

## LOCAL NEGOTIATING COMMITTEE FOR TEACHERS

At the Annual General Meeting of the Local Negotiating Committee for Teachers held in Meeting Room 2, First Floor, Council Offices, Garshake Road, Dumbarton on Tuesday, 21 September 2010 at 10.10 a.m.

**Present:** Councillor May Smillie; Dave Clarke, Head of Service (Resources), Educational Services; Graham Hutton, Head Teacher, Dumbarton Academy; Julie McGrogan, Head Teacher, St Michael's Primary School; Geraldine Lyden, Human Resources Business Partner (for Terry Lanagan, Executive Director of Educational Services); Josephine McDaid, E.I.S.; Stewart Paterson, Teachers' Convener, E.I.S.; Olean Allison, E.I.S.; Janice Wardrop, E.I.S.; Michael Dolan, E.I.S.; Gavin Corrigan, E.I.S.; Kevin Jakeman, E.I.S.; and Alex McEwan, S.S.T.A.

**Attending:** Scott Kelly, Committee Officer, Legal, Administrative and Regulatory Services.

**Apologies:** Apologies for absence were intimated on behalf of Councillor Jonathan McColl and Terry Lanagan, Executive Director of Educational Services.

### APPOINTMENT OF CHAIR

In the absence of the Chair, Councillor J. McColl, the Committee agreed that the meeting be chaired by Councillor Smillie. Accordingly Councillor Smillie assumed the Chair.

### MEMBERSHIP

Having heard Councillor Smillie, Chair, the Committee agreed to note that the membership of the Committee for the forthcoming year would be as follows:-

#### Teachers' Side

**Members:** Stewart Paterson, Teachers' Convener, E.I.S; Josephine McDaid, E.I.S. (Vice-Chair); Janice Wardrop, E.I.S.; Olean Allison, E.I.S.; Michael Dolan, E.I.S.; Gavin Corrigan, E.I.S.; Karen Jakeman, E.I.S.; and Alex McEwan, S.S.T.A.

**Substitutes for any member of the Teachers' Side:** James Halfpenny, E.I.S. and Alistair Kennedy, S.S.T.A.

Adviser: Lachlan Bradley, E.I.S. Area Officer.

### **Management Side**

**Members:** Councillor Jonathan McColl (Chair); Councillor May Smillie; Councillor Patrick McGlinchey; Councillor George Black; Terry Lanagan, Executive Director of Educational Services; Dave Clarke, Head of Service (Resources), Educational Services; Graham Hutton, Head Teacher, Dumbarton Academy and Julie McGrogan, Head Teacher, St Michael's Primary School.

**Substitutes:** Geraldine Lyden, Section Head, Human Resources, Educational Services and Margaret Mackay, Quality Improvement Officer, Personnel, Educational Services.

### **CHAIR AND VICE-CHAIR**

In accordance with Paragraph 9 of the Local Recognition and Procedure Agreement, the Committee agreed to note that in this, the eighth year of the LNCT, Josephine McDaid, E.I.S. would assume the Chair for the Teachers' Side and Councillor Jonathan McColl would assume the position of Vice-Chair for the Management Side.

### **Josephine McDaid in the Chair**

### **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of the Local Negotiating Committee for Teachers (LNCT) held on 18 May 2010 were submitted and approved as a correct record.

With reference to the item under the heading 'Procedures for the Voluntary/Compulsory Transfer of Unpromoted Teaching Staff from an Establishment where a Surplus has been Identified', after hearing Mr Paterson the Committee noted (i) that agreement had now been reached by the Joint Secretaries to the LNCT on the inclusion of a clause in the procedures clarifying the position of surplus teaching staff who work less than half of the full time equivalent hours; (ii) that the Joint Secretaries were in agreement that the procedures did not conflict with the Council's Organisational Change Policy; and (iii) that since the last meeting of the Committee the procedures had been further modified by the Joint Secretaries in order to clarify certain matters.

After discussion, the Committee agreed:-

- (1) that the revised procedures (as shown in Appendix 1 to these minutes) be adopted; and

- (2) to note, in view of the further modifications described in (iii) above, that when the Minutes of the present meeting were submitted to the Education and Lifelong Learning Committee for ratification, the Education and Lifelong Learning Committee would require to suspend Standing Orders in order to consider the Minutes as a period of six months would not have passed since that Committee agreed to ratify the Minutes of Meeting of the LNCT held on 18 May 2010 which included the earlier draft of the procedures.

