

KEEPING IN TOUCH WITH HR

Welcome to the Summer edition of our Schools Human Resources (HR) Newsletter. We hope you have a great break over the coming weeks and we look forward to working with you in the new academic year.



Flexible working isn't possible in schools – or is it?

It's fair to say that flexible working is more challenging in schools than in many other sectors but in addition to the **DfE guidance**, a number of schools have highlighted a few different ways in which flexible working can be developed. Flexible working can take many forms such as job-share, phased retirement or allowing PPA or Continuous Professional Development (CPD) time at home. Every school's circumstances are different, but here are some examples of what other schools have done that might just make it work for you:

- Consider reviewing your timetable to see if there is scope to make it fit to more flexible working. Some schools are adapting timetables mid-year to reflect changing circumstances of teachers; maintaining responsibility and leadership roles (and pay) for leaders taking part-time hours; and offering later starts or early finishes supporting teachers with care commitments.
- Some are advertising all vacancies as flexible hours helping to attract a wider pool of talent. And for job-sharers, schools are arranging common non-contact time so that proper handovers and planning can take place. Job share partners are taking time 'off-site' to meet for their handover or even planning remotely.
- Some schools wishing to retain teachers have implemented phased retirement which allows them to continue working in a part-time role and draw part of their pension. This helps the school to retain these teachers' experience and skills, and simultaneously support their wellbeing.
- Some schools are also offering flexible working to senior leaders. For example, one school reported a Deputy Headteacher working four days per week (0.75) but is 'flexible if needed' to attend meetings. Because of this arrangement, one of the Assistant Heads was appointed as an Associate Deputy Head to cover the other 0.25, thereby gaining career progression.

Read successful case studies on flexible working in other schools [here](#).

As the saying goes..Two heads are better than one! Co-headship model of leadership is attracting an increasing amount of attention and here's why:

Co-headship has the potential to address a number of the factors which put people off moving into a headship role. For starters, it opens up the possibility of flexible working to head teachers, therefore offering improved work life balance to potential heads with young families or other family/caring commitments. Sharing the responsibilities of headship with someone else may also make the job more appealing to those who would be worried about facing the demands of headship alone. A co-headship model means that there is less pressure on just one person, since co-heads have a 'thought partner' to discuss ideas, problems, and solutions with, as well as having shared accountability for decisions. Read about a successful job share partnership at a primary school [here](#).

Employment Law: COVID-19: dismissal of employee who left workplace over concerns about infecting his children not automatically unfair (ET)

An employment tribunal has considered a COVID-19 related claim under sections 100(1)(d) and (e) of the Employment Rights Act 1996 (ERA 1996) which provide employees with protection from dismissal for exercising their rights to leave the workplace and take steps to protect themselves where they reasonably believe there is serious and imminent danger.

Mr Rodgers messaged his manager on 29 March 2020 to state that he would be staying away from his workplace "until the lockdown has eased" because he was worried about infecting his vulnerable children (a baby and a child with sickle-cell anaemia) with COVID-19. A month later, he was dismissed.

Mr Rodgers did not have sufficient service to claim ordinary unfair dismissal. Instead, he alleged that he had been automatically unfairly dismissed for exercising his rights under sections 100(1)(d) and (e) of the ERA 1996.

The tribunal found that a reasonable belief in serious and imminent workplace danger had to be judged on what was known when the relevant acts took place. On the facts, such a belief could not be established, so sections 100(1)(d) and (e) were not engaged and the claim failed. In particular:

Despite Mr Rodgers' concern about COVID-19, he had breached self-isolation guidance to drive a friend to hospital on 30 March 2020 (the day after leaving work).

- Mr Rodgers' message to his boss did not mention concerns about workplace danger and he could not show there had been any such danger. In March 2020, government safety guidance advised hand washing and social distancing. The employer had implemented both precautions.
- Mr Rodgers had not taken any steps to avert danger or raised concerns with his manager before absenting himself from work. This was not appropriate.

The tribunal rejected Mr Rodgers' argument that COVID-19 created circumstances of serious and imminent workplace danger regardless of the employer's safety precautions. It found that accepting this submission could lead to any employee being able to rely on sections 100(1)(d) and (e) to leave the workplace, simply by virtue of the pandemic.

This decision is not binding and turned on the specific facts. Read the full decision [here](#).

Case: Rodgers v Leeds Laser Cutting Ltd ET1803829/2020 (1 March 2021) (Judge Anderson). Source: Practical Law

Teacher's Pay Award 2021 - 2022

At present, there is no official confirmation on whether teachers can expect a pay rise this year. The DfE has now reported its evidence for a pay freeze to the School Teacher's Review Body (STRB), which makes recommendations on teachers' pay before the DfE makes the final decision.

The STBR report predicts that only around 6,400 unqualified teachers will be eligible for a pay rise this year – around 5,200 full-time equivalent unqualified teachers earning below the threshold, plus those working in London under differentiated pay ranges. The £250 rise will "typically" only apply to unqualified teachers because the minimum pay for qualified teachers in 2020/2021 is £25,714.

NJC 'Green Book' Pay Award

The NJC pay claim was submitted by the trade unions on Monday 15 February 2021.

The claim called for a 10% pay rise for local government workers. You can read full details of the claim [here](#). On 14 May 2021 the local government employers made a pay offer of 1.5%.

The NJC Committee met on 21 May and strongly agreed to reject the offer. More information about the NJC 'Green Book' pay award will be released over the coming weeks.

Access to the HR advice service for subscribers is through [ContactUs 01452 425888](#), Option 2 then Option 4 or e-mail ContactUs@gloucestershire.gov.uk

ContactUs is staffed by experienced HR professionals from 8.30am until 5pm Monday to Friday.