

15 June 2016

**JS/16/66**  
**SNCT Pay and Leave Specification**

At its meeting on 16 May the SNCT discussed progress on developing a revised Pay and Leave Specification.

Payroll providers have been engaged and are working on automation of the specification. The Joint Secretaries will meet in the near future with Council payroll managers to discuss issues which may arise from the work of payroll providers.

There will be further discussion with SPPA on Council returns to SPPA for calculating pensions.

The revised Pay and Leave specification provides a mechanism for calculating balance of leave payments. While the SNCT will not move to implement the specification in full until August 2017, when the pay and leave years will be based on the start of each Council's school session, employers can use the general approach to calculating pay set out in the draft payroll specification (attached) where they wish to, subject to the following caveats:

- (i) The pay year remains 1 August to 31 July for session 2016-17. Therefore, incremental payments start on 1 August.
- (ii) The leave year remains 1 September to 31 August for session 2016-17. Balance of leave must still comply with 40 days paid leave in each leave year.
- (iii) The SNCT has still to conclude discussions on calculating sick pay in days rather than months.
- (iv) The SNCT has still to conclude guidance on maternity.

It is open to Councils to otherwise adopt the broad principles in the pay specification where they wish to do so.

Yours sincerely

Tom Young (Employers' Side)  
Drew Morrice (Teachers' Panel)  
Stephanie Walsh (Scottish Government)

**Joint Secretaries**

**COSLA**  
Verity House  
19 Haymarket Yards  
EDINBURGH  
EH12 5BH  
T: 0131 474 9200  
F: 0131 474 9292  
E: tomy@cosla.gov.uk

**Teachers' Panel**  
46 Moray Place  
Edinburgh  
EH3 6BH  
T: 0131 225 6244  
F: 0131 220 3151  
E: dmorrice@eis.org.uk

**Scottish Government Learning Directorate**  
2A South Victoria Quay  
Edinburgh  
EH6 6QQ  
T: 0131 2440230  
F: 0131 244 0957  
E: Stephanie.walsh@scotland.gsi.gov.uk

## **SPECIFICATION – PAY AND CONDITIONS OF SERVICE CALCULATIONS**

### **NEGOTIATING BODY – SNCT**

#### **Background**

The Joint Secretaries of the SNCT issued a number of revisions to the conditions of service for teachers and associated professionals effective from 1 September 2011. The principle change was a reduction of teacher's annual leave from 66 days per annum to 40 days per annum, with the remaining 26 days being defined as 'non-payment' days. This resulted in the daily rate of pay increasing from  $1/261$  x annual rate of salary to  $1/235$  x annual rate of salary.

The method of calculating pay for supply work also changed to 2 different rates.

Due to historic methods of calculation this has resulted in no consistency across local authorities on how to make teachers' pay related calculations. This specification identifies an agreed Joint Secretaries position for various scenarios and should be used by all Scottish Local authorities.

#### **Index of Items**

1. Basic Principle to a Teachers /Music instructors pay.
2. When a new start/leaver calculation should be used.
3. The Leave Year
4. How to calculate a 'New start' payment.
5. How to calculate a 'Leavers Payment'.
6. Temporary Employees.
7. Quality Improvement Manager/Officers, Education Support Officers and Educational Psychologists
8. Transferring from teacher/music instructor to a Quality Improvement Manager/ Education Support Officer or Educational Psychologist or vice-versa.
9. Maternity Pay
10. Sick Pay
11. Pensionable Service for SPPA
12. Accrual of Service.
13. Next Steps

## **Specification of Items**

### **1. Basic Principle to a Teachers /Music instructors pay.**

Staff receive  $\frac{1}{235}^{\text{th}}$  of their spinal column point for each working day, with a working day being defined as each pupil and in service development day (195 days). They further receive paid annual leave at 0.20513 of a day's pay for each day worked (0.20513 being  $\frac{40}{195}$ ) of the daily rate of salary for each working day.

Therefore a member of staff who works all 195 days will receive  $\frac{195}{235}^{\text{ths}}$  of the annual rate of salary uprated by 0.20513, which equates to the full annual salary for the year. This equates to 195 days' pay for working and 40 days paid annual leave.

