

## Welcome

Welcome to the spring edition of HR Matters. In this edition we bring you up to date information and news including the long awaited answers to the Christmas Quiz. How many did you get right?

## 2018 HR Service Level Agreement

Lambeth Schools HR service level agreements for 2018/19 will commence from 1 April 2018. Current SLA's are due to expire on 31st March 2018.

We offer a choice of Enhanced or Standard Service Level Agreements. Details can be found online at the following link: <https://secure2.sla-online.co.uk/> using the password that you will already have received. If you have any problems in purchasing the service online please do not hesitate to contact any of the team.

Our Human Resources service is dedicated to working in partnership with headteachers, school leaders and governing bodies to provide comprehensive support to meet the requirements of your school. We provide a responsive, flexible range of HR services that are underpinned by an extensive knowledge of the requirements of the education sector. We work together with other key Lambeth services in order to ensure your school receives the best possible joined up support in all of our work with you.

Please contact us should you have any queries regarding buying into our service level agreement. We look forward to continuing our work with those schools who are our dedicated clients.

## HR Change of Address

The Schools HR team have moved back into the heart of Lambeth and are now based in the newly refurbished Town Hall. All **post should be sent marked for our attention to our new postal address** as follows:

London Borough of Lambeth, Schools HR, PO Box 733, WINCHESTER SO23 5DH Any items being sent by courier or hand delivery should be delivered to: Schools HR, Lambeth Town Hall, 1 Brixton Hill, London SW2 1RW.

## DBS Online

The Council has procured an Ebulk DBS solution Service with Capita Security Watchdog.

This is a managed service where your School would update the applicant ID and section Y through the system, however Security Watchdog would undertake the electronic countersigning obligations.

The advantage of this option is that it is quick to set up, there are no annual or licence fees, minimal training for your staff is required and you can take advantage of Security Watchdog's expertise.

The only charge applicable under this set up would be a fixed rate administration fee of £7.50 per DBS check (+VAT & DBS certificate fee) which is on a pay-as-you-go basis with nothing to pay upfront, and will be invoiced to your School 30 days in arrears. The current fee for a DBS certificate is £44.

Schools who wish to use the service should send an email to Alicia Reynolds at; [areynolds@lambeth.gov.uk](mailto:areynolds@lambeth.gov.uk)

## Maternity—Birth Certificates

As part of our move to the New Town Hall and the use of digital mail we request that all staff on maternity leave show their child's birth certificate to the School Business Manager who will verify the certificate and send a copy to [schoolshr@lambeth.gov.uk](mailto:schoolshr@lambeth.gov.uk)

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## Skills Test Policy Changes

### Measures announced to ensure talented trainees get into teaching

As of 14 February 2018, candidates will have unlimited attempts to achieve a test pass. This means that the 2-year lockout period will be removed and candidates previously locked out will be able to book tests for both subjects.

Furthermore, from 14 February 2018 all candidates will be able to book three tests per subject, free of charge. A charge will be applied from the fourth test attempt per subject.

If candidates paid for and took a second or third attempt at a test on or after the 24 October 2017 and before 14 February 2018, they will automatically receive a refund for the cost of the test.

The entry requirements to access training remain unchanged; candidates will still have to pass the skills tests prior to starting their Initial Teacher Training course. These changes simply remove financial and administrative barriers.

More information is available online at <http://sta.education.gov.uk/>. Alternatively, learndirect's helpline is available Monday to Friday 8am-4pm on 0300 303 9613.

## Employers 'can withhold pay if weather keeps staff from work'

### Ensure employees understand policies on adverse conditions

According to guidelines from the employment advice and conciliation service Acas, unless commute or travel time is itself considered to be 'working time', staff have no legal claim to being paid for disruption to services.

However, if an organisation is forced to close its premises at short notice because of unforeseen circumstances such as heavy snowfall – and employees are unable to work as a result of the closure – employers are unable to withhold pay from their staff.

Employers should also remember that in the majority of cases, employees cannot be forced to take a day of holiday if they find themselves snowed in. According to government guidelines for travel disruption and work, employers must be able to give sufficient notice before asking staff to take holiday days, and in many instances they are not permitted to dictate when individuals take holiday.

To minimise disruption to the workplace, a flexible approach to working hours, and travelling to and from work, is a better path for employers than sticking to the rule book. A cast-iron approach to coming into the office could risk employees driving in conditions that put them at risk, on roads that are hazardous because of black ice or sleet. Instead, employers should advise them to explore other, safer means of transport, or consider offering the opportunity to work at home.

