

Scottish Negotiating Committee for Teachers

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Dear Colleague

Interim Advice Relating to the Cessation of Posts following Management Restructuring or School Rationalisation

Background

Paragraph 3.7 of the National Agreement, "A Teaching Profession for the 21st Century" provides for a period of cash conservation for staff appointed to promoted posts after 31 March 2001 should their substantive salary be downgraded.

The SNCT, through the Conditions of Service Working Group, is drafting a replacement paragraph for section 6.3 of the Scheme of Salaries and Conditions of Service (Yellow Book). The provision of 6.3 as currently set out includes provision for conservation arrangements in circumstances where post holders are required to transfer or where posts are no longer required following school closure/amalgamation or management restructuring.

It is the view of the SNCT that there is an onus on Councils to manage the cessation of posts with sensitivity, with due regard to the circumstances of, and potential effects on staff affected.

Way Forward – National

The SNCT further recognises that statutory barriers exist to redeploying promoted staff although regulations relating to the appointment of Principal Teachers are currently suspended.

The SNCT give an undertaking to seek permanent changes to the regulations to allow for the redeployment of promoted postholders to commensurate posts should their substantive posts cease.

Way Forward – Local

The SNCT exhorts Councils to use their best endeavours to manage these situations. In particular, there is a requirement for Councils to have explicit staffing policies for situations where posts cease as a result of school closures/amalgamations or management restructuring. However, with the objective of securing effective arrangements, the SNCT would expect local authorities to engage with the teaching unions at local authority level.

Individual postholders who hold promoted posts should be clear about what happens to them and every effort should be made to reach agreement with such staff. A Council's effective arrangements should include deploying someone based on their skills and experience and throughout the process the Council should maintain ongoing dialogue with the post holder and his/her trade union.

Individual teachers should also seek to assist the Council in finding constructive solutions and be proactive in progressing their career. A range of options should be considered. The following list is not exhaustive:

Permanent redeployment: relocation to another post within the same grade as the post vacated.

Temporary redeployment: relocation to another post for an agreed period of time with the intention of redeployment or appointment into a permanent vacancy. This could include authority level posts as well as long term vacancies in schools.

Premature retirement compensation: this could be a freestanding offer but could be linked to temporary redeployment to create a package. (Premature retirement compensation could be offered to others to create appropriate vacancies).

Voluntary severance: this would be a last resort.

Conclusion

The SNCT will issue further advice and guidance as required during the passage of amendment to the regulations.

Yours sincerely

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