

North Lanarkshire Council

Learning and Leisure Services

Joint Negotiating Committee for Teachers

Agreed Procedures for the Redeployment of Promoted Teaching Staff

1. Introduction

1.1 There may be occasions where, as a result of management restructures, that there will be a requirement to redeploy promoted teaching staff. Detailed within this document is a set of processes which outline:

- (a) the circumstances in which an individual may find themselves in a surplus situation
- (b) the procedures

1.2 These are firmly based in the context of the following:

- The SNCT (Scottish Negotiating Committee for Teachers) Handbook of Pay and Conditions of Service and Circulars
- The Scottish Schools Parental Involvement Act 2006
- Existing established and agreed principles as applied in the service such as the transfer procedures for unpromoted staff
- F20 Management Circular - Management Structure for Primary and Secondary Schools

1.3 In drawing up and agreeing these processes, attention has been given to ensuring fairness, equality and transparency across the sectors. Equally, the Joint Negotiating Committee for Teachers (JNCT) wishes to ensure that the affected individuals have a sense of ownership with regard to the outcome.

1.4 In accordance with JS/11/26 from the Joint Secretaries of the SNCT, the following options should be explored as appropriate with the **affected individual**;

- 1) Redeployment
- 2) Ring-fenced interview
- 3) Commensurate duties
- 4) Premature Retirement

2. Procedures to be followed when identifying Surplus Promoted Staff

2.1 The reasons for a promoted post to be considered surplus include:

- Where the promoted post points attributed to an existing management structure in a secondary school do not meet the requirements of Management Circular F20.
- Where the existing promoted posts structure in a primary school no longer meets the roll bandings as outlined in Management Circular F20.

- Where, in line with F20, a future review, either at service or establishment level, of promoted posts structure takes place.

- 2.2 Prior to any revision of a management structure within a school, the Head Teacher will share the rationale underpinning the proposed change and consult with staff and the Staff Representative Group (SRG). The Head Teacher will consider the feedback provided by the school community and consider the needs of the young people in the school before coming to a decision.
- 2.3 Should a Head Teacher, for operational reasons, choose not to declare a promoted post surplus to the structure, in such circumstances this should be part of the consultation with staff in relation to the revised management structure. It is important that the rationale for this decision is shared with staff. The post must be funded in full from the school's budget and will consequently not become subject to redeployment.

3. Identification and Redeployment Processes for All Surplus Promoted Posts Across All Sectors

- 3.1 When reviewing a management structure in a school there are two potential circumstances which may result in a promoted post/posts being declared surplus.
- 3.2 The first of these is where, as part of a management restructuring, the only requirement is to reduce the total number of existing promoted posts. In these circumstances, the following process must be applied:
- *Volunteers must declare themselves at this stage of the process, with the Head Teacher allowing 5 days for volunteers to come forward.*
 - *Should there be no volunteers, the Head Teacher will identify the surplus promoted post holder with the least continuous service in the **affected substantive post**.*
 - *Should more than one individual have identical continuous service in the affected substantive post, then length of continuous service with North Lanarkshire Council or its antecedent authority should be applied.*
 - *The identified surplus promoted post holder may choose to opt out of the redeployment process and will have a period of 3 years before cash conservation ends and they revert to the normal salary for the post now held. They may be allocated commensurate duties.*
- 3.3 The second of these is where, while there is to be a reduction in the total number of management posts, this is accompanied by the creation of new posts within the revised promoted post structure.

Within the parameters of this policy, a “new promoted post” is defined as a post where a Principal Teacher (Curriculum/Whole School) post is created that subsumes the areas of responsibility of two or more individual Principal Teachers in a secondary school, such as the creation of a faculty arrangement.

In these circumstances where such a management restructure has occurred, the following process must be applied:

If there are TWO OR MORE applicants for a new post in the revised structure:

- * This will require an internal, ring-fenced interview within the school.
- * Individuals who are unsuccessful at the ring-fenced interview would at this point be declared surplus and the following processes would apply:
 - *in line with the provisions of the SNCT Handbook, they have a period of 3 years before cash conservation ends and they revert to the normal salary for the post now held,*
 - *they may be redeployed to a vacant equivalent post, by matching in or ring-fenced interview as appropriate,*
 - *they may have an option to apply for the various retirement schemes,*
 - *they may be allocated commensurate duties.*
 - *alternatively, the identified surplus promoted post holder may choose to opt out of the redeployment process and will have a period of 3 years before cash conservation ends and they revert to the normal salary for the post now held. They may be allocated commensurate duties.*

If you refuse unreasonably on two occasions to accept an alternative, equivalent or better post, your entitlement to cash conservation will be lost.

