

WEST DUNBARTONSHIRE COUNCIL

Report by Joint Secretary (Management Side) to the LNCT

Local Negotiating Committee for Teachers: 24 May 2011

Subject: Promoted Post in Primary Schools

1. Purpose

- 1.1 The committee is being asked to review the current situation with regard to promoted structures in primary schools and the protection against the compulsory transfer of promoted staff and the application of life time conservation.
- 1.2 The committee is being asked to approve the removal of these clauses and to approve the revision of the voluntary/compulsory transfer of surplus staff policy to include promoted posts.

2. Background

- 2.1 In March 2007 the LNCT agreed a revised promoted post structure in primary schools in West Dunbartonshire Council. (Attached appendix one)
- 2.2 In conjunction with the structure agreed at this time the committee also agreed to the following terms;
 - head teachers to remain outwith the staffing allocation (thus ensuring the management time is protected, particularly in small schools);
 - commitment to no redundancies;
 - no compulsory transfer of staff;
 - all staff affected by the new structure would have lifetime conservation of salary;
 - surplus promoted staff would not be required to undertake management duties unless agreed management time is given.
- 2.3 In light of the financial constraints facing the authority it is acknowledged that these terms are considered very generous and exceed the obligations specified by the SNCT. This also results in inequality between groups of staff. This agreement incurs unnecessary additional cost to the department.

3. Main Issues

These terms will now be addressed in turn with the management proposals.

Non Teaching Head Teachers

- 3.1 It has always been the case that Head Teachers in West Dunbartonshire Council are non teaching Heads, even in our smallest schools. It is not our intention to look at this at this time.

3.2 Commitment to no redundancies

This promoted post structures agreement of March 2007 was superseded by the authority's organisational change policy (August 2007).

The department's 'voluntary / compulsory transfer' policy specifies that it will be exhausted in the first instance and then the organisational change policy and redeployment process will be implemented.

It is acknowledged in the organisational change policy that compulsory redundancy will only be implemented as a last resort where all other options available have been explored.

It is management position that this position should be acknowledged for all members of staff.

3.3 No compulsory transfer of promoted staff

All teachers are employed by the authority and can be moved following the agreed procedures for compulsory transfer of surplus staff. This relates to unpromoted teachers and promoted teachers alike. However the agreement of March 2007 specified that this would not occur.

It is management's position that there should be a mechanism to enable surplus promoted staff to be transferred within the authority should a vacancy arise.

There is an accepted procedure for voluntary / compulsory transfer of promoted staff and it is managements position that surplus promoted primary staff should no be exempt from this policy. This policy clearly states that compulsory transfer is a last resort and voluntary alternatives should be exhausted first.

In addition to this it is acknowledged that the Scottish Schools (Parental Involvement Act) 2006 should be adhered to when considering transferring promoted staff.

3.4 Lifetime conservation

The SNCT clearly details that any individual appointed on or after April 2001 will receive 3 years cash conservation and any individual appointed prior to April 2001 will receive lifetime conservation.

It is managements position that this should now be agreed going forward and individuals who are surplus due to dropping rolls / changes in management structures should not be subject to lifetime conservation but receive conservation in line with SNCT terms and conditions.

Should this be agreed 3 years conservation would commence from 15 August 2011.

3.5 Management time

In general this would remain unchanged.

In the event that a DHT or PT is surplus due to falling rolls and there is no vacancy to transfer into they will be conserved as per SNCT arrangements.

Should the DHT or PT wish to continue doing management tasks management time must be provided.

4. People Implications

- 4.1** The previous agreement offers these additional terms to only one section of teaching staff which is not fair and equitable application of terms and conditions

5. Financial Implications

- 5.1** A depute is approximately £10K more than a classroom teacher and Principal teacher is approx £4K more than a classroom teacher. Moving prompted staff into vacancies will make savings of these amounts.

Actual projected savings will vary from school to school depending on management entitlement.

6. Risk Analysis

- 6.1** If agreement is not reached on the amendment of these structures the Authority will continue to incur unnecessary costs and continue to support unequal treatment of groups of staff

7. Equalities, Health & Humans Rights Impact Assessment

- 7.1** There is a proportionately greater impact on female staff however this is due to the overall gender distribution in the Education workforce, particularly in Primary Schools.

8. Conclusions and Recommendations

- 8.1** The committee is being asked to agree to the revisions detailed in this report.

Person to Contact: Laura Mason, Head of Service (Quality)
Department of Educational Services, Garshake Road,
Dumbarton, G82 3PU.

Tel. 01389 737306

e-mail laura.mason@west-dunbarton.gov.uk

Appendices: LNCT paper 13 March 2007

Background Papers: SNCT Handbook,

Wards Affected: All Wards.