

ANGUS COUNCIL

EDUCATION COMMITTEE – 19 OCTOBER 2011

2011 AGREEMENT ON TEACHERS' TERMS AND CONDITIONS OF EMPLOYMENT

REPORT BY THE DIRECTOR OF EDUCATION

ABSTRACT

This report summarises recent changes to teachers' terms and conditions.

1. RECOMMENDATION

- 1.1 It is recommended that the Education Committee note the contents of this report.

2. BACKGROUND

- 2.1 In the preparation of the 2011/12 revenue budget, the 2010 spending review had particular significance. One specific aspect of the review as set out in a letter from Pat Watters (for COSLA) and John Swinney (for the Scottish Government) was the commitment, through negotiation at the Scottish Negotiating Committee for Teachers (SNCT) to change teacher's terms and conditions.
- 2.2 Reference is made to report 295/11 which was approved by the Education Committee at its meeting of 21 April 2011. This report outlined the agreement in broad terms and the financial implications for the council but noted that national agreement still had to be secured.
- 2.3 As members will be aware national agreement on the changes to terms and conditions was secured and these are set out in detail within Circulars 11, 26, 27 and 28 together with changes to the SNCT handbook provide more details of particular changes which are summarised below.

3. SUMMARY OF MAIN CHANGES

The main changes can be summarised as follows:

Conservation Arrangements

The Agreement has removed entitlement to lifetime conservation for promoted post holders in post prior to April 2001. Existing life-time conservation arrangements change from 31st March 2016. After this time, lifetime conservation arrangements will cease to apply.

Further changes have been agreed whereby any promoted post holder in the post prior to April 2001 who has their salary reduced over period April 2011 – March 2013, for reasons other than the inefficiency or indiscipline, will have their salary conserved until March 2016.

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From April 2013, any promoted post holder who has their salary reduced for reasons other than inefficiency or indiscipline will have their salary conserved for three years. Individual teachers affected by these changes will be advised in writing of this change which specifically affects them.

It should be noted this does not apply to former Assistant Principal Teacher and Senior Teacher posts which have been assimilated on the Principal Teacher Scale.

3.2 Chartered Teachers

The awarding of increments for teachers commencing modules on the scheme has been temporarily suspended. Those, at 1 April 2011, already working towards completion of a module(s), are entitled to receive one salary increment on successful completion of that module (or a further module if that is required to reach an incremental point).

3.3 National Teacher Induction Scheme

From 1 August 2011 class contact time for teachers on the National Induction Scheme has increased from 15.75 hours to 18.5 hours per week. Schools should give consideration and flexibility, where required, to suit the individual needs of probationers as they work to achieve registration. This approach is in accordance with guidelines referred to in a letter received from The General Teaching Council for Scotland dated 28 June 2011.

3.4 Short Term Supply/Fixed Term Temporary Contracts

The conditions state that a clear distinction should be made for those teachers required to work on a supply basis, compared to a temporary contract, with clear conditions for each type of working arrangement. With effect from 1 September 2011, there will now be three distinct types of contract, for those teachers, other than those on a permanent contract, engaged to work in schools:-

3.4.1 Short Term Supply

Teachers will be employed on short term supply when the period of work they are engaged for is 5 days or fewer. Engagement will be on a daily basis, with short term supply teachers expected to undertake the following range of duties:

- teaching assigned classes (including form classes)
- correction of work, as part of ongoing class work
- maintaining a record of work
- promoting and safeguarding the health, welfare and safety of pupils
- working in partnership with support staff and other professionals in class
- contributing towards good order in school

Short term supply teachers will work on a daily basis up to a maximum of 25 hours per week, with a maximum class contact time of 22.5 hours, and 2.5 hours of non class contact time. Short term supply teachers will be paid on point 1 (point 0 if not fully registered) of the Main Grade Scale for each period of supply work, with pay calculated on an hourly rate basis.

3.4.2 Short (Fixed Term) Temporary Contracts

Teachers will be employed on fixed term temporary contracts when the period of work they are engaged for is known at the outset to be greater than 5 days in duration. Teachers on fixed term temporary contracts will be engaged for 35 hours per week, (with a maximum class contact time of 22.5 hours) or on a pro-rata basis for duties according to the needs of the service.

Teachers on fixed term temporary contracts will fulfil the full range of teacher duties as detailed in the SNCT handbook.

Where a teacher has been engaged on a daily basis (on short term supply) and it becomes known that the period of engagement is likely to extend beyond 5 working days, a short fixed term contract will be issued from day 6 onwards. A short fixed term contract will be issued for a maximum of four weeks (20 working days, pro rata if part time). If a teacher is needed for a maximum of up to four weeks from the outset, a short fixed term contract should be issued. Where full teaching duties are undertaken, payment and other conditions are in accordance with SNCT conditions of service.

