

3 December 2015

JS/15/61**Pay and Conditions Agreement 2011 – Conservation Arrangements**

Dear Colleague

The SNCT Support Group met on 26 November 2015 and considered information provided by each local authority relating to the numbers of post holders appointed to promoted posts before 1 April 2001, who are currently entitled to the higher salary until 31 March 2016. Under the terms of the SNCT Pay and Conditions Agreement of 2011, these post holders will revert to the Job Sized salary or Main Grade scale for the post held from 1 April 2016.

The Support Group was pleased that information was received from all 32 local authorities, and appreciate your assistance in achieving this strong response.

The data indicated that across Scotland 510 individuals are currently projected to be affected by the loss of lifetime conservation. We would encourage you to continue to work 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 to this letter. We have also circulated detailed reports from South Lanarkshire and East Dunbartonshire Councils which provide examples of the breadth of approaches being undertaken to minimise the impact on individuals.

Thank you for your support in this matter.

Yours sincerely

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

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)

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Education Resources

Arrangements linked to changes for Conserved Promoted Postholders within SLC Schools

Aim

1. To support the implementation of JS/11/26 in relation to promoted postholders in receipt of a conserved salary as defined in sections 1.63 to 1.71, Section 1 of the SNCT Handbook.
2. The changes outlined in JS/11/26 were made in an agreement between COSLA, the Scottish Government and Trade Unions in order to maintain the overall numbers of teachers employed.

Scope

3. This document describes the arrangements that will be in place within South Lanarkshire Council in response to the removal of lifetime conservation for those postholders who have been in their promoted post since before April 2001.
4. The staff affected by this agreement include those who were involved in changes as a result of management re-structuring and/or school mergers and/or falling rolls.
5. The specific arrangements relating to applications for alternative posts include all promoted post holder vacancies covering any subject or general remits where teachers are affected by the removal of lifetime conservation.
6. Promoted posts that are outwith the scope of this process will be advertised in the normal manner without any reference to ring fencing arrangements.

Process

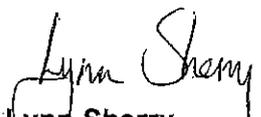
7. The removal of lifetime conservation in 2011 resulted in a position where all those affected will be cash conserved until 31 March 2016.
8. Post holders will not receive any salary increase resulting from pay awards from April 2011 to 31 March 2016. (unless the provisions of SNCT Part 2: Section 1, paragraphs 1.63 to 1.70 apply)
9. In 2016 post holders who are still carrying out duties appropriate for their grade will move to the previously agreed job sized level for their post. This will affect depute head teachers, principal teachers of pupil support and principal teachers of learning and teaching.
10. In 2016 if there is no job sized equivalent for a post holder then the following arrangements will apply:
 - a. A principal teacher will move to point 3 of the PT scale;
 - b. A depute head teacher will move to point 1 of the DHT spine;

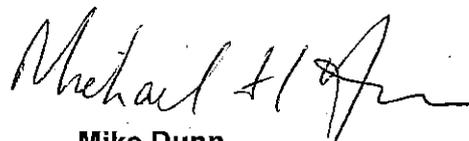
Future pay rises will be paid on these scale points.

11. Promoted post holders affected by this arrangement may apply for suitable vacancies that arise. Details of posts will be issued directly to the appropriate conserved teacher group (DHT postholders for DHT vacancies and PT postholders for PT vacancies) in the first instance who will be asked to express an interest within 10 working days. Applicants from the appropriate group will be guaranteed an interview for the post. The outcomes of this exercise will be reviewed on a regular basis by the JNCC.
12. If the vacancy is not filled using this approach the post shall be advertised internally within the Authority. Candidates who are affected by the new conservation arrangements will retain the right to a further interview for the vacancy.
13. Promoted post holders who continue to receive a promoted salary beyond April 2016 will undertake some duties that are commensurate with their salary. The specific duties allocated will be agreed between the head teacher and the teacher at the outset, recorded in writing and will take account of working time commitments. No additional weekly time will be made available to facilitate the allocation of additional duties although time may be made available over the course of a school session.
14. ICT co-ordinators who continue to carry out the duties of the post will continue to receive their existing cash allowance at the current level. There will be no further enhancements to this allowance.
15. All staff affected by these arrangements will have the opportunity to discuss their options and agree their position by August 2013. CPD will be made available to affected staff.
16. If following April 2016 an individual has not been placed, a further meeting will be arranged to finalise details of their situation. This meeting will clarify future salary arrangements and specific details about duties that will be undertaken.
17. The arrangements outlined in this paper concerning conservation will be applied to staff affected by the current review of secondary provision for children with SEBN. Within this context it should be noted that candidates who are successful in securing a post in the new structure which is job sized at a level below their current salary will retain cash conservation until April 2016. Following that date the post holder will move to the agreed job sized level for the post.

The JNCC joint secretaries will provide regular updates on the progress of the arrangements.

