

Renfrewshire Joint Negotiating Committee for Teachers

To: Renfrewshire Joint Negotiating Committee for Teachers

On: 4 September 2018

**Report by
Head of Schools**

Update to SNCT Handbook

1. Background

- 1.1. A number of revisions to the SNCT handbook were made in June 2018 (see appendices).
 - SNCT/18/63: Conservation Arrangements
 - SNCT 18/64: National Leave and Pay Specification
 - SNCT/18/65: Reckonable Service for Family Leave Calculations in Relation to Probationary Periods
 - SNCT/16/18/66: Changes to SNCT Handbook of Conditions of Service – Family Leave
 - SNCT/18/67: Payment of Short-term Supply Teachers
- 1.2. Renfrewshire Council will ensure all aspects of the SNCT handbook are implemented as per these agreements.

2. Recommendation

- 2.1. JNC is asked to note the content of this report.

22 June 2018

SNCT/18/63

Dear Colleague

Conservation Arrangements: Changes to the SNCT Handbook (2018)

The Scottish Joint Negotiating Committee for Teachers (SNCT) reached a Pay and Conditions Agreement in 2011. The SNCT Handbook was subsequently amended to take account of the various changes to the conservation arrangements. Certain arrangements were in place from 1 April 2011 until 31 March 2016. These arrangements are outlined below.

Conservation

Conservation – General Provisions

- 1.63 The application of cash conservation will commence at the date at which the downgrading of the salary for the post, transfer or cessation of temporary appointment takes effect. During the period of cash conservation, the post holder will continue to receive his/her previous salary but will not receive any increase resulting from pay awards (other than in the circumstances outlined in 1.64 below). At the end of the period, the cash conservation will end, and the post holder will then receive the normal salary for the post she/he now holds.
- 1.64 During any period of conservation, when the normal salary for the post occupied exceeds the conserved salary being paid (for example, through the application of pay awards), the post holder will receive the normal salary for the post with effect from that date.
- 1.65 Conservation of salary will cease following voluntary application for, and appointment to, a new post.
- 1.66 There shall be no entitlement to conservation of salary where;
- (a) a teacher is transferred and ceases to be entitled to receive a remote school/distant island allowance payable (in terms of paragraph 1.72) below) or suffers a reduction in the amount of such an allowance; or
 - (b) a teacher refuses unreasonably, on two occasions, to accept an alternative equivalent, or better, post.

Conservation – Specific Provisions

Conservation for Promoted Post Holders appointed on or after 1 April 2001

1.67 A promoted post holder appointed to a promoted post on or after 1 April 2001 and: -

- (a) whose post is resized and the salary is downgraded; or
- (b) who is transferred, for reasons other than inefficiency or indiscipline, to another post which has a lower salary.

shall receive a three-year period of cash conservation, (as defined in paragraphs 1.63 and 1.64 above).

Conservation for Promoted Post Holders appointed before 1 April 2001

1.68 A promoted post holder appointed to a post before 1 April 2001 and: -

- (a) whose post has been re-sized and the salary has been downgraded; or
- (b) who has been transferred, for reasons other than inefficiency or indiscipline, to another post, which has a lower salary; and
- (c) is in receipt of a conserved salary at 31 March 2011;

shall from 1 April 2011 until 31 March 2016 continue to receive her/his previous salary but will not receive any increase resulting from pay awards (other than in circumstances outlined in paragraph 1.64 above.) From 1 April 2016, the cash conservation will end and the post holder will then receive the normal salary for the post she/he now holds.

1.69 A promoted post holder appointed to a promoted post before 1 April 2001 and: -

- (a) whose post is resized between 1 April 2011 and 31 March 2013 and the salary is downgraded; or
- (b) who is transferred between 1 April 2011 and 31 March 2013 for reasons other than inefficiency or indiscipline, to another post which has a lower salary.

shall from 1 April 2011 until 31 March 2016 continue to receive her/his previous salary but will not receive any increase resulting from pay awards (other than in circumstances outlined in paragraph 1.64 above.) From 1 April 2016, the cash conservation will end and the post holder will then receive the normal salary for the post she/he now holds.

1.70 A promoted post holder appointed to a promoted post before 1 April 2001 and: -

- (a) whose post is resized after 1 April 2013 and the salary is downgraded; or
- (b) who is transferred after 1 April 2013, for reasons other than inefficiency or indiscipline, to another post which has a lower salary.

shall receive a three-year period of cash conservation, as defined in paragraphs 1.63 to 1.64 above.

Conservation for Promoted Post Holders with Temporary Appointments

1.71 Where a teacher has occupied a promoted post, on a temporary basis, for two or more consecutive school years and that temporary appointment ceases, then the teacher shall receive a three-year period of cash conservation (as defined in paragraph 1.63 above)

Since these arrangements have now ended, references to them have been removed from the SNCT Handbook.

Holders of the Handbook should remove the existing Paragraphs 1.63 to 1.71 and insert the updated versions in their place.