Due to the annual leave and closure days being determined at a local level if a teacher changes local authority it is possible for them to work more or less than 195 days in the period of a year and, in this case, the salary they receive in that particular year would be more or less than the annual salary.

### **2. The Leave Year**

As part of this specification it is proposed to align all pay and leave calculations to run parallel to the academic session of the local authority the teacher works. This includes revising the date of incremental progression and possibly, the date of pay award. This will require to be negotiated via SNCT and not the working group

### **3. When a new start/leaver calculation should be used.**

The new start and leaver calculations, as detailed in paragraph 4 and paragraph 5 respectively should be used in the following circumstances.

- When an employee joins the council for the first time.
- When an employee leaves the council.
- When an employee moves to a post with a different annual rate of salary.
- When an employee moves from part time to full time or vice versa.
- When an employee increases or decreases their part time rate of hours.
- Incremental progression and pay/award (as per paragraph 2 above).
- When an employee commences or returns from a career break.

It should be noted a different calculation is used if the change to salary/new start/leaver payment is at the beginning or end of the academic session (this is detailed in paragraph 4a and 5a below). This will ensure over the course of an academic year the employee is paid the same amount in August in each authority irrespective of the start and end date of the session.

#### 4. How to calculate a 'New start' payment.

Each authority has a locally agreed calendar which shows the following: pupil days, in-service/development days, annual leave days (paid), and school closure days (unpaid). Added together in an academic session these will total 235 paid days with the balance being unpaid. A new start's first month's pay is therefore calculated as set out below. (It is recommended the annual leave is allocated as follows 5 days in Autumn, 10 days at the festive period, 10 days at Easter and 15 days in the summer (2 weeks at the beginning and 1 week at the end).

A = No of paid days from start date until end of academic session.

B =  $A * 0.20513$  (being number of days holiday accrued on A)

C = No of full months remaining in current academic session from date of commencement of employment to and including July

D = 50% of August salary (i.e. 50% of annual salary /12 or 1/24 of annual salary)

##### Calculation

$X = A/235 * \text{annual rate of salary}$

$Y = B * \text{annual rate of salary}/235$

$Z = C/12 * \text{annual rate of salary} + D$

##### Payment

$X + Y - Z$

Example of Salary split for teacher working a full year

Annual Rate of Salary	£ 34,887
Salary for Month	
Start of Session – 31 <sup>st</sup> August 50% of 1/12 <sup>th</sup>	£1453.63
September	£2907.25
October	£2907.25
November	£2907.25
December	£2907.25
January	£2907.25
February	£2907.25
March	£2907.25
April	£2907.25
May	£2907.25
June	£2907.25
July	£2907.25
1 <sup>st</sup> August to end of School Holidays (Balance of salary)	£1,453.62

#### **4a How to calculate a New Start Payment if calculation is due on first day of academic session**

A Teacher who commences on the first day of term will be paid at 50% of 1/12<sup>th</sup> of the annual salary in August. A teacher commencing at any other point in August will be paid in line with the new start calculation.

#### **5 How to Calculate a “Leavers Payment”**

Each authority has a calendar, which shows the following: pupil days, in-service/development days, annual leave days, and school closure days (unpaid). Added together in any school year these will total 235 paid days with the balance being unpaid. A leaver’s final month’s pay is therefore calculated as follows.

A = No of paid days from start of academic session (or start date) until leaving date.

B = A \* 0.20513 (being number of days holidays accrued on a)

C = salary paid since start of academic session (or start date until end date of previous pay period. (This should include 50% the August payment)

##### Calculation

$X = A/235 * \text{annual rate of salary}$

$Y = B * \text{annual rate of salary} /235$

##### Payment

$X + Y - C$

#### **5a How to calculate a Leavers Payment for August when employee is leaving at End of Academic Session**

Annual Rate of Salary/12 x 50% (This would result in full annual salary being paid in the leave year)

#### **5b How to calculate a leaver’s payment when an employee returns at the start of session but leaves before the end of August.**

For each in service/development day worked following the start of the school session a leavers payment calculated in paragraph 5 is added to end of session payment, set out in 5a for a final payment.

#### **6 Temporary Employees**

Long Term Temporary Employees should where practical be paid in line with paragraph 4 and paragraph 5 above as per paragraph 1.2 of Part 2, Section 1 of the SNCT Handbook.

