

Shetland Islands Council



Children's Services

Shetland Islands Council

Secondment Agreement for Teaching Staff

Shetland Islands Council's Children's Services
Department

June 2022

Applies to all teaching staff and associated
professionals in Shetland Islands Council within the
SNCT Conditions of Service

1. Introduction:

Both the management and teaching unions sides of LNCT recognise a local Secondment Agreement for teaching staff is required, especially as the current Shetland Islands Council's Secondment Policy does not apply to teachers.

A short-life LNCT working group, supported by Human Resources, originally developed this agreement. This document was then updated to take account of Part 2: Appendix 2.21 of the SNCT Handbook.

2. Scope of the Agreement:

The Secondment Agreement applies to all Shetland Islands Council teaching staff and associated professionals within the SNCT Conditions of Service.

All applications to secondments will be given careful consideration in line with this agreement and Shetland Islands Council's Recruitment and Selection Policy.

3. What is a Secondment?

A secondment exists where an employee is assigned, on a temporary basis, to work for another organisation or agency or to a different part of Shetland Islands Council.

Appendix 2.21 of the SNCT Handbook provides an illustrative list of potential hosts for secondments.

It should be noted that a secondment request can be considered for a member of staff who is a preferred candidate for a temporary role in order to retain job security.

The employer organisation (or part of the employer organisation) is known as the 'original employer.' The organisation receiving the employee is defined as the 'host' and the employee concerned is defined as the 'seconded'.

4. Duration

The duration of a secondment will be dependent on the purpose of the secondment and may vary. Ordinarily, a secondment would be for a period of at least three months in duration, up to a maximum of 23 months.

At the end of the secondment, the secondee will return to their original post with the original employer.

5. How does a Secondment differ from an Acting-Up Arrangement?

A secondment differs from an acting-up situation where a teacher is appointed on a temporary basis to carry out the duties of a promoted post holder.

As per 1.61 of the SNCT Handbook, where a teacher is appointed on a temporary basis to carry out the duties of a promoted postholder in a school, education establishment or education team, pending a permanent appointment to the promoted post or in place of a teacher who is temporarily absent, the council shall increase the teacher's salary to the salary for the post.

If the teacher is already employed in that school, education establishment or education team there is no additional salary entitlement until she/he has been in the acting post for 20 days. The 20 days do not have to be consecutive. Once the teacher has been employed for 20 working days, payment is made for those 20 days and every subsequent day employed in the post.

In line with 1.62 of the SNCT Handbook, if the teacher is again employed in an acting capacity in the same post, and six months has elapsed since the teacher left the post, the 20 working day requirement will apply once more.

In summary, periods of acting up are essentially short-term arrangements to cover short periods of absence, or a sudden change of circumstances affecting a member of staff with recruitment likely to be within the school or setting. A secondment is designed for a longer period of time with a fixed end date.

6. Eligibility for a Secondment

Eligible employees are required to have at least 2 years' continuous employment, on a permanent or temporary basis, with any Scottish Council. In the case of teachers, the employee is required to have a least 2 years' continuous employment after achieving the Standard for Registration with the General Teaching Council for Scotland.

In judging individual applications, councils will consider a range of operational issues, such as the number of teachers on approved leave of absence along with the prospects of recruiting a suitably qualified replacement.

7. What are the benefits of Secondments?

Secondments provide:

- Professional development opportunities for teaching staff.
- The opportunity for career progression for a temporary period of time.
- The opportunity to apply in practice professional learning gained through middle level programmes and Headship qualifications, including Into Headship and In Headship.
- The opportunity to develop skills and experiences that can be used on return to the teacher's established post and setting.
- The opportunity to experience a promotion on a temporary basis to support decision making around longer term career options.
- The opportunity for service developments that cannot progress without dedicated staff and resources.

8. The Process for Establishing a Secondment Opportunity:

All secondment opportunities should be discussed between the Head Teacher, and the school's link Quality Improvement Officer, where applicable and approved by the relevant Executive Manager/s.

All secondments concerning schools, or the central Schools and Quality Improvement Service, should be discussed with Human Resources and the Joint Secretaries of the LNCT notified.

All requests for external secondment should be discussed with the proposed host employer. Prior to approving an external secondment, advice should be sought from Governance and Law and Human Resources in respect of drafting and agreeing a Secondment Agreement.

9. Advertising Secondments

Equality of opportunity should be the overarching principle when planning for a secondment. There also needs to be a balance between the needs of Council's in terms of succession planning and with equality of opportunity across Scotland.

Secondments opportunities within Councils should be advertised internally and the appropriate web portals should be utilised in the same way as with normal recruitment. Secondments may also be advertised external to the Council where it is deemed appropriate.

There may be circumstances where secondment opportunities are restricted to a particular location or group of teaching staff, as per s.2.5.13 of the Council's Recruitment and Selection Toolkit. This will be discussed with Human Resources and the Joint Secretaries of the LNCT will be informed.

Similarly, there may be occasional circumstances or situations whereby the skill set or experience of particular GTCS registered teacher(s) is required to carry out a specific role on a secondment basis without a recruitment process.

In these circumstances, there will be discussion with Human Resources and the LNCT Joint Secretaries before the decision to recruit on this basis is confirmed.

Most commonly, recruitment will involve an email from the school manager or Quality Improvement Officer, inviting expressions of interest and a supporting statement from interested staff, referring to the job profile and person specification for the post.

10. Applying for Secondments:

Teaching staff should always inform their Head Teacher before applying for a secondment.

Head Teachers should encourage staff to apply for secondments in line with the benefits outlined in section five of this agreement, but make it clear that it may not be possible to grant the secondment if the employee is successful at interview.