Employers need to take into account availability of public transport or otherwise to get to work, as well as ensuring employees do not feel pressurised to take risks with travelling in dangerous road conditions. The time can be made up another time or taken as holiday, and in some circumstances as unpaid leave.

Handling bad weather and travel disruption can offer an opportunity for employers to lift both morale and productivity, so being open to opportunities such as flexible working and working at home can provide a boost to employee relations.

Employers could consider alternative working patterns, and build a bank of staff who might be available to cover colleagues at short notice in the event of such situations.

Ensuring that employees have a clear understanding of organisational policies on lateness, travel disruption and coming into the office during adverse conditions should help to minimise confusion and disagreements when winter weather strikes.

Please refer to Lambeth Schools HR Bulletin regarding adverse weather conditions.

## Warning—fraudsters target schools using fake emails from Headteacher

Schools have suffered “substantial financial losses” after being targeted by fraudsters posing as their headteacher.

The National Fraud Intelligence Bureau has issued a warning about an increase in the number of incidents in recent weeks, which have seen “several schools” falling victim to the crime.

Schools are being targeted by a fraudster who uses a fake email address [similar to the email address used by the Headteacher] to contact a member of staff responsible for authorising financial transfers, claiming to be the headteacher of the school.

The fraudster requests for a one off, often urgent, bank transfer to be made. The amounts requested have been between £8,000 and £10,000.

### Protection/prevention advice

Ensure that you have robust processes in place to verify and corroborate all requests to change any supplier or payment details. Get in touch with the supplier (or internal colleague) directly, using contact details you know to be correct, to confirm that a request you have received is legitimate.

All employees should be aware of these procedures and encouraged to challenge requests they think may be suspicious, particularly urgent sounding requests from senior employees.

Sensitive information you post publicly, or dispose of incorrectly, can be used by fraudsters to perpetrate fraud against you. The more information they have about you, the more convincingly they can purport to be one of your legitimate suppliers or employees. Always shred confidential documents before throwing them away.

Email addresses can be spoofed to appear as though an email is from someone you know. If an email is unexpected or unusual, then don't click on the links or open the attachments. Staff should not be allowed to check emails or use the internet with administrator accounts.

If you have been affected by this, or any other type of fraud, report it to Action Fraud by calling 0300 123 2040, or visiting [www.actionfraud.police.uk](http://www.actionfraud.police.uk)

## National Minimum Wage 2018

The National Minimum Wage (NMW) is the minimum wage per hour a worker is entitled to in the United Kingdom. These rates are reviewed yearly by the government and are advised by the independent body Low Pay Commission (LPC).

These rates are for the National Living Wage and the National Minimum Wage. The rates change every April.

YEAR	25 AND OVER	21 TO 24	18 TO 20	UNDER 18	APPRENTICE
2018	£7.83	£7.38	£5.90	£4.20	£3.70
2017 (current)	£7.50	£7.05	£5.60	£4.05	£3.50

## Answers to the Christmas Quiz

### Question 1

Last year, lots of the elves hired by Santa to help him with the Christmas rush spent time off sick and Santa nearly didn't get his sleigh packed in time. This year, to sift out the "malingerers", he wants to ask candidates how many days they have been off work sick in the past year. He also wants to include some detailed medical questions in the application form.

Is Santa's plan a good one?

**Answer:**

**C. No – Santa's plan risks landing him in legal difficulties.**

Asking candidates to demonstrate a good sickness record may amount to discrimination against disabled people and except in certain limited circumstances it is unlawful to ask questions about health or disability before the offer of a job is made.

### Question 2

Twinkle, one of Santa Claus' favourite and longest serving Elves, has been spending more and more time with the Grinch. Santa Claus has noticed this and, although he fears the Grinch is a bad influence over Twinkle, in the spirit of Christmas he decides not to intervene.

On Christmas Eve Santa and his Elves were all very busy in the workshop packing the presents into the magic Santa Sack before tying it to the Santa Sled ready to go. Santa Claus was just about to go into the Grotto to say goodbye to Mrs Claus when he heard a noise from the workshop. When he returned, he caught Twinkle red-handed trying to steal his Santa Sack full of presents – he knew no good would come of that elf spending time with the Grinch!

What should Santa do?

**Answer:**

**B. Although things look bad for Twinkle, Santa should still carry out some form of investigation and disciplinary process before deciding whether or not Twinkle's employment should be terminated.**

Even in circumstances where an employee's behaviour is highly likely to amount to gross misconduct justifying summary dismissal, it is still incumbent on an employer to carry out some form of investigation and disciplinary process to establish the facts and to hear any representations the employee may make prior to making a decision to dismiss. Failure to do so may result in the dismissal being found to be unfair.

### Question 3

Dancer was attending the Santa's Christmas Party along with several colleagues including Prancer, Donna and Blitzen. Towards the end of the evening, Dancer was approached by Dasher, a Senior Sled Manager. Dasher asked Dancer whether she was single, and if she would like to accompany him back to the sleigh for a "grand tour". Dancer felt very offended by this and rejected the proposition. Dasher then left the party and went outside into the snow

The following day, feeling upset about the events the night before, Dancer approached Santa and complained about Dasher's behaviour. Which of the following actions can Dancer expect to take place following her complaint?

**Answer:**

**A. Santa should record the complaint and conduct an investigation into the behaviour. As an employer, Santa has a duty to prevent harassment in the workplace.**

Santa should record the complaint and make sure that the matter is investigated, asking for Dasher's take on the events before coming to any conclusions. Santa might also like to approach anyone who might have witnessed the event (perhaps Prancer, Donna or Blitzen) to hear their version of events before coming to any conclusions.

To comply with prevention of illegal working duties an employer must check all employees right to work documents in their presence on or before their first day of work. Employers should check the documents of all employees (regardless of accent, nationality, race or background) to avoid discrimination.

**Question 4**

**Santa is reviewing his on-boarding process for elves and wants to make sure he is complying with prevention of illegal working duties. Which of the following should be part of the process:**

**Answer:**

**B. He should check and copy every elf's passport and any valid UK visas they hold in their presence on or before their first day of work to make sure they have a right to work in the UK.**

Although it is not an offence not to check employees' documents before hiring them, it does establish a statutory excuse which exempts an employer from having to pay a civil penalty (of up to £20,000 per illegal worker) should it come to light that they are employing illegal workers. Employers should also be aware that knowingly (including where the employer had reason to believe the employment was illegal but deliberately ignored information or circumstances) employing illegal workers is a criminal offence which can result in a fine and/or imprisonment for up to five years. It is also a criminal offence to be working illegally in the UK – this attracts an unlimited fine and/or imprisonment for up to six months.

**Question 5**

Jingle, an employee in Santa's workshop, was getting fed up with the long hours he was expected to work particularly over the Christmas period. He was feeling very worried about leaving his dog, Cracker, at home alone all day. Jingle knew that some of the female employees worked part-time or were able to leave work early to collect their children from school. Jingle decided to submit a flexible working request to Santa so that he could leave work early each day to look after Cracker.

Santa is outraged at this request, what can Santa do?

**Answer:**

**C. Santa will have to consider the request and if wants to reject it, he can only reject it for one of the eight prescribed business reasons.**

Since 30 June 2014, all employees with at least 26 weeks' continuous employment can make a request for flexible working under the statutory procedure. An employer then has a duty to consider the request and can only reject it for one of the eight prescribed business reasons.

**Question 6**

Over the last few years, Santa's increasing workload has led to him using consultants to help him review the "Naughty or Nice" list. The consultants are allowed to take time off, but they do not receive sick pay or holiday pay. Santa decides it's time to scale back his use of consultants and train the elves to help him find out who's been naughty and who's been nice. The consultants engagements are terminated, but some of them are saying they should also get a payment in respect of unpaid holiday. This has Santa worried. Some of the consultants have worked for him for years and if he is on the hook for this substantial unexpected liability, he won't be able to afford the new sleigh he has ordered.

Should Santa be worried?

**Answer:**

**A. Yes – Santa better watch out. If the consultants can show they are workers, Santa will be required to make payments in respect of any unpaid holiday they have taken and any holiday they have been discouraged from taking because they wouldn't have been paid for it.**

In *King v The Sash Window Workshop Ltd*, the European Court of Justice decided that consultants who are properly categorised as workers, rather than genuinely self-employed, will be entitled to a payment for any unpaid holiday they have taken and any holiday they have been discouraged from taking because they wouldn't have been paid for it. As there is no limit on the amount of leave that can be carried over for these purposes, employers could potentially face claims for years of unpaid holiday.

Congratulations if you got them all right! Remember Schools HR are always here to help.