Joint Chairs of South Lanarkshire JNCC


Lynn Sherry
Head of Education
Joint Chair JNCC (Management Side)


Mike Dunn
Past President
Joint Chair JNCC (Teachers Side)

07 February 2013

Education Resources
Education Personnel Unit

EAST DUNBARTONSHIRE COUNCIL

Cessation of Lifetime Conservation of Salary

1.0 Number of postholders in EDC affected by the change to conservation of salary 2011-2016

Year	Number of postholders
2011	62
2012	50
2013	46
2014	38
2015 (March)	32
2015 (November)	26
2016 (April)	21*

* This number reflects postholders who are currently in employment and look likely to lose salary at 01. 04. 2016

2.0 Numbers and age bandings of postholders in East Dunbartonshire Council likely to be affected by the end to conservation of salary @ 01 04 2016

Age Band @ 01 April 2016	Number
Under 50	1
50-55	7
56-60	11
61-65	2
Total	21

3.0 Designations of postholders likely to lose salary at 01. 04. 2016

Designation	Number in post	Number already in maingrade posts (former PTs or acting PTs)
Headteacher		
Depute Headteacher		
Principal Teacher Biology		1
Principal Teachers Bus Ed	1	1
Principal Teachers Chemistry	1	1
Principal Teachers Computing	1	
Principal Teacher English		1
Principal Teachers Geography	1	
Principal Teachers Home Ec		1
Principal Teachers History	1	
Principal Teachers PE		1
Principal Teachers Physics	1	
Principal Teacher RE		1
Principal Teachers Technical	1	
Principal Teachers Guidance	5	
Principal Teachers Support for Learning	1	
Principal Teacher Special Education	1	
Totals	14	7
		TOTAL =21

4.0 Informing and consulting with postholders on ‘lifetime’ conservations

4.1 August 2011

SNCT Circulars and letters are circulated to all schools for the attention of all teaching staff. The Joint Secretaries Letter JS/11/26 was sent to all educational establishments within East Dunbartonshire Council .

4.2 August 2012

All postholders affected by the change in conservation arrangements were informed by letter of the change to Conditions of Service and asked to indicate interest in the options proffered by the SNCT. This information was to be used by the LNCT to agree appropriate mechanisms for the management of change. Of the 50 postholders affected, only 9 replied. Discussions through the LNCT were put on hold.

4.3 March 2014

Following agreement at LNCT, a sub group was established to consider possible mechanisms for reducing the impact of cessation of lifetime conservation.

All postholders affected were reminded, by letter, of the change to conservation arrangements from April 2016 and asked to attend a meeting with local authority officers to discuss the mechanisms proffered by the SNCT. Individual meetings were held and a profile for each teacher was compiled.

4.4 December 2014

A report was presented to the full LNCT and it was agreed that the mechanisms outlined in Section 5 would be available to postholders.

4.5 March 2015

All postholders contacted by email to confirm their preferences in relation to cessation of conservation.

4.6 November 2015

Postholders whose conservations are now ‘spent’ as a result of the 1.5% pay rise have been informed that they are no longer on conserved salaries and will now be paid at the job sized salary for the posts.

4.7 December 2015

A final letter will be sent to all postholders reminding them of the cessation of conservation from 01.04. 2016.

5.0 Mechanisms to minimise costs in relation to conservation

5.1 Guaranteed Interview

Postholders can be guaranteed an interview (assuming they meet the essential criteria), upon application, for a suitable advertised promoted post of the same designation. This provision will be available until 31 March 2016.

5.2 Support Programme

Postholders can request support to assist in CV and application form completion, interview skills etc. This provision can be available at any time and can be for a post within the authority or elsewhere.

5.3 Premature Retirement

Any voluntary trawl is dependent on available finance. Criteria for eligibility for application for premature retirement will include those on lifetime conserved salaries. This criteria, however, in itself, does not guarantee premature retirement.

5.4 Advance Payment of Conserved Element of Salary

An alternative method of dealing with the loss of lifetime conservation was discussed and agreed in principle at LNCT. It was mooted that the conserved element of the final year’s salary could possibly be paid up front in April 2015, This would allow employees to have access to a sum of money which they could invest etc. Advice was sought from the SPPA to ensure that teachers would not be in any detriment if they opted for this advance payment. Unfortunately, the SPPA were unable to provide an assurance that there would not be a negative effect. The offer of an advance payment therefore has been withdrawn.

5.5 Redeployment, Ring Fenced Interviews and Commensurate Duties

It was agreed through the LNCT that redeployment, ring fenced interviews and allocation of commensurate duties were not applicable and would not be offered as options.

6.0 Numbers opting for each of the agreed mechanisms

Mechanism	Number interested	Notes
Redeployment	n/a	Not applicable : as agreed at LNCT
Ring fenced interview	n/a	Not applicable : as agreed at LNCT
Guaranteed interview	4	No postholders to date have requested a guaranteed interview but this provision is available until 31 March 2016.
Support programme	(4 - same postholders as have indicated interest in guaranteed interview)	No postholders to date have requested this support.
Commensurate duties	n/a	Not applicable : as agreed at LNCT
Premature retirement	13	Postholders were advised that there is no guarantee of a voluntary trawl But they will be kept informed of any planned programme.
Age retiral	4	While these postholders were not expected to commit to an agreed date for retiral, it is likely that they will have retired before 31 March 2016
Return to job sized or maingrade salary for post they now hold	11	These teachers did not wish to pursue any other mechanisms and had accepted that they would lose salary.
Advance payment in April 2015, of the conservation element of salary up to 31 March 2016.	n/a	This option has been withdrawn (see notes above)

7.0 Conclusion

- 7.1 A number of mechanisms, including a programme of engagement, for managing cessation of lifetime conservation were agreed through LNCT.
- 7.2 All postholders affected by the change to conservations, have been kept fully informed and have been engaged in discussions about their own situations.
- 7.3 The number of postholders on 'lifetime conservations' has reduced from 62 in 2011 to 26 in 2015. By April 2016, 21 of the affected postholders could potentially still be in post.

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