

Scottish Negotiating Committee for Teachers

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Dear Colleague

SNCT/51 CODE OF PRACTICE – KEEPING IN TOUCH DAYS

1. Agreement has been reached by the SNCT on a Code of Practice on Keeping in Touch Days. This advice will provide supplementary advice to SNCT/49, Maternity and Adoption Leave and Pay.
2. Each LNCT should consider local operational arrangements for Keeping in Touch Days.
3. Keeping in Touch Days will be effective from 1 April 2007.
4. The Code of Practice will be incorporated into the new SNCT Handbook of Conditions of Service.

Yours sincerely

Joe Di Paola (Employers' Side)
Drew Morrice (Teachers' Panel)
Stephanie Walsh (Scottish Executive)

Joint Secretaries

SNCT Code of Practice

KEEPING IN TOUCH DAYS
Supplementary Advice on SNCT/49

Background

- 1.1 SNCT/49 set out contractual changes to maternity and adoption pay and leave.
- 1.2 As part of the Government's policies on work and families the concept of Keeping in Touch Days has been introduced.
- 1.3 The SNCT has considered further advice on Keeping in Touch Days from the Department of Trade and Industry (DTI). The SNCT is now able to provide advice for councils.
- 1.4 It is expected that each Local Negotiating Committee for Teachers will set out operational arrangements for Keeping in Touch Days.

Contact

- 2.1 Councils should have clear arrangements for maintaining contact with employees on maternity and adoption leave.
- 2.2 Prior to the commencement of maternity or adoption leave a meeting should be arranged to discuss how contact can be maintained. Both the employer and employee should have a clear understanding of the nature and frequency of contact.
- 2.3 Communication may be facilitated by home computers where employees on leave can exchange e-mails with colleagues at work and access council's intranets. For employees who have no home access to e-mails then communication by telephone or letter should be agreed.
- 2.4 Employers have a responsibility to ensure employees on maternity or adoption leave have information on vacancies and promotion, including acting appointments, and in-service or other CPD opportunities. The employee should also be apprised of changes to the workplace or work organisation which may impact on her or him.

Keeping in Touch Days

- 3.1 Keeping in Touch Days are formal arrangements to allow employees to undertake work of some kind during maternity or adoption leave. An employee cannot be required to take up Keeping in Touch days – participation is not compulsory.
- 3.2 The statutory provision allows for up to 10 Keeping in Touch Days in any period of maternity or adoption leave. The number of days and the activity to be undertaken must be agreed between the employer and employee, taking account of the wishes of both parties. It is noted that if the employee works for part of a day that will count as a Keeping in Touch Day.
- 3.3 The purpose of Keeping in Touch Days is to keep the employee informed on what is happening in the workplace. While a Keeping in Touch Day could simply be used for the person to undertake normal contractual duties on that day DTI guidance stresses that Keeping in Touch Days could be particularly useful in enabling an employee to attend a conference, undertake a training activity or attend a team meeting.
- 3.4 The SNCT recommends the following as examples of good practice which may be undertaken in Keeping in Touch Days:
 - (i) Attending INSET days, as set out in the school calendar.
 - (ii) Team teaching with the teacher covering the leave, particularly in the weeks preceding the date of return.
 - (iii) Attending CPD events, including participating in annual review discussions.
 - (iv) Attending team or departmental meetings.
 - (v) Work shadowing a colleague or liaison with a colleague.
- 3.5 Where the employee on maternity or adoption leave holds a promoted post the SNCT strongly advises that the employee should not resume those duties for Keeping in Touch Days or break the contract of the employee who had taken the post of temporary responsibility. This would not preclude a Keeping in Touch Day to be used for work shadowing or liaison, as set in 3.4(v) above.
- 3.6 The Regulations make it clear that an employer and employee are allowed to make reasonable contact during maternity leave to discuss such issues as the return to work. This would not constitute 'work' and would not therefore count towards the 10 days.

Payment for Keeping in Touch Days

- 3.7 Pay arrangements for Keeping in Touch Days should be agreed by the employer and employee. The SNCT has agreed normal contractual pay for such days, which will be an amount inclusive of SMP, SAP or Maternity Allowance, where these are still being paid.
- 3.8 Where a teacher is in attendance for the whole of a school day, payment will be in accordance with SNCT/26 (1/261 and 0.3385 for holiday pay). Where the period worked is less than a full day, the teacher shall be paid an hourly rate (calculated on the basis of 1/1827 of the annual rate of salary) with pro rata holiday entitlement, as set out in SNCT 26.

Recording Keeping in Touch Days

- 3.9 The agreement on Keeping in Touch Days should normally be recorded on an individual basis.

Reviewing Keeping in Touch Days

- 3.10 It is acknowledged that circumstances may well change and it must be open to both parties to review arrangements.

Appeals

- 3.11 It is expected that Keeping in Touch Days will be subject to amicable agreement.
- 3.12 However, if resolution cannot be achieved through informal discussion then formal grievance procedures may have to be invoked by employees who are unable to obtain an agreement on Keeping in Touch Days.