Yours sincerely

Tom Young (Employers' Side)
Louise Wilson (Teachers' Panel)
Stephanie Walsh (Scottish Government)

Joint Secretaries

22 June 2018

SNCT/18/64

National Pay and Leave Specification

Dear Colleague

For some time, the SNCT has been developing a National Pay and Leave Specification. The SNCT Joint Secretaries worked with payroll providers and councils to implement this National Pay and Leave Specification.

Work on the specification is now complete and the National Pay and Leave Specification is enclosed with this Circular as Appendix 2.19 of the SNCT Handbook.

Arising from historic methods of calculation and local interpretation, there has been a lack of consistency across councils in calculating teachers' pay. This National Pay and Leave Specification identifies the agreed SNCT position for various scenarios and must be used by all Scottish councils with effect from 1st August 2018. From 1 August 2018 the Joint Secretaries will use this specification as the means to determine any disputes regarding pay calculations.

As previously stated, the National Pay and Leave Specification also provides a mechanism for calculating balance of leave payments.

The introduction of the National Pay and Leave Specification has resulted in changes being made to other sections of the SNCT Handbook.

Holders of the Handbook should remove these sections and insert the attached updated versions in their place along with the new Appendix 2.19.

Yours sincerely

Tom Young (Employers' Side)
Louise Wilson (Teachers' Panel)
Stephanie Walsh (Scottish Government)

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22 June 2018

SNCT/18/65

**Reckonable service for Family Leave calculations
in relation to probationary periods**

Dear Colleague

The SNCT has reached agreement that probationary periods can be counted as continuous service in family leave calculations only.

The revised paragraph 7.1.2 reads as follows.

7.1.2 Any previous employment (including probationary periods) with councils, employers listed in the Redundancy Payment (Local Government) (Modification) Order 1990 (as amended) and any other employment deemed by the council to be relevant, should be counted as continuous service (as defined in the Employment Rights Act 1996) subject to a gap in employment not exceeding one working week.

Holders of the Handbook should remove this section and insert the attached updated version in its place which incorporates the wording of the new Paragraph 7.1.2.

Yours sincerely

Tom Young (Employers' Side)
Louise Wilson (Teachers' Panel)
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PART 2

7. FAMILY LEAVE

7.1.1 Family Leave encompasses the following family leave provisions

Maternity Leave (ML) and Pay (OMP/SMP) (Paragraphs 7.2.1 – 7.2.29)

Adoption Leave (AL) and Pay (OAP/SAP) (Paragraphs 7.3.1 – 7.3.23)

Shared Parental Leave (ShPL) and Pay (ShPP) (Paragraphs 7.4.1 – 7.4.20)

Surrogacy Leave (Paragraphs 7.5.1 – 7.5.9)

Maternity and Adoption Support Leave and Pay, incorporating Ordinary Leave and Pay (7.6.1 – 7.6.14)

Parental Leave (7.7.1 – 7.7.7)

For all Family Leave

7.1.2 Any previous employment (including probationary periods) with councils, employers listed in the Redundancy Payment (Local Government) (Modification) Order 1990 (as amended) and any other employment deemed by the council to be relevant, should be counted as continuous service (as defined in the Employment Rights Act 1996) subject to a gap in employment not exceeding one working week.

Keeping in Touch Days

7.1.3 During both ML, AL, ShPL and Surrogacy Leave the employee is allowed up to ten days at work with normal pay as Keeping In Touch Days, without bringing the leave period to an end. Normal pay will be an amount inclusive of SMP, SAP, Maternity Allowance, ShPP or Surrogacy Pay as appropriate. These days do not have to be consecutive and can be used for training or any other activity which enables the employee to keep in touch with the place of employment. Keeping In Touch Days can only be taken following agreement between the employer and the employee on both the activity and timing. The Code of Practice on Keeping In Touch Days (Appendix 2.10) should be the basis for arrangements for such days.

22 June 2018

SNCT/18/66

Changes to SNCT Handbook of Conditions of Service – Family Leave

Dear Colleague

The SNCT has agreed the following changes to the Family Leave section of the SNCT Handbook.

The first change clarifies the situation where a period of Ordinary Paternity Leave is taken before and during a period of annual leave.

The revised paragraph 7.6.9 reads as follows.

7.6.9 There can only be one period of leave. Where an employee elects to take 2 weeks' leave, these must be consecutive. Where an employee elects to take only 1 week of leave then this will be taken as a complete week of leave. The first week will be support leave and paid at full pay while the second week will be ordinary paternity leave and SPP will be paid. Where paternity leave is before and during a period of annual leave or school closure period, the paternity leave comes first and the whole period of annual leave and any unpaid leave follows.

The second change relates to Parental Leave and formalises the advice issued by the Joint Secretaries in JS/15/57.

The revised paragraphs 7.7.2 and 7.7.3 read as follows.

7.7.2 Employees are entitled to 18 weeks in total for each child and adopted child.

7.7.3 This leave can be taken up until the child's 18th Birthday.

Holders of the Handbook should remove the previous paragraphs and insert the attached updated versions in their place.