With reference to the item under the heading '35 Hour Working Week Agreement for 2010-2011', Mr Paterson informed the Committee that the Joint Secretaries had met with Base Heads and members of the Early Intervention Team and the Additional Support for Learning Team in respect of the appropriate use of collegiate hours by those teams. He advised that agreement had now been reached in respect of the Early Intervention Team but not in respect of the Additional Support for Learning Team. The Committee noted that the Additional Support for Learning Team had been requested to consult further with Base Heads to resolve this matter and to contact the Joint Secretaries if the matter could not be resolved.

### **UPDATE TO THE PROCEDURES FOR ACCELERATED INCREMENTAL PROGRESSION**

A report was submitted by the Joint Secretaries to the LNCT seeking agreement to amend the Accelerated Incremental Progression paper to include a reference to backdating.

After discussion and having heard both Sides, the Committee agreed that section 3.3 of the report be incorporated into the agreement on Accelerated Incremental Progression as section 2.6 and that the current section 2.6 of the agreement be renumbered as section 2.7 (as shown in Appendix 2 to these Minutes).

### **TEACHER WORKLOAD**

A report was submitted by the Joint Secretaries to the LNCT informing of the progress made in developing a workload action plan as was shown in Appendix 1 to the report.

After discussion and having heard both Sides, the Committee agreed:-

- (1) to note the progress that had been made in the production of a workload action plan as was shown in Appendix 1 to the report and also to note that, as a 'work in progress', additional changes had been made to the action plan since the Committee papers had been issued for the present meeting;
- (2) that the Joint Secretaries should complete the questionnaire which was shown in Appendix 2 to the report and that the completed action plan and questionnaire should be forwarded to the Scottish Negotiating Committee for Teachers (SNCT); and

- (3) that the completed documents referred to in (2) above should be reported to a future meeting of the Committee.

### **PROGRAMME OF MEETINGS**

With reference to the Minutes of Meeting of the Local Negotiating Committee for Teachers held on 18 May 2010, the Committee noted that meetings were normally held during the months of December, March, May/June and September (AGM).

After discussion and having heard both Sides, it was agreed that the Committee would meet on the following dates:-

Tuesday, 14 December 2010 at 10.00 a.m.

Tuesday, 15 March 2011 at 2.00 p.m.

Tuesday, 24 May 2011 at 10.00 a.m.

Tuesday, 20 September 2011 at 10.00 a.m. (AGM)

The meeting closed at 11.10 a.m.

## **Procedures for the Voluntary / Compulsory Transfer of Surplus Unpromoted Teachers in Primary & Secondary Schools**

### **1. Introduction**

Unpromoted staff are appointed to the service of the Authority and not to a particular school. Although all teachers have a contractual liability to transfer from one educational establishment to another, every effort will be made to minimise the number of compulsory transfers.

This procedure will apply to all permanent unpromoted teaching staff. Former Senior teachers, Assistant Principal Teachers and Principal Teachers who are conserved will be viewed as unpromoted staff for this exercise.

Where arrangements have to be made for a compulsory transfer, a number of factors require to be considered, including the needs of the schools involved, the wishes of the teachers concerned and the views of the Head Teacher.

The Authority will make every effort to avoid compulsory redundancy whilst undertaking this exercise by re-deploying teachers. If a surplus of teaching staff remains after the exercise has been conducted, the Authority will normally endeavour to use a process of Authority wide voluntary release/retiral in advance of implementing the Organisational Change Policy.

A separate procedure will be used in the case of school closures or mergers. LNCT agreement No 3 applies.

### **2. Type of Transfer**

Every effort is made to overcome problems caused by having teachers surplus to a school's establishment being transferred to suitable vacancies by seeking voluntary arrangements in the first instance. Only where this cannot be achieved within the relevant timescale will a teacher be transferred compulsorily. There are therefore 2 modes of transfer:-

#### **2.1 Voluntary Transfer from a school with Identified Surplus Staff**

Where it has been established that a primary school, or secondary department, is likely to have surplus unpromoted staff in a coming session, the opportunity is given for teachers to put themselves forward to be nominated for transfer. In these circumstances the volunteer is treated in the same way as all others compulsorily transferred and enjoys the same benefits as laid down for these teachers.

Voluntary transfer may be considered for teachers wishing personal development opportunities for one school year. Such requests will be dealt with after teachers identified as surplus or teachers who have volunteered to be treated as surplus are suitably re-deployed.

