

The Educational Institute of Scotland

Teachers' Payslips

1. Introduction

- 1.1 The following resolution was approved by the 2016 Annual General Meeting:
"This AGM calls upon the Salaries Committee to campaign for the right for all teachers to be given a hard copy payslip."
- 1.2 The Committee agreed in the first instance to seek information from local association secretaries. A summary of responses is appended (Appendix A).
- 1.3 The Committee also took advice from an advising solicitor in terms of the current legal position, as set out in section 8 of the Employment Rights Act 1996.

2. Responses from LA Secretaries

- 2.1 The Salaries Committee has received 27 responses from Local Association Secretaries. 18 Councils currently operate electronic payslips while others propose to move to such a system.
- 2.2 The responses from LA Secretaries are set out in Appendix A.
- 2.3 LA Secretaries have identified a number of issues relating to electronic payslips. The principal concerns relate to difficulties with remote access, secure printing arrangements and the requirement for members to be able to facilitate paper copies for insurance, bank or mortgage providers.
- 2.4 Remote access problems are particularly problematic for those on long term absence or maternity leave.
- 2.5 The presentation and clarity of electronic payslips has also been identified as an issue but this is beyond the scope of this paper.

3. Legal Advice

- 3.1 Section 8 of the Employment Rights Act 1996 states that "an employee has the right to be given by his employer, at or before the time at which any payment of wages or salary is made to him, a **written** itemised pay statement".
- 3.2 The objective of the legislation is to ensure that employees are aware of all of the deductions that have been made from their pay at each payday. If they are unable to see those details on payday they can make a complaint to an employment tribunal.
- 3.3 Our legal advice is that the word "given" is significant. A member has a right to be given a written pay statement. It is widely accepted that "given" can be interpreted to include pay slips being issued in an electronic format. HMRC support this interpretation. However, an employer may come into difficulty in demonstrating that a pay slip has been "given" if, for example,

an employee does not have computer access temporarily or does not know where to find the payslip.

- 3.4 Employees may find it particularly difficult to access their payslips electronically whilst they are off sick or on leave. This may be a crucial time for checking for deductions and a paper pay slip delivered to their home address would resolve this issue.
- 3.5 In short, our solicitors advise that there is no legal right for a member to receive a paper pay slip unless they are unable to access electronic pay slips for any reason and without a paper pay slip the employer will not have "given" them their written itemised pay statement.
- 3.6 If a member is not "given" a pay slip as they were on sick leave, for example, or do not have access to the intranet to download their pay slips, they can make a complaint to the tribunal. If the tribunal considers that the statutory requirements have not been met, the employer can be required to repay to the member up to 100% of all of the deductions they were not notified of during the 13 weeks prior to the date of the complaint, even if they were legitimate or statutory deductions (section 12(4) of the Employment Rights Act 1996).

Conclusions

- 4.1 The legal advice indicated that the prospect of securing a "hard copy" payslip for all members is unlikely given the HMRC guidance.
- 4.2 However, Local Association Secretaries should raise with Councils a number of key negotiating points around electronic payslips. These should include:
 - (a) the requirement for secure remote access to electronic payslips
 - (b) the requirement for secure in house printing for those who wish to print hard copy payslips
 - (c) clear arrangements for those on absence or family leave to have access to hard copy payslips during leave. This should include paper payslips to those who do not have a means of remotely accessing Council intranets
 - (d) a commitment to provide hard copies upon request to allow members to satisfy the requirements of external bodies such as mortgage providers.
- 4.3 The Committee should keep the matter under review with a commitment to pursue legally circumstances, as set out in paragraph 3.6 above where a member is not "given" a payslip during sick leave or family leave.

Recommendation

- 5.1 This paper should be issued to Local Association Secretaries for information.