Yours sincerely

Tom Young (Employers' Side)
Louise Wilson (Teachers' Panel)
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PART 2

Ordinary Paternity Leave and Pay

- 7.6.3 In addition to the maternity support leave described above, an employee who is the spouse or partner of an expectant mother (and who has at least 26 weeks' continuous service at the start of the 15th week before the baby is due) is entitled to a further week's Ordinary Paternity Leave (OPL).
- 7.6.4 In addition to the adoption support leave described above, an employee who is the spouse or partner of a person taking adoption leave and who has at least 26 weeks' continuous service at the start of the notification week is entitled to a further week's OPL.
- 7.6.5 OPL can be taken:
- (a) from the date of the child's/children's birth or placement for adoption; or
 - (b) from another date after the child's/children's birth or placement for adoption.
- 7.6.6 Leave can start on any day of the week, but must be taken within 56 days of the actual birth or placement date. If the birth is early, leave must be taken within the period from the actual date of the birth up to 56 days after the expected week of birth.
- 7.6.7 An employee who is on OPL shall receive Statutory Paternity Pay (SPP).
- 7.6.8 An employee who wishes to take OPL must inform the council of her/his intention to take paternity leave by the 15th week before the week in which the child is expected (where reasonably practicable). In the case of adoption, employees must inform their employers of their intention to take paternity leave within 7 days of the employee being notified by their adoption agency that they have been matched with a child/children, unless this is not reasonably practicable. He/she must state in writing:
- (a) the expected week of childbirth or date of placement for adoption; and
 - (b) when they want the leave to start.
- 7.6.9 There can only be one period of leave. Where an employee elects to take 2 weeks' leave, these must be consecutive. Where an employee elects to take only 1 week of leave then this will be taken as a complete week of leave. The first week will be support leave and paid at full pay while the second week will be ordinary paternity leave and SPP will be paid. Where paternity

leave is before and during a period of annual leave or school closure period, the paternity leave comes first and the whole period of annual leave and any unpaid leave follows.

- 7.6.10 The employee shall accrue annual leave, in accordance with Section 5, Annual Leave, during the leave period. This leave should be taken following the employee's return to work. The timing of this leave is subject to the overriding needs of the service and,
- (a) in the case of teachers and music instructors, the accrued leave can be directed to be taken during the days of school closure, with payment to be arranged in accordance with Part 2, Section 5, paragraphs 5.7 above; or
 - (b) in the case of education support officers, quality improvement officers and educational psychologists, should normally be taken as soon as possible following the return to work.
- 7.6.11 Employees may alter the date on which their leave starts by giving 28 days' notice in writing, where this is reasonably practicable.
- 7.6.12 Only one period of leave is available to employees, irrespective of whether more than one child is placed for adoption or in the case of multiple births.
- 7.6.13 An employee shall be entitled to the above provisions in circumstances where the child is stillborn after 24 weeks or has died or where the child's mother has died within the period of leave.
- 7.6.14 The ordinary paternity leave and pay provisions allow for up to 2 weeks' OPL and SPP for employees who meet the criteria. The provisions above provide for normal pay for the first week and SPP for the second week. In the first week SPP is offset against normal pay.

Parental Leave

- 7.7.1 Parental leave is a right for all employees who are parents, and who have at least 1 year's continuous service, to take time off work to look after or make arrangements for their child's welfare. Parental leave is unpaid.
- 7.7.2 Employees are entitled to 18 weeks in total for each child and adopted child..

- 7.7.3 This leave can be taken up until the child's 18th Birthday.
- 7.7.4 Parental leave must be taken in week blocks or multiples of one week except where the employer agrees otherwise or if the child is disabled. Parents of a disabled child can take parental leave in multiples of one day.
- 7.7.5 Up to 4 weeks' parental leave can be taken in any calendar year.
- 7.7.6 The council may postpone parental leave for up to 6 months but not in the case of leave required following the birth or adoption of a child. Postponement can only take place if the absence would unduly disrupt the Service. Notification of postponement arrangements should be issued to the employee no later than seven days following the employee's notice to take leave.
- 7.7.7 Employees are entitled to return to their job following a period of parental leave.

22 June 2018

SNCT/18/67**Payment of Short-Term Supply Teachers**

Dear Colleague

The SNCT reached a pay agreement for teachers and associated professionals for 2017-2018. This was communicated to all holders of the Handbook in Circular SNCT/17/61.

This agreement restored the rate of pay for short-term supply teachers to the individual's appropriate pay point on the Main Grade Scale, with effect from 1 January 2018.

The Handbook changes which accompany this Circular delete reference to payment on point 1 (point 0 if not fully registered) for each period of supply work and confirms that the rate of pay will be the incremental point on the Main Grade Scale for which the teacher qualifies in accordance with paragraphs 1.19 to 1.26 of the SNCT Handbook.

Holders of the Handbook should remove the previous page and insert the attached updated version in its place.

Yours sincerely

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