## 2.2 Compulsory Transfer

Where a school or subject department has more unpromoted teachers than that to which it is entitled in accordance with the Council's staffing standard and no volunteer(s) for transfer can be found to reduce the staff to the approved entitlement, a teacher(s) will be compulsorily transferred in accordance with these agreed procedures.

These procedures cover the identification of the individual teacher(s) to be transferred compulsorily and accord certain benefits by way of a measure of protection from further transfer, some assistance with travelling expenses where these are additional to those currently incurred and the opportunity where all parties are agreeable to return to their original school should a suitable vacancy arise there within 2 years of the original transfer.

## 3. Procedures

- 3.1 The Executive Director of Educational Services or his representative will identify at as early a date as possible, schools in which reductions in teaching staff may be required and will inform the Trade Unions
- 3.2 The Executive Director of Educational Services or his representative will determine, after consultation with Head Teachers, the extent of the reductions, and the Head Teacher will in turn convey this information to ALL teaching staff at the earliest appropriate opportunity.
- 3.3 The entire unpromoted teaching staff of an affected Primary school or Secondary Department will be consulted to ascertain whether there is a volunteer for transfer. The Head Teacher should also ascertain if any unpromoted teaching staff wish to be considered for entry into the Winding Down Scheme as this may remove the necessity to declare a surplus teacher. Any teacher who intimates that he/she wishes to wind down must put this request in writing and, in normal circumstances, will be held to this decision.
- 3.4 If there is no such volunteer, the Executive Director of Educational Services or his representative will decide which teacher is to transfer. The teacher within the affected school or Department who has the least total continuous service with West Dunbartonshire Council or its antecedent authorities will normally be required to transfer unless there are, in the view of the Executive Director of Educational Services or his representative strong reasons for deciding otherwise. In the latter event such decisions shall be communicated to the Trade Unions indicating the reason(s) for the decision.
- 3.5 The Head Teacher will personally inform individual teachers who have been identified as surplus and the decision will be confirmed in writing thereafter.
- 3.6 Any teacher nominated for compulsory transfer will be formally notified by the Executive Director of Educational Services or his representative of the proposed transfer by a letter intimating the decision and extending an invitation to a meeting with the Head Teacher or Head of Service.

3.7 Any teacher being compulsorily transferred will be informed of all known appropriate vacancies with West Dunbartonshire Council. Where more than one teacher is interested in a vacancy, selection will be by competitive interview of these staff.

#### **4. Process for Filling Vacancies**

4.1 When filling vacancies for the coming session the following are the teachers who should be given priority when filling each establishment vacancy:

- (i) teachers who have been transferred compulsorily within 2 years should be given the opportunity to return to their original schools should a vacancy arise at equivalent FTE pointage held by them at the time of transfer, subject to agreement with the Executive Director or his representative. Teachers who opt to return to their original school within the two year period will not be offered any protection from being compulsorily transferred in subsequent staffing exercises.
- (ii) teachers who are either volunteers from schools with staff surplus to establishment or who are to be transferred compulsorily should be offered the choice of all appropriate establishment vacancies within West Dunbartonshire Council.
- (iii) in some circumstances, where no other appropriate vacancies exist across the various establishments, a general cover post may be offered after full consultation with the teacher concerned and his/her trade union representative.
- (iv) in the event that no vacancies are available the authority will seek expressions of interest from the affected sector and/or subject. Winding down, phased retirement, reduced hours, Voluntary early retirement / severance. It may also be appropriate to investigate second subject / qualification to teach in another sector.
- (v) Only once these above processes have been exhausted will the Authorities Organisational Change policy be implemented.

#### **5. Service Criteria for Selection for Transfer**

5.1 Factors which may be taken into account in considering the nomination of a teacher for compulsory transfer include the needs of the school, the length of continuous service with the authority, the personal circumstances of the teacher and his/her suitability for known vacancies.

5.2 Part-time teaching staff will be treated no less favourably than full-time teaching staff as outlined in 5.7 below.

5.3 For the purpose of determining liability to transfer in a situation of surplus the undernoted will not be regarded as constituting breaks in service, neither will they count as service:

- 5.3.1 holiday periods between contracts;
- 5.3.2 lapses of employment of no more than 5 working days: and
- 5.3.3 lapses of employment falling within the period from the start of the session up to but not including the first working day after 31 August;
- 5.3.4 periods out of service solely for the purpose of child rearing for period not exceeding 7 years. However any teaching service on a fixed term contract during the period out of service will be counted;
- 5.3.5 where in exceptional circumstances, a teacher is granted special unpaid leave outwith term time for reasons of a personal nature.
- 5.4 The undernoted will not be regarded as constituting breaks in service, and will count as service :
  - 5.4.1 periods of unpaid maternity leave not exceeding 29 weeks both before and after 15 May 1975 and/or periods of maternity leave after 6 April 2003 which do not exceed 52 weeks in total;
  - 5.4.2 periods of parental leave, for male or female teachers, in accordance with the EC Parental Leave Directive;
  - 5.4.3 periods of paid and unpaid leave formally agreed under the Teachers' Sickness Scheme.
- 5.5 For the purpose of identifying surplus staff, each teacher within a job-share partnership will be credited with their own total continuous service. The period during which they were job-sharers will be treated as full-time service for each teacher. This may result in the job-share partnership being disbanded with each partner being treated as an individual and being offered one of the following three options:
  - a. A permanent part-time position
  - b. A permanent full-time position
  - c. An alternative job-share partner elsewhere

Job-sharers may reserve the right to request to transfer voluntarily together to an appropriate full-time post identified.
- 5.6 When managing pointages of surplus eg 0.4FTE every effort will be made to minimise disruption and provide continuity of teaching within schools. It may be appropriate to discuss increase / decrease of hours, other subject specialisms, and split placement across schools. This will be done through full discussion with the appropriate Trade Union.

- 5.7 Part-time service from 20 January 2000 as recognised by the Part-Time Workers Regulations will be credited on a full-time equivalent basis for the calculation of total continuous service with the authority. Part-time service prior to that date will be credited on a part-time basis.
- 5.8 Where calculation of continuous service as referred to above produces identical results for two or more teachers then consideration will be given to total actual service with the authority or its antecedent authorities, disregarding all breaks in service between contracts and reckoning part-time service on a full-time equivalent basis ie the teacher with the least continuous service will be selected for compulsory transfer.

Where this further calculation fails to resolve the issue then the teacher to be compulsorily transferred will be chosen by the drawing of lots in the presence of the teachers concerned.

## **6. General Conditions**

- 6.1 A teacher who is due to retire within two years will not normally be selected for transfer. If such a teacher is identified as surplus due to having least continuous service within the school, discussion to determine the most appropriate course of action will take place with the Executive Director of Educational Services or his representative, the individual teacher and, if requested, his/her trade union representative.
- 6.2 Teachers will not normally be allowed to volunteer to transfer once the list of all known available posts within the Authority is distributed, which will normally be before Easter of each year.
- 6.3 A teacher who is pregnant will not normally be liable to be transferred.
- 6.4 A teacher transferred compulsorily will not normally be transferred again within a period of 2 years.
- 6.5 A teacher transferred compulsorily or one who volunteers in a school where a transfer has to be arranged will be entitled to excess travelling expenses for a period of 4 years following the date of transfer.
- 6.6 At any stage of transfer the teacher will have the opportunity, if so desired, to discuss the matter with the Executive Director of Educational Services or his representative and be accompanied by a representative of his/her association.

## **7. The Timing of the Main Transfer Programme**

- 7.1 The Executive Director of Educational Services or his representative will liaise with the Head Teacher to give as much notice as possible to teaching staff of the need to make a reduction in the number of teachers employed in their school.

- 7.2 Individual teachers nominated for transfer will be notified in writing by the Authority at the earliest possible date.
- 7.3 The normal notice for transfer will be one month, excluding holidays, but where, for good educational reasons, it is not possible to provide this notice the Executive Director of Educational Services or his representative will discuss the timing of the transfer with the Teachers' Convenor.
- 7.4 A number of factors have to be taken into account in considering the timing of any programme which might encompass the bulk of the transfers from one session to the next. These include the following:-
- (i) the need to break down projected rolls on a school by school basis;
  - (ii) the effect of placing requests made by parents on the distribution of pupils;
  - (iii) the need to take account of changes in staff entitlements brought about by difference between estimated and actual pupil numbers at the start of a new session;
  - (iv) the fact that teachers need not give notice of resignation until late in the session, eg May for an unpromoted teacher wishing to leave at the end of the summer holiday period; and
  - (v) the fact that teachers can request winding down, stepping down or actuarially reduced retiral at any time;
  - (vi) the timing of placement of Teachers on the Induction Scheme

note            The allocation of probationer teachers cannot cause surplus in an establishment. However if a probationer teacher is allocated to a school this may obviate the need for a compulsory transfer into that school.

There is therefore no point at which the total number and location of vacancies for a coming session can be fixed with certainty. Coupled with the authority's desire to be in a position to offer teachers being compulsorily transferred the choice of more suitable posts should such become available, this precludes the establishment of a rigid timetable for transfer.