Where it is not practical to pay temporary employees they should be paid 1/235<sup>th</sup> of the appropriate annual rate of salary for every worked day. They will accrue annual leave at the rate of 0.20513 per day for each day worked. The administrative arrangement for paying in this manner is as agreed at each LNCT.

Whilst it is for each LNCT to determine when to pay using the calculation detailed in paragraph 4 and paragraph 5, examples of when it is suggested to make the payment are – Maternity Leave, Long Term Vacancy and temporary post which will last in excess of 8 weeks.

## **7 Quality Improvement Manager/Officers, Education support Officers and Educational Psychologists.**

Quality Improvement Manager/Officers, Education support Officers and Educational Psychologists will be paid 1/12<sup>th</sup> of the annual rate of salary for each month worked.

For part months the payment will be as follows -

If the Council pays based on Calendar days per month

A = Annual Rate of Salary / 12

B = Calendar Days in the month

C = No of Calendar Days worked in the month

Payment

$A / B \times C$

If the Council pays based on working Days in the month

A = Annual Rate of Salary / 12

B = Working Days in the month

C = No of Working Days worked in the month

Payment

$A / B \times C$

For the above calculations the following should be noted –

- if the council pays the local government employees on a hours basis substitute days for hours
- If the council pays the local government employees on a lunar basis substitute 12 for 13 and month for 4 week period.

## **8 Transferring from teacher/music instructor to a Quality Improvement Manager/ Education Support Officer or Educational Psychologist or vice-versa.**

In the above situation the employee could transfer and their annual rate of salary could remain the same, as a result of the differing methods of calculation. The salary in the month of transfer will not be 1/12<sup>th</sup> of the salary.

## **9 Maternity Pay**

For determining the weekly rate of pay staff on maternity leave will receive 7/365<sup>ths</sup> of the annual rate of salary for each week of Maternity Pay.

During the past month prior to commencing maternity leave or on returning from maternity leave the part month payment will be paid as follows

### On commencement of Maternity Leave

A = salary paid in academic session to date including 50% for August

B = no of calendar days from the start of session until the commencement of Maternity leave (based on 365<sup>ths</sup>)

C = annual rate of salary

### Payment

$B/365 \times C - A$

### On return from Maternity Leave

A = Salary that will be paid from the 1<sup>st</sup> of the month following return until the end of the summer school holidays. (This is based on 1/12<sup>th</sup> of the annual rate of salary for months September to July and 1/24<sup>th</sup> for the periods being start of school session to 31<sup>st</sup> August and 1<sup>st</sup> August to end of school summer holidays)

B = No of calendar days from returning until the end of the school summer holidays'

C = annual rate of salary

### Payment

$B/365 \times C - A$

## **9a Annual Leave prior to and on return from maternity leave.**

As a result of the calculation detailed in 9 above there is no need to make any balancing adjustment for maternity either post or pre leave. Authorities only require to give the paid days leave back as determined by the calendar they set via their LNCT i.e. 5 days for Autumn, 10 days for Festive, 10 days for Easter and 15 days for summer.

**10 Sick Pay (This paragraph is subject change dependent on outcome of legal advice)**

Sick Pay for teachers and associated professionals will be based on a daily rate of 1/365<sup>ths</sup> for each day they are sick. This may result in a carry forward being required of sick pay calculations from one month to another. An employee in receipt of 6 months full and 6 months half pay will receive 183 days full pay and 182 days half pay.

Author's Note – this is an exact calculation for sick pay but will cause potential issues as there will be carry forward of amounts or months where the sick pay amount is less than the 1/12<sup>th</sup> being paid. This could be overcome by having offsetting amounts so as not to confuse employees. The main issue will be when an employee moves to half or no pay.

**11 Pensionable Service for SPPA (This paragraph may change dependent on outcome of discussions between SPPA and SNCT Representatives)**

Pension returns are based on the Financial year full guidance is being worked on between the SNCT and SPPA and further guidance will be issued

**12 Accrual of Service**

Employees will accrue service based on the Calendar year; a break brought about as a result of a temporary cessation of work will not be counted as a break. E.g. if an employee leaves one Council at the end of term; however, as a result of the old and new Council having different leave years there is no work for a week, this will not count as a break in service. It will result in SPPA service (as per paragraph 11) not being 365 days for that particular year.