this in line with career aspirations and the next six months of the appraisal cycle.




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**Performance Management Appraisals:**

**Employees who are experiencing difficulties**

Employees experiencing difficulties through the appraisal cycle we regard to appraisal targets met or day to day performance.




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**Performance Management Appraisals:**

**Getting it Right**

It is important that employers actively and support an employee through the appraisal process to avoid any potential employment tribunals.

Relevant Case Studies:

- <https://www.pureemploymentlaw.co.uk/failure-to-manage-a-poorly-performing-employee-proves-a-bitter-pill-to-swallow/>




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## Performance Management Appraisals:

### Conclusion and Further Information

- For PACT HR subscribing schools, specific case advice can be gained from the school's allocated PACT HR Business Partner.
- PACT HR Associated Policies
  - [PACT HR Performance Management Policy and Guidance Document](#)
  - [PACT HR Pay Policy](#)
- Further reading:
  - <https://www.gov.uk/government/publications/school-teachers-pay-and-conditions>




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Rhys Howarth  
HR Business Partner

## Long Covid and Guidance for Schools




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## Long Covid and Guidance for Schools:

- Long Covid or post-covid syndrome is defined as signs and symptoms that develop during or following an infection consistent with Covid-19 which continue for 12 weeks or more and cannot be explained by an alternative diagnosis or pre-existing condition.
- Currently unknown why recovery in some people is prolonged due to the vast array of symptoms and durations associated with Long Covid.
- Preliminary research shows certain underlying conditions at greater risk of hospitalisation as a result of Long Covid
- Acute Kidney Injury • Anaemia • Cardiac Arrhythmia
- Long COVID can have unusual patterns: relapses, and phases with new, sometimes peculiar, symptoms. An initially mild or even asymptomatic case can be followed later by severe symptoms impacting markedly on day-to-day activities.




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### Long Covid and Guidance for Schools:

#### TUC survey of workers who had contracted Covid-19:

- 95% experienced ongoing symptoms
- 35% reported ongoing symptoms lasting between 3-6 months
- 29% experiencing Long Covid symptoms for 12 months or more

#### Type of symptoms

- Fatigue – 92%
- Brain Fog – 72%
- Breathlessness – 70%
- Joint pain – 57%
- Headache – 57%
- Muscle pain – 53%
- Anxiety – 50%
- Depression – 32%
- Fluctuating severity in symptoms – 92%



### Long Covid and Guidance for Schools:

#### Can Long Covid be treated as a disability?

- Equality Act defines a disability as 'a mental or physical impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities'.
- Case-by-case basis for protection under the Equality Act
- Any disagreement on the categorisation of Long Covid as a disability is likely to be connected to whether the effects of the impairment are sufficient to fall within the Act's definition and in particular whether they are long term
- Special provision under the Act for recurring or fluctuating conditions e.g. rheumatoid arthritis



### Long Covid and Guidance for Schools:

#### Absence Management of employees suffering Long Covid

- Fair and thorough procedure
- Regular contact and communication
- Employee Health & Wellbeing Referral
- Reasonable Adjustments
  - Amended timings, hours and/or pattern of work
  - Alteration of workload
  - Redeployment
  - In role support
- Return to Work Meeting
- Recommend Access To Work support



### Long Covid and Guidance for Schools:

- Your role is to support the absent or returning worker by maintaining open communication and supporting work modifications where possible. Whilst there is a duty of care you do not need to have all the answers. Long Covid is an emerging condition with evolving recommendations. If you are not sure what to do or need help and advice, ask for help from your allocated Business Partner or Occupational Health.



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**Thank You!**



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