## **GUIDELINES FOR THE TIMING OF THE MAIN TRANSFER PROGRAMME FOR UNPROMOTED TEACHERS**

### **January/February**

- Estimated pupil rolls for the coming session finalised with head teachers and staff entitlements revised.
- Timetabling undertaken to reflect pupil choices and staff availability. Head teachers notify of subjects where surplus staff anticipated.
- Where surpluses expected, head teacher to discuss with staff within the Primary School or in Secondary schools the subject department and seek voluntary transfer or expressions of interest in winding down.
- Where no volunteers, Education Personnel staff calculate who would be member of staff compulsorily transferred and notify head teacher.
- Trade Unions notified by Education Personnel of schools affected.

### **March/April**

- Target date of 31 March for receipt of placing requests from parents
- Adjustment to estimates of staff entitlement where necessary following placing request decisions.
- The effect of granting voluntary transfer requests considered.
- The Authority will consider the necessity for a Premature Retiral Scheme.
- Teachers who will require to be transferred on a voluntary or compulsory are invited to a meeting with the Executive Director of Educational Services or other appropriate senior officers and trade union representatives.
- Choice of all known vacancies to be offered to surplus teachers with consideration being given on a length of service basis.
- Surplus teachers for whom there are currently no suitable posts to be informed of situation.
- Identify suitable posts for Probationer Teachers on the Teacher Induction Scheme.

### **May**

- Individual meetings with surplus teachers, where requested. Staffing exercise continued with consideration of placement of teachers currently on fixed term contracts, and of placing of Probationer Teachers on Teacher Induction Scheme.
- Continued efforts made to seek changes which eliminate need for compulsory transfer.
- Resolution of cases of transfer difficulty, if any, with appropriate Trade Unions
- Identify posts for permanent peripatetic teachers.

### **June**

- Remaining transfers effected as necessary with as much notice as possible (in normal circumstances, one month) being given to the teachers concerned.

**WEST DUNBARTONSHIRE COUNCIL**

**LNCT AGREEMENT No 2 – ACCELERATED INCREMENTAL PROGRESSION**

**AGREED AT THE LNCT 9<sup>TH</sup> DECEMBER 2008**

**APPROVED AT THE E&LL COMMITTEE 11<sup>TH</sup> FEBRUARY 2009**

**REVISED AT THE LNCT 21<sup>ST</sup> SEPTEMBER 2010**

**REVISIONS APPROVED AT THE E&LL COMMITTEE 20<sup>TH</sup> OCTOBER 2010**

---

**1. Introduction**

- 1.1** The SNCT handbook part 2 section 1.21 – 1.23 “Awarding Additional Salary Points for Relevant Experience”, sets out the principles to be applied in considering awarding increments for relevant experience, prior to entering teaching.
- 1.2** All teachers, other than probationers who are registered with the General Teaching Council for Scotland (GTCS) will be placed at point 1 of the Main Grade Salary Scale or such higher salary point as determined with reference to this agreement. Probationers are placed at point 0 of the Main Grade Salary Scale until they have achieved full registration with (GTCS).

**2. Procedures**

- 2.1** Salary placement shall be determined on appointment.
- 2.2** Information on incremental progression will be included in with all appointment packs.
- 2.3** On receiving an offer of employment, if the teacher does not feel that his/her placement on the Main Grade Salary Scale appropriately reflects his/her experience he/she should make an application in writing to Education HR department setting out the reasons for seeking accelerated incremental progression providing evidence of the experience.
- 2.4** Such applications will be assessed and a recommendation made to the relevant Head of Service. The Head of Service may meet with the teacher and his/her representative to discuss the application, if appropriate.

**2.5** Having considered all information the Head of Service will make a decision on incremental progression. This decision will be communicated to the teacher in writing within 10 working days of the receipt of all relevant information. If additional salary points are awarded, a revised letter of appointment will be issued.

**2.6** It is acknowledged that commencing a new job has a lot of demands and therefore in the event that a teacher applies within 3 months of commencing their post any award will be effective from the date the contract commenced.

It is felt that this 3 month period is sufficient to apply for accelerated incremental progression and any application received after the specified 3 months 'grace period' will only be effective from the date of application for incremental progression.

**2.7** As allowed in the SNCT handbook Part 2 section 1.23 the Executive Director of Education can outwith this agreement, increase the salary attached to a post if he/she considers the salary to be inadequate.