3.4.3 Longer Fixed Term Contract

These contracts will be issued where it is known from the outset - there is a need for a contract, longer than 20 days. These contracts will be the same as those currently issued to staff on longer temporary contracts, either on a term by term basis or a longer term fixed term

contract. Where full teaching duties are undertaken, payment and other conditions are in accordance with SNCT conditions of service.

3.4.4 Part Time/Job Sharers

Related changes have also been introduced in relation to additional hours undertaken by part time teachers.

In particular where a job sharer or part-time employee is offered extra hours teaching their own class, this should be treated as temporary additional hours and should be paid at their substantive salary grade point. Where a job sharer or part-time employee is offered additional hours to teach in a class other than their own and the duration is less than 5 days, then the short term supply criteria applies for the additional hours worked (Point 1 for qualified and Point 0 for unqualified). In addition, a payment of 11.1% of class contact time is paid in recognition of preparation and correction work undertaken.

Amendments to procedures to reflect these changes have been agreed and implemented. Head Teachers and appropriate colleagues have been informed of the changes. It is also intended to keep these changes under review, and if required fine tune procedures to reflect the needs of school and individual teachers.

3.4.5 School Closure/Annual Leave & Rates of Pay

For leave year commencing 1 September 2011, the annual leave for teachers has been revised to 40 days per annum. The balance of days, up to the current entitlement, has been redefined as days of school closure. The [Appendix](#) to this report details the agreement reached at Angus Joint Negotiating Committee For Teachers for 2011/12. Subsequent years will also require to be agreed at the Angus Joint Negotiating For Teachers.

In addition the daily and hourly rates of pay for teachers have been amended to 1/235 (195 working days + 40 days annual leave) and 1/1645 (235 days x 7 hours) respectively. The rate of accrued leave has been amended to 0.2051 days leave for each full day worked (40 annual leave days divided 195 working days).

Teachers continue to have 195 working days. The reduction in the accrual rate for leave has been offset by the increase in the daily rate of pay. There is no detrimental effect to teacher's overall annual salary. Changes to salary can occur due to a change in a teachers' contractual arrangements, perhaps as a result of an increase/decrease in working hours, period of maternity/adoption/parental leave etc, including changes relating to accrued annual leave.

The accrual of annual leave arising from maternity and adoption has changed. The maximum accrual of annual leave from 1 September 2011 will be 40 days. Any teacher returning to work before 31 August 2011 will accrue up to 66 days. Any teacher who has commenced maternity or adoption leave during the current leave year and returns to work after 1 September, will accrue annual leave, pro rata, up to 66 days for the period up to 31 August 2011 and pro rata, up to 40 days for the period commencing 1 September to the end of the maternity/adoption leave. The conditions also state when leave can be taken.

Each individual returning from maternity leave will be provided with a statement advising of accrued leave entitlement and a discussion will take place with the Head Teacher to determine when the accrued leave can be taken.

Similarly annual leave will not accrue on days that are classed as school closure days where a teacher returns from a period of prolonged sickness absence.

4. FINANCIAL IMPLICATIONS

- 4.1** There are no financial implications arising directly from this report. Members will recall that the 2011/12 Education department budget savings (Report 108/11 refers) included £979k in relation to changes to teacher's terms and conditions. The national agreement was reached with the assistance of additional government funding to offset some of the proposed terms and conditions changes. The finalised funding / saving package for 2011/12 therefore comprises:-

£000

Terms & Conditions Savings 2011/12 (part-year)	465
Additional Scottish Government Grant	350
Further reduction in 2011/12 secondary school staffing budget	64
One-off carry forward from 2010/11 revenue budget	<u>100</u>
Total	<u>979</u>

- 4.2** The £100k one-off funding will be addressed in the 2012/13 revenue budget through the full-year impact of the terms and conditions changes. It is anticipated that the Scottish Government £350k grant funding will be increased to reflect a full financial year to address the full year effect of the changes to the terms and conditions which this underpins. However, it should be noted that the Scottish Government have yet to confirm arrangements for an additional grant in 2012/13 and beyond and this thus represents an area of risk.

5. HUMAN RIGHTS IMPLICATIONS

- 5.1** There are no Human Rights implications arising from consideration of this report.

6. RISK

- 6.1** This report does not require any specific risk issues to be addressed, albeit consideration of savings and levels of grant in future years, will need to be addressed as part of the preparation of the 2012/13 revenue budget.

7. EQUALITIES IMPLICATIONS

- 7.1** The issues dealt with in this report have been the subject of consideration from an equalities perspective. An [equalities impact assessment](#) has been undertaken.

8. SINGLE OUTCOME AGREEMENT

- 8.1** This report contributes to the following local outcomes contained within the Angus Single Outcome Agreement 2011-2014.

- Adults maximise their potential through learning opportunities.

9. CONSULTATION

- 9.1** The Chief Executive, Director of Corporate Services, Head of Finance and Head of Law and Administration, have been consulted in the preparation of this report.

**NEIL LOGUE
DIRECTOR OF EDUCATION**

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.