Appendix A

Aberdeen City

Re the above motion. In Aberdeen City 179 teachers currently receive an electronic payslip. ACC had hoped to roll this out over a year ago but then they discovered the poor access that teachers had to the Zone (Council Intranet) and had to go back to rethink. We had consistently pointed this issue out to them but the move to electronic payslips brought it into sharp focus. Currently 1,880 teachers have still to move to this system. If teachers are absent they will have access to their payslips via YourHR Anywhere (a web based system which allows access from anywhere) so ACC expect the need for paper copies to be minimal but they can easily switch paper copies on/off until the printing contract ends. After that they could be printed by payroll and sent by post. Any staff member can request paper copies from payroll for mortgage or other purposes. The payslip is exactly the same as if the employee printed it themselves. ACC corporate figures show that over the past 3 years only 50 such requests have been received annually.

Aberdeenshire

Aberdeenshire are moving to e payslips in early 2017 for teachers but they will be given the option to retain a hard copy one.

Angus

Angus Council make paper copies of payslips available.

Argyll & Bute

Argyll & Bute have moved over to paperless payslips for all teachers accessed through 'My View'(council intranet) a couple of years ago. This has meant savings for the council and was an area we were reluctant to forcibly challenge as it would have soured our relationship with other public service unions who were experiencing the threat of redundancies. There were concerns/complaints initially regarding access due to the security protocols but these have diminished. Since then we have had a pilot scheme on home access and this will be rolled out within the authority. Staff can request paper copies from Payroll.

Clackmannanshire

Clacks uses e-payslip system. The system sends staff their payslip via a password (that they set) protected pdf that is emailed to an account of their choosing. Staff can also login to the HR system through the intranet to print off copies or they contact HR/payroll if they require.

There had been some initial concerns over the introduction of this but thus far I haven't actually received any complaints about it. I do have a concern over staff using their school/GLOW email account for this as they could have problems accessing this when they move on.

Dumfries and Galloway

We get electronic payslips. However, supply teachers don't and nor do those absent for more than one month. Paper copies can be printed in school from the secure website. However there have been instances of mortgage and other loan providers refusing such print offs. D & G Council will provide paper copies in such cases for a charge.

East Ayrshire

We are moving to electronic payslips in the future, no timescale yet. We have highlighted our concerns about staff accessing this if they are off long term - there were some technical issues around accessing the same information at home. So far we have been reassured by HR that our concerns are being looked into. If the issue is not resolved we will have to push for an alternative. Can't take any further action at this time.

East Dunbartonshire

I have not been involved in any detailed discussions about how this scheme will operate. It is however, Council policy. I have been given assurances about confidentiality, although no doubt we will end up trying to close the stable door at some point in the future. As EDC is trying to roll this out for all of its' employees, there are practical problems where some workers do not have access to computers at home or at work. This may be delaying the implementation. It is seen as a saving. For a small Council, we have already endured over £60M worth of cuts to the budget in the last 6 years! EDC would welcome any alternative suggestions as to how to save money. Preferably, without raising class sizes, reducing teacher numbers or removing our national conditions from the EIS perspective! Not sure that they view it that way!

East Lothian

East Lothian is phasing in electronic payslips and has done this across a couple of departments. At the moment, they have not considered Education as there is a problem with school staff accessing the local Intranet.

Falkirk

The situation in Falkirk is that all employees receive a hard paper slip, although staff are encouraged to go paperless and online. There is no pressure to do this.

Glasgow

GCC uses an online system which is problematic as it can't be accessed outside of school network. As I understand it those on sick leave, maternity etc. will receive paper slips. Some problems before summer of those needing paper slips for mortgage but this is resolved fairly quickly.

Highland

In Highland we are issued with electronic payslips, however these can be accessed via the internet, albeit not via a straightforward process, to allow printing of hard copies.

