

# **Renfrewshire Joint Negotiating Committee for Teachers**

**To: Renfrewshire Joint Negotiating Committee for Teachers**

**On: 12 June 2018**

**Report by  
Head of Schools**

## **SNCT Pay and Leave Specification**

### **1. Background**

- 1.1. There have been a number of revisions to the conditions of service for teachers and associated professionals which have been implemented since September 2011. This included the change from 66 to 40 days annual leave with the remaining 26 days being defined as “non payment” days. This resulted in the daily rate being calculated as 1/235<sup>th</sup> of the annual salary.
- 1.2. SNCT has recognised a lack of consistency in interpretation at local authority level. As a result, the attached pay and leave specification has been agreed. It is noted that this revised position will take effect from 1 August 2018.
- 1.3. Renfrewshire Council will ensure all aspects of this specification are implemented by the due date.

### **2. Recommendation**

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



## PART 2

### APPENDIX 2.19

#### PAY AND LEAVE SPECIFICATION

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##### BACKGROUND

On behalf of the Scottish Negotiating Committee for Teachers (SNCT), the Joint Secretaries issued several revisions to the conditions of service for teachers and associated professionals effective from 1st September 2011. These changes were implemented based on local interpretation from that date. The principal 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  $1/235$ th x annual rate of salary.

Due to historic methods of calculation and local interpretation this has resulted in a lack of consistency across local authorities in calculating teachers' pay. This Pay and Leave Specification identifies an agreed SNCT position for various scenarios and must be used by all Scottish Local Authorities with effect from 1st August 2018.

#### 1. BASIC PRINCIPLE TO TEACHER/MUSIC INSTRUCTOR PAY

- 1.1 Staff receive  $1/235$ th of their spinal column point for each working day. A working day is 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  $40/195$ ) of the daily rate of salary for each working day.

- 1.2 Therefore, a member of staff who works all 195 days will receive 195/235ths 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 annual leave.
- 1.3 Due to the annual leave and closure days being determined at a local level, if a teacher changes local authority, it is possible for such a teacher to work more or less than 195 days in the period of a year. In such a case, the salary they receive in that particular year could be more or less than the annual rate of salary.

## **2. WHEN A NEW START/LEAVER CALCULATION SHOULD BE USED**

2.1 The new start and leaver calculations, as detailed in paragraphs 4 and 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.
- When an employee commences or returns from a career break.

2.2 It should be noted that 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 paragraphs 4.1 to 4.6 and 5.1 to 5.6 below. This will ensure, over the course of an academic session, the employee is paid the same amount in August in each authority irrespective of the start and end date of the session.

## **3. THE LEAVE YEAR**

3.1 As part of this Pay and Leave Specification, it is proposed to align all pay and leave calculations to run parallel to the academic session of the local authority in which the teacher works.

## **4. HOW TO CALCULATE A 'NEW START' PAYMENT**

4.1 Each authority has a locally agreed calendar which shows the following: pupil days, in-service/development days, annual leave days, 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 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 = Number of paid days from start date until end of academic session.

B =  $A \times 0.20513$  (being number of days' holiday accrued on A)

C = Number 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 1/12 or 1/24 of annual salary).

*Calculation*

X = A/235 X annual rate of salary

Y = B X Annual rate of salary/235

Z = C/12 X annual rate of salary + D

**Payment to make**

**X + Y - Z**

Example of Salary split for teacher working a full year (based on SCP 6 as at 01/01/2018)

Annual Rate of Salary	£ 36,480
Salary for Month	
Start of Session – 31 <sup>st</sup> August 50% of 1/12 <sup>th</sup>	£1,520
September	£3,040
October	£3,040
November	£3,040
December	£3,040
January	£3,040
February	£3,040
March	£3,040
April	£3,040
May	£3,040
June	£3,040
July	£3,040
1 <sup>st</sup> August to end of School Holidays (Balance of salary)	£1,520

4.2 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.

4.3 New start payment when employee has a negative balance:

- Employee to be notified by the authority of how the balance will be deducted from salary payments in writing prior to the first salary payment being made / prior to taking up employment.
- A standard letter is attached which the joint secretaries would recommend be issued to all new start employees.

4.4 When an employee has a negative balance on starting, the following action should take place

- If the employee has commenced from another Scottish local authority, they will have received a balancing payment through that local authority's leaver payment. In these circumstances, the negative balance should be recovered as quickly as possible.

