

5 March 2015

**JS/15/53**

Dear Colleague

**Pay and Conditions Agreement 2011 – Conservation Arrangements**

As you know the SNCT is monitoring the implementation of the Pay and Conditions Agreement 2011 and this is being undertaken by the Review of LNCTs Working Group.

In relation to the change to Teacher Salary Conservation arrangements, the SNCT wishes to ensure that all teachers for whom salary conservation will end on 31 March 2016 are aware of how they will be affected by the change and that Authorities are working with them to manage the process of change in line with the SNCT advice provided in the Joint Secretaries' Letter JS/11/26, which is appended.

We would therefore be grateful if you could provide us with an update to the information you have previously provided in response to the working group's questionnaire issued on 28 May 2014 in relation to the following questions:

1. Number of post holders affected
2. Age Breakdown of these post holders (under 50, 50 – 55, 56 – 60, 61 – 65)
3. The number of these post holders who have opted out of the opportunity for transfer into a promoted post vacancy and have volunteered to take the job sized or main grade scale point salary for the post they now hold.
4. The number of these post holders for whom retirement has been agreed before the expiry of the current conservation arrangements.
5. Any other creative approaches your Authority has considered or agreed with these post holders or through your LNCT.

The Review of LNCTs Working Group would be keen to review the responses from all 32 local authorities at its next meeting on 23 April 2015 and we would therefore be grateful if you could send the above information to Kieran Jackson at [kieran@cosla.gov.uk](mailto:kieran@cosla.gov.uk) **by close of business on Friday 17 April 2015.**

This information is only required in relation to those teachers whose pay is currently conserved as set out in the SNCT Handbook. Those teachers who previously relinquished their former Senior Teacher (ST) or Assistant Principal Teacher (APT) post to become a classroom teacher were assimilated to Point 3 of the pay scale for Chartered Teachers. Pay assimilation is set out in the SNCT Handbook, Part 2, Section 1, paragraph 1.29. These employees are therefore not subject to conservation arrangements. Those who assimilated are entitled to the pay rises from the 2013 -2015 Pay Agreement and any subsequent increases. Similarly teachers on the Chartered Teacher scale have pay protected through the 2011-13 Pay and Conditions Agreement and are not conserved.

Yours sincerely

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

**Joint Secretaries**

Dear Colleague

### Advice on Mechanisms to Minimise Costs in Relation to Conservation

The conservation arrangements set out in the SNCT Handbook Part 2, Section 1 have been amended following the SNCT Agreement on Pay and Conditions (SNCT Circular 11/26).

As part of that agreement the SNCT is required to provide advice to Councils on minimising costs in relation to conservation. In March 2005, the SNCT Joint Chairs issued advice to Councils on the cessation of posts following management restructuring or school rationalisation. At that time the legislation regarding the redeployment of promoted post holders was under consideration.

The SNCT advises that there is no statutory bar to the redeployment of promoted post holders to commensurate posts should their substantive posts cease. Councils are reminded that there must be a period of consultation with the Parent Council should the redeployment of a Headteacher or Depute Headteacher be required. This is in line with Regulations 4 and 5 (3) of the Parental Involvement in Headteacher and Deputy Headteacher Appointments (Scotland) Regulations 2007.

The SNCT exhorts Councils to use their best endeavours to manage the process of change. This will require working with trade unions through LNCT structures on the impact on promoted post holders arising from

- (i) School rationalisation
- (ii) Management restructuring
- (iii) Job sizing and re-sizing

Councils should consider the following measures

- (i) "Redeployment" – Where a conservation issue can be resolved by redeploying a promoted post holder into a vacant post to reduce conservation costs. A redeployment does not interfere with salary conservation arrangements as set out in the SNCT Handbook, Part 2, Section 1, paragraphs 1.67-1.71. Post holders should be reminded of the provisions of Part 2, Section 1, paragraph 1.66(b) of the Handbook.
- (ii) "Ring fenced" interviews – Where conservation costs can be minimised by limiting application to promoted posts to conserved promoted post holders in the first instance.
- (iii) "Commensurate" duties – A conserved post holder can be allocated additional duties commensurate with their conserved salary. In some circumstances it may be possible to consider duties across schools or at Council level in dialogue with the post holder.
- (iv) Premature retirement – Early release under PRC arrangements or buying additional pension could allow posts to be freed up or to allow conserved post holders to retire early.
- (v) Voluntary severance – Voluntary severance may be considered.

The Council will have to ensure that there is dialogue with each post holder when conservation issues arise. Policy papers setting out changes arising from management restructuring and from school rationalisation should make reference to managing the personnel issues relating to conservation.

Yours sincerely

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

Joint Secretaries