Inverclyde

In Inverclyde we moved away from paper pay slips a few years ago with only those who do not have access to a Council computer getting a paper one. The paper ones would go to someone on maternity leave or long term sick. Anyone who requires a paper one can contact HR and get one. It is hoped to allow home access to everyone on their own devices but this has not been fully rolled out yet due to IT problems. Another concern that teachers have is the reduction in the number of printers in schools. This means that someone can press the print button on their computer and then have to go to a central printer location to pick up their pay slip in an area open to all members of staff."

Midlothian

In Midlothian all teachers still receive paper copies of their pay slips. Some time ago the Council at LNCT wanted to take us down the electronic road and we strongly resisted for all the reasons others have listed below. They haven't come back to us (yet) but if they do we'll continue to resist.

Moray

Moray payslips are accessible on-line from home. Hard copies can be printed and as far as I am aware are accepted as evidence for external purpose – no concerns raised by members.

North Ayrshire

North Ayrshire currently uses hard copy payslips. I believe there may be plans for an online system, but these are not at an advanced stage.

North Lanarkshire

Following NLC's migration to the iTrent HR & Payroll system earlier this year, there has been an incremental roll out of the related "mySelf" functionality which will include the ability to receive electronic payslips. It has not yet been rolled out to include the biggest group of council workers (i.e. teachers), but the plan is to have them on the system by January 2017 (it was originally planned for August 2016 but that timeline has slipped).

The latest update from the Council states as follows:

"Move to ePayslips – January 2017

From January 2017 staff who currently have **mySelf** access will only receive an electronic payslip. We will no longer provide you with printed payslips if you have a mySelf account.

mySelf is our employee self-service application which allows you to see your electronic payslip as soon as your pay has been processed.

Further emails will be sent in the countdown to the move in January, including guidance on how to print a copy of your payslip should you need it."

In no previous communications or discussions with the employer to date has it been intimated that registering with mySelf is compulsory which would, therefore,

imply that if someone wished to keep receiving a hard copy of their payslip then they can do so by not registering to use mySelf. Whether that option will continue to be available to teacher employees in the New Year, however, remains to be seen once they eventually have access to the system.

Orkney

Orkney still issue paper payslips; there's been no word of a change.

Renfrewshire

Renfrewshire Council still issue paper copies of payslips.

Scottish Borders

In Scottish Borders we moved to paperless payslips several years ago. This was not something which we were happy with but we were informed that this was corporate policy and there was nothing that we could do about it. It still causes problems and some of our members would prefer the option of a paper copy. Many member do not actually check their payslips each month - just assume that they have been paid correctly if their bank statements are similar to what is expected.

Shetland

We moved to paperless payslips for permanent staff some time ago in Shetland. Staff are able to request paper copies if they require them, I have no reported concerns from members.

South Ayrshire

South Ayrshire still issue paper copies of payslips.

South Lanarkshire

SLC do have arrangements for absent teachers to get pay slips.

Stirling

Subsequent to my previous email re payslips, I've learned recently that Stirling will be introducing a new HR/Payroll portal early in '17 and payslips will go paperless. I've emailed the head of payroll with my concerns around teachers' accessing their pay details, especially during holiday periods, and he confirmed this should be straightforward as it will require internet, not intranet, access. Concerns around security - as ever - remain.

Pay slips: These continue here to be hard copy.

West Dunbartonshire

In west Dunbartonshire we moved to paperless on line payslips a few years ago and it has caused numerous problems.

The main issues are

1. The technology available to teachers is totally inadequate, both in hardware and in Internet access capability.

2. The information on the payslip is limited and doesn't give the annual salary. In general teachers are very unhappy with the systems!

West Lothian

The current system (HR21) is not fit for purpose. It cannot be accessed from home, meaning that teachers have no access to payslips during holidays if their school is shut without entering a council building. The system also times people out after 10-20 seconds, which means they do not have enough time to access the information they need.

If the system could be accessed from home and if the software worked more efficiently there would not be any real issue here.

Western Isles

Electronic payslips are standard issue for all teaching staff unless staff opt to receive a paper version. There is no additional charge for this.