- If the employee has commenced and has not joined from another Scottish local authority the negative balance should be spread equally amongst the remaining months of the year.

4.5 This principle will also apply when the employee has a low pay in their first month's salary. A low pay is determined when the calculated pay for the month is less than 70% of the number of 1/235ths due in the month.

4.6 Annex 1: Example of Negative Balance gives examples of how to facilitate this.

The payroll systems will require to allow operators to agree to the following options:

- Immediate deduction
- Spread deduction

## 5. HOW TO CALCULATE A "LEAVER PAYMENT"

5.1 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 X 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 the 50% August payment).

### *Calculation*

X = A/235 X annual rate of salary

Y = B X annual rate of salary /235

### **Payment to make**

**X + Y – C**

5.2 How to calculate a Leaver 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).

5.3 How to calculate a Leaver payment when an employee returns at the start of the academic session but leaves before the end of August:

- For each pupil day and in service/development day worked following the start of the school session, a Leaver payment calculated in paragraph 5.1 is added to end of session payment, set out in 5.2 for a final payment.

- 5.4 How to calculate a Leaver payment when an employee leaves the authority during an academic session:
- Employees moving to another authority should receive a final payment as calculated in paragraph 5.1.
- 5.5 Permanent Employees retiring or leaving teaching should receive a final payment calculated in paragraph 5.1 with the payment being split between pay to date of leaving (pensionable) and pay in lieu of holidays (non-pensionable). This will ensure correct employee and employer pension deductions are made. If an employee is retiring and has indicated their pension is to start from a certain date but the accrued holidays take them to past that date, pay in lieu of holidays should be paid as oppose to an extension of service.
- 5.6 Where an authority operates an asymmetric week and pays different amounts dependant on the number of hours in the day, it is advisable to calculate new-start and leaver payments for part-time workers in hours rather than days. An example of how to calculate this is attached at appendix X. The alternate method of calculating an asymmetric week is to pay staff 0.2 for each day irrespective of the hours worked and ensure appropriate time is given via class contact hours. The attached letter gives an example of how this works.
- 5.7 Annex 2 – examples of mid-session leaver’s payments

## **6. TEMPORARY EMPLOYEES**

- 6.1 Long Term Temporary Employees should, where practical, be paid in line with sections 4 and 5 above as per paragraphs 1.2 of Section 2 of the SNCT handbook.
- 6.2 Where it is not practical to pay temporary employees in terms of paragraphs 4 and 5 above they should be paid  $\frac{1}{235}$ <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.
- 6.3 Temporary teachers employed for a full academic session should receive a contract to the last day of the summer annual leave period in August to ensure that they receive the same remuneration and pension contributions as a permanent teacher.
- 6.4 Whilst it is for each LNCT to determine when to pay using the calculation detailed in sections 4 and 5, examples of when that calculation method is appropriate include– Maternity Leave, Long Term Vacancy and temporary posts lasting more than 8 weeks.

## **7. LUNAR PAYROLLS**

- 7.1 Councils that operate a lunar payroll should take the following action:
- 7.2 For new start and leaver calculations, firstly determine the number of weekdays from the start of the academic session until the last day of the summer school holidays. This will be either 260,261 or 262. This will become the offset factor detailed in the calculation below.

### 7.3 New Starts:

A = number of paid days from the new start date until the end of the academic session

$B = A \times .20513$

C = number of week days from start of next pay period until end of summer school holidays

Payment

$((A + B) \times \text{annual Rate of salary}) / 235 = \text{Payment due until end of academic session (D)}$

$C / 260 \text{ or } 261 \text{ or } 262 \text{ as above} = \text{offset of salary to be paid (E)}$

$D - E = \text{Payment due}$

Leavers

A = number of paid days from start of academic session until leaving date

$B = A \times .20513$

C = number of week days from start of academic session until end of previous pay period

Payment

$((A + B) \times \text{annual Rate of salary}) / 235 = \text{Payment due until leave date (D)}$

$C / 260 \text{ or } 261 \text{ or } 262 \text{ as above} = \text{offset of salary already paid (E)}$

$D - E = \text{Payment due}$

## 8. **QUALITY IMPROVEMENT MANAGER/OFFICERS, EDUCATION SUPPORT OFFICERS AND EDUCATIONAL PSYCHOLOGISTS.**

8.1 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.