Secondments for Head Teacher and Depute Head Teacher posts should follow the LNCT recruitment and selection agreements for these posts, in terms of the composition of interview panels.

More generally, the Council's Recruitment and Selection Toolkit will be used for interviewing and selecting the preferred candidate.

11. Outcome Procedures

If successful at interview for a secondment, the member of teaching staff should notify their Head Teacher.

There are three potential outcomes:

- (a) Release the member of staff to take up the secondment – it may be possible for the Head Teacher to release the member of staff to take up the secondment without having the required backfill in place,
- (b) Support the teacher's secondment in principle, but make it clear to the teacher that backfill will need to be in place first before temporarily leaving their established post. In these circumstances, the Head Teacher will initiate a temporary recruitment process to cover the proposed secondment, or look to secure long-term supply of up to six months. If backfill cannot be secured the Head Teacher may reject the request.
- (c) Reject the secondment request without attempting to secure backfill: the Head Teacher must set out the clear business reason to inform why the secondment request has been rejected and how these apply to the request. The employee

should also be informed of the appeals procedure should they wish to appeal the decision. Before rejecting the request, the Head Teacher will have discussed their reasoning with the school's link Quality Improvement Officer, and taken advice from Human Resources.

12. Reasons for Refusal:

Secondment requests, following a recruitment and selection process, must be considered fairly and objectively by Head Teachers.

The permissible reasons for refusal include:

- The burden of any additional costs is unacceptable to the school;
- An inability to reorganise work among existing staff;
- An inability to recruit an appropriate candidate to temporarily cover the secondee;
- The Head Teacher considers releasing the member of staff will have a detrimental impact on service delivery and learning and teaching in the school.

13. The Right to Appeal:

The employee can appeal the decision to refuse their secondment request on the following grounds:

- If there is new information that was not available to the employer at the time they made their original decision.
- To challenge a fact that the Head Teacher has stated to explain why the business reason applies.
- If the employee believes the secondment request was not handled reasonably in line with this agreement.

Appeals are an important stage in the process to alleviate any ill feelings and allows for further discussion or explanation to take place – possibly avoiding a potential future grievance.

Employees have the right to be accompanied at the appeal hearing by a work colleague or trade union representative

The appeal procedure is set out as follows:

- Employee to complete and submit the Appeal Notification within 14 calendar days of receiving written confirmation of the outcome of their secondment request. The appeal must be sent to the Director – Children's Services.
- The Director and Executive Manager – Human Resources (or nominees) will meet with the employee within 14 calendar days of receiving the appeal.

- Employee is informed of the decision in writing within 14 calendar days of meeting.
- If the appeal is dismissed, the written outcome must include: the grounds for the decision; and an explanation as to why the grounds for refusal apply in the circumstances.

14. During a Secondment

During the period of secondment the secondee will remain employed by the original employer and the terms and conditions contained within their written statement of employment particulars will remain in force. However, where the secondment is to a post of a higher or lower grade or more or less contracted hours, the hours and grade of the seconded post will apply. Where the host organisation pays distant islands allowance, the secondee will receive the rate applicable to the host organisation.

Secondee's undertaking an external secondment will continue to be paid by the original organisation. The original organisation will invoice the host organisation for the secondee's salary, allowances, pension, national insurance plus any other on costs on a monthly basis.

Internal secondments will be charged to the cost centre of the secondment post.

On an employee's return from a secondment, the period of secondment will be treated as continuous for statutory and contractual purposes and will count towards reckonable service.

The period of any secondment will be recognised for the following:

- I. Incremental progression of pay
- II. Qualification for and entitlement to sickness allowance
- III. Annual leave entitlement (where applicable)

15. Policies and Procedures

Where the employee is seconded to an external organisation, whilst that organisation may undertake the operational day to day management of the secondee, the responsibility for the overall management of the secondee rests with the original employer. The host employer will keep the original employer informed of all employment matters affecting the employee such as of sick leave, compassionate leave, any training and development undertaken.

If during the seconded period there are performance, disciplinary or grievance issues these will be dealt with in accordance with the original employer's policies and procedures. For internal secondments this will require discussion between all parties including the original and host departments, the secondee and Human Resources.

If the secondee takes a period of leave for example, maternity leave, adoption leave or is on long term sick leave then a meeting will be arranged between all parties. The meeting will provide an opportunity to discuss whether the secondment will

continue whilst the secondee is on leave. This will be dependent on the circumstances of the secondment. Managers should contact Human Resources for advice before the meeting.

16. Secondment Agreement

If an employee is being seconded to another department or workplace within the same Council, then it may only be necessary to make minor changes to their employment contract.

However, if the secondment is to a separate legal entity, for example to an external organisation, then the arrangement should be more formally documented in the form of a written secondment agreement. Section 6.2 of Appendix 2.21 of the SNCT Handbook lists the points which should be negotiated and agreed.

Governance and Law and Human Resources must be involved in drafting secondment agreements with external organisations.

If a Secondment Agreement cannot be agreed between the original employer, host and secondee, then the secondment will not go ahead.

17. What happens when the Secondment ends?

The secondee, the host or original employer or school, can request to terminate the secondment before the agreed end date.

Secondments may be extended beyond the original end date, up to a maximum of 23 months.

At least eight working weeks' notice must be given to all parties outlining the reason for early termination or request for an extension.

A secondee normally has the right to return to the job in which they were employed prior to the secondment on the same terms and conditions. This is unless the role has changed through an organisational restructure. If there are any changes within a secondee's substantive post, the secondee will retain the same rights as if they had not been seconded i.e. if the substantive post has been subject to a restructure and/or review or other substantial changes, the secondee will be treated as if they had still been occupying the substantive post.

After 23 months in a secondment, the employee has the right to request to be made established in their seconded post, but there is no obligation to grant this request.