

news and articles of special interest for  
headteachers and senior managers

## Welcome...

to 'HRfocus', our termly publication providing a topical update on developments within the field of Education HR.

educateHR limited is based in Kirklees with ready access to schools throughout West Yorkshire and was established in 2010 by Gill Meeson, an experienced Schools HR Advisor. Gill and her associates, using their range of technical knowledge and relevant expertise, deliver reliable, pragmatic and timely advice (with particular emphasis on a proactive approach) to support and train all levels of school management in Education HR issues.

2012 has brought with it new developments, not least in the revised performance management and capability procedure, the changes in the OFSTED inspection framework, revised teacher professional standards and the changes to the qualifying period for unfair dismissal.

The Chinese new year fell on 23 January 2012 and in the Chinese calendar it is 4709 and the 'Year of the Dragon' which is traditionally associated with good luck! ■

### Performance Management and Capability Policy and Training

The revised model policy was published on 13 January 2012 and is effective from September 2012. Following the consultation there are a number of changes including: no informal stage in the capability procedure; the suggested length of the monitoring and review period following a first warning reduced in length from 20 weeks to between 4-10 weeks (it is, however, important to note that the length of the review period must be reasonable to enable improvement to take place); three hour limit on classroom observations has been removed and all teachers' performance must be assessed against the relevant standards.

#### In this Issue:

- ✓ Performance Management and Capability Policy and Training
- ✓ Professional Teacher Standards – update
- ✓ Sickness and Attendance Management
- ✓ Vetting and Barring/ISA – changes
- ✓ Managing allegations against staff
- ✓ Social Media and GTC
- ✓ Unfair dismissal regulations
- ✓ New headteacher appointments

The government <http://www.education.gov.uk/consultations> is now consulting on a new proposal to require schools to pass on information to prospective employers about whether or not teachers have been in capability procedures.

In the light of the changes to the OFSTED inspections and the focus on the quality of teaching and leadership and management, it is imperative that school managers are equipped to deal with staff underperformance in a professional manner, supported by good HR advice and guidance.

As detailed in our earlier Newsletter (issue 001) and in our HR Seminars last June and November, we will be running a number of workshops. One will cover practical skills and advice with regard to conducting a performance management review meeting.

*continued over »»*

#### Points of Interest

There is no longer a legal requirement for a 'fitness for work' certificate to allow an employee to return to work and GPs are under no obligation to provide one.

The Court of Appeal has decided in *Jackson v Liverpool City Council* that a reference was "fair" even though it noted concerns about an ex-employee's record keeping that the previous employer had not investigated. The council had made it clear that the allegations had not been tested, so the reference was true and accurate.

The second workshop will offer a broad overview of the new teacher standards with guidance on objective setting using the new standards and the third looking at creating appropriate objectives for support staff. Dates to follow shortly.

**educateHR Ltd is currently supporting schools in dealing with under-performing staff using appropriate procedures to ensure a fair process is followed. If you would like advice and guidance on how to support your teachers and other staff who may be not working to the required standards, we are pleased to offer our services to you in this sensitive area.**

**Additionally if you are considering amending your current policies to reflect the changes in the new revised policy, educateHR is more than happy to write the policy for you and to conduct union consultations on your behalf. ■**

### Professional Teacher Standards

The first phase of the independent review of teacher standards looked at the existing standards for Qualified Teacher Status (QTS) and the Core Professional Standards and recommended their replacement by a single set of standards which was published in July 2011 and can be found at <https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00066-2011>

The second phase of the Review recommended that the existing Post Threshold, Excellent Teacher, and Advanced Skills Teacher standards should be discontinued and replaced by a new higher level called the **"Master Teacher Standard"** which builds on the Teachers' Standards. The Master Standard should incorporate an external element to ensure both transparency and equity.

Although the existing standards are "pay standards", the Review's remit explicitly precluded it from making any recommendations relating to teachers' pay, which remains a matter for the School Teachers' Review Body (STRB) and the Secretary of State. The government is now considering how the recommendations may be implemented. The final report published on 12 December 2012 can be found at <http://www.education.gov.uk/inthenews/inthenews/a00200711/great-teachers-could-become-master-teachers> ■

### Sickness and Attendance Management

The government commissioned the 'Health at Work Independent Review of Sickness Absence' which was published in November 2011 with recommendations for setting up an Independent Assessment Service (IAS) to assess the health of employees. This will provide fitness-for-work advice about individuals on long-term sick leave or with complex health conditions, offering guidance on what help, (if any) an individual needs to return to work. This initially will be a free service, although the review suggests a charging model is adopted for employers and possibly employees.

The Report also highlights the fact that sickness absence in the public sector is higher than in the private sector (on average 7 days compared with 4 days each year). A key factor in managing sickness absence is for senior managers to be accountable for absence levels and there are a number of ways to support managers in this respect including having a proper measurement of absence levels, training line managers and recognising the importance of early intervention.

educateHR Ltd provides support and guidance for your managers in dealing with sickness absence to prevent a detrimental effect on service delivery and pupils' academic attainments. We can help facilitate efficiency savings as a result of proactive management.

Activities include referrals to occupational health, return to work interviews, attendance management interviews including trigger point meetings (eg incorporating the 'Bradford formula') and line manager training etc. ■

### Vetting and Barring – ISA

The review into the criminal records regime follows the recent review into the Vetting and Barring Scheme (under which the Independent Safeguarding Authority operates). Both reviews made several recommendations which require legislation. These are included in the Protection of Freedoms Bill.

The recommendations within the Bill scale back the scheme. This will include the abolition of the requirement to register with the Scheme and a reduction in both the amount of monitoring and the range of posts in which barred people cannot work or volunteer. The provisions also mean that the services of The Criminal Records Bureau (CRB) and Independent



Safeguarding Authority (ISA) will be merged and a single, new non-Departmental Public Body created in place of the previous two organisations.

The new organisation will be called the Disclosure and Barring Service (DBS). The planned operational date for the DBS is by the end of November 2012, until which date current provisions will still apply.

CRB – The Government has announced that it will introduce a “universally portable” Criminal Records Bureau (CRB) check, which employers will be able to view online from early 2013. This means there would be no need for a fresh application when moving jobs. The Home Office is leading on this issue. ■

### Dealing with Allegations of Abuse Against Teachers and Other Staff

A reminder – this guidance was updated by the DfE in September 2011. Key points from DfE:

If an allegation is made against a teacher the quick resolution of that allegation should be a clear priority for the benefit of all concerned.

In response to an allegation staff suspension should not be the default option.

Allegations that are found to have been malicious should be removed from personnel records and any that are not substantiated or are unfounded or malicious should not be referred to in employer references.

Pupils who are found to have made malicious allegations are likely to have breached school behaviour policies. The school should consider applying an appropriate sanction eg temporary or permanent exclusion

All schools should have procedures for dealing with allegations and should make it clear that all allegations should be reported straight away, normally to the head teacher or principal. Procedures should also include contact details for the local authority designated officer (LADO).

If an employee resigns this must not prevent an allegation being followed up in accordance with these procedures. ‘Compromise

agreements’, by which a person agrees to resign if the school agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference, **must not be used in these cases**. Neither can they override the statutory duty to make a referral to the Independent Safeguarding Authority (ISA).

The publication can be found at <http://www.education.gov.uk/aboutdfe/advice/g0076914/dealing-with-allegations-of-abuse-against-teachers-and-other-staff> ■

### Social Media and GTC

A recent article in a broadsheet newspaper using quotations from the GTC highlighted the pitfalls of not having a social networking policy and the impact of any sanction delivered by the GTC.

In one particular case where the school did not have a policy, the GTC committee said it was **“not able to say that communicating with pupils via Facebook was inappropriate, although it was clearly unwise”**. In a further case the GTC said **“there appears to be a desire by the teacher to be the pupils’ friend and to be popular. This desire appears to have overridden her professionalism”**. Facebook has published advice for teachers on how to create profiles for different audiences.

Schools requiring help in drafting a social media/networking policy should contact Gill Meeson 07921099601 or email [gill@educatehr.co.uk](mailto:gill@educatehr.co.uk) ■

### Unfair dismissal – qualifying rule changes

From April 2012 the qualifying period for unfair dismissal will be increased from one year to two years continuous employment. **However, employers should be mindful of employees linking unfair dismissal with discrimination claims which can be made from day one of employment.**

It is now confirmed that the increase in the qualifying period for unfair dismissal claims will only apply to those starting a new job on or after 6 April 2012. Employees whose employment started before 6 April 2012 will remain subject to the one year qualifying period.