8.2 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 an hours' basis substitute days for hours



**9. TRANSFERRING FROM TEACHER/MUSIC INSTRUCTOR TO A QUALITY IMPROVEMENT MANAGER/ EDUCATION SUPPORT OFFICER OR EDUCATIONAL PSYCHOLOGIST OR VICE-VERSA.**

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

**10. MATERNITY PAY**

10.1 For determining the weekly rate of pay, staff on maternity leave will receive 7/365ths of the annual rate of salary for each week of Maternity Pay. During the part month prior to the commencement of maternity leave, or on returning from maternity leave, the part month payment will be paid as outlined below.

10.2 On commencement of Maternity Leave

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

B = number of calendar days from the start of the academic session until the commencement of Maternity leave #

C = annual rate of salary

**Payment**

**(B/365 x C) – A**

10.3 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 the date of return until the end of the school summer holidays

C = annual rate of salary

**Payment**

**(B/365 x C) – A**

10.4 Annual Leave prior to and on return from maternity leave.

As a result of the calculation detailed in 10.1 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.

Local authorities can agree to allocate some of the accrued leave to school closure days subject to the employee having received a minimum of 28 days' actual leave in each leave year of the maternity leave period.

## 11. SICK PAY

- 11.1 Sick Pay for teachers and associated professionals will be based on a daily rate of  $1/365^{\text{th}}$  for each day they qualify for sick pay. 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 pay and 6 months half pay will receive 183 days' full pay and 182 days' half pay.
- 11.2 This is a precise calculation for sick pay but could cause potential issues as there will be carry forward of amounts or months where the sick pay amount is less than the  $1/12^{\text{th}}$  being paid. This is 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 as shown in 11.3 below.
- 11.3 An employee's monthly salary is calculated as  $1/12^{\text{th}}$  of the annual salary. Based on a 365-day year, this equates to 30.41667 days per calendar month. Therefore, as the number of calendar days in each month can be either 28,29,30 or 31, there will be months that the reduction of basic pay and offset of sick pay will be more or less than the average basic salary which will result in potentially the deduction and offset being required over a 2-month period or the employee receiving more or less than half pay. - See Annex 2

Service at Commencement of Absence from Duty	Full Salary for a period of	Half Salary for a period of
Less than 18 weeks	nil	nil
18 weeks but less than 1 year	31 days	31 days
1 year but less than 2 years	61 days	61 days
2 years but less than 3 years	122 days	122 days
3 years but less than 5 years	152 days	152 days
5 years or more	183 days	182 days

## 12. PENSIONABLE SERVICE FOR SPPA

- 12.1 Pension returns are based on the Financial Year. Work is continuing on this issue between the SNCT and SPPA and this will be issued on completion. It is proposed that these returns will be made based on the number of hours in each working day uprated by annual leave in the period. This will then be converted to a notional  $365^{\text{th}}$  basis through a pre-agreed calculator.

## 13. ACCRUAL OF SERVICE

- 13.1 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 in service. For example, if an employee leaves one employer at the end of term and as a result of the old and new employer 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 12) not being 365 days for that particular year.

## **14. UNPAID LEAVE CALCULATIONS**

- 14.1 Any deductions for unpaid leave will be made by deducting the salary due for the day plus any annual leave accrued for working the day. If a teacher is only due to work part time on the day in question, the full time equivalent of the 7-hour day uprated by 0.20513 should be deducted.
- 14.2 For example, a teacher will be deducted  $\frac{1}{235}^{\text{th}}$  x annual rate of salary uprated by 0.20513 for each day of unpaid leave. Therefore, the deduction for a teacher taking unpaid leave for an entire calendar month will not equate to the average monthly salary paid. This is along the same basis as the occupational sick pay calculations detailed in Annex 2.

## **15. EFFECT OF PAY SPECIFICATION ON HISTORIC CALCULATIONS**

- 15.1 It is noted that due to historic and localised arrangements for pay calculations there will be situations when an employee retires from teaching that they will not have been paid accurately across the course of their careers for accrued holidays. In such cases, it is for the retiring teacher to provide accurate details of any underpayment for the local authority to determine.

## **16. NEXT STEPS**

- 16.1 This Pay and Leave Specification identifies an agreed SNCT position for various scenarios and must be used by all Scottish Local Authorities with effect from 1st August 2018.