3.4 If there is only ONE applicant for a post in the revised structure:

a “matching in” process will be used. In circumstances where the post holder has opted out or where the post holder is not eligible to be “matched in”, the following processes would apply:

- *in line with the provisions of the SNCT Handbook, they have a period of 3 years before cash conservation ends and they revert to the normal salary for the post now held,*
- *they may be redeployed to a vacant equivalent post, by matching in or ring-fenced interview as appropriate,*
- *they may have an option to apply for the various retirement schemes,*
- *they may be allocated commensurate duties.*

If you refuse unreasonably on two occasions to accept an alternative, equivalent or better post, your entitlement to cash conservation will be lost.

3.5 If there is NO applicant for a vacant post in a revised structure:

- *The post would be released in the first instance to surplus promoted staff across the Service who meet the specifications and requirements of the new post.*

- *Should there be no eligible applicant, the post would then be subject to open recruitment across the Service and in line with Council policy*

4. Supporting the Redeployment Process

- 4.1 The process to redeploy surplus promoted staff will require the support and co-operation of Head Teachers and there is a clear appreciation that the needs of the service must take priority.
- 4.2 The Service also recognises its obligation to meet the contractual position of affected individuals.
- 4.3 The Service will maintain a record of surplus promoted teachers to assist in identifying redeployment opportunities.
- All surplus promoted teachers will have the right to be informed about available, equivalent vacancies.
 - All surplus promoted teachers will complete a personal profile (see Appendix 1) which will highlight their skills, strengths and experience in order to facilitate the redeployment process. Assistance will be available, if required.
 - If they wish, surplus promoted teachers may be accompanied by a representative of their professional association, a colleague or a friend at any meetings about the redeployment process.

5. Redeployment of Head and Depute Head Teachers/Consultation with the Parent Council

- 5.1 In the case of Head and Depute Head Teachers, the Parental Involvement in Head Teacher and Depute Head Teacher Appointments (Scotland) Regulations 2007 give education authorities the powers to transfer Head Teachers and Depute Head Teachers. Where a Parent Council exists a senior officer of the Service will consult with the Parent Council when a surplus senior promoted post holder is to fill a vacant senior promoted post. Discussion will also take place with the Parent Council about the specific skills, strengths and experience required for the post. The Service will make the final decision to redeploy and in this event the Parent Council has no further involvement in the process.

6. Equality of Employment Issues

6.1 Family Leave

Learning and Leisure Services wishes to recognise the position of its teaching staff who take either Maternity Leave, Paternity Leave, Maternity Support Leave, Parental Leave or Adoption Leave, or a break for child rearing purposes extending to not more than 7 years.

For the purpose of determining eligibility for compulsory transfer, all affected teaching staff who are granted family leave for the above specific reasons will not be regarded as having a break in continuity of service.

6.2 Child-Rearing Purposes

For the purposes of determining eligibility for compulsory transfer, the following will not be regarded as a break in continuity of service:

- A period of time out of teaching service solely for the purpose of child-rearing and occurring on or after 16 May 1975;
- and where not more than 7 years elapsed between the date of birth/adoption of the child and the date of return to duty.

Neither will it count as service.

6.3 Pregnant Teacher/Maternity Leave

A pregnant teacher should not be liable to redeployment during the course of their pregnancy. In cases where the identified teacher for redeployment is pregnant, the liability for redeployment will not be “passed on” to any other member of staff.

In circumstances where a teacher returns to work from maternity leave and the management structure for that school has been reduced, the normal redeployment arrangements as outlined in this paper would pertain and the teacher on maternity leave would be treated no more and no less favourably than others on the staff when an assessment was made as to who would be redeployed.

6.4 Job Sharers

Job-sharing is defined as the voluntary sharing of all of the duties and responsibilities of an established full-time permanent post by two people.

Therefore, since job-sharers have agreed to carry out the contractual obligations associated with the post, they will normally be transferred together as a partnership.

In a compulsory transfer situation, the service of the teacher with the longer continuous service within the partnership will be used.

6.5 Part-Time Employees

Part-time service will be credited on a full-time equivalent basis for the calculation of total continuous service with the Service and its antecedent authorities.

Surplus promoted teachers who work reduced hours will be given access to any appropriate vacancy on full time hours. If they wish to continue to work reduced hours then they will be offered reduced hours in the new post. Coverage of the remaining hours will be managed through the application of appropriate workforce policies.

A surplus promoted teacher will be given access to any appropriate vacancy regardless of available hours but will not be expected to increase or reduce hours in order to take up the

post. Such an approach is in line with the Part Time Employees (Less Favourable Treatment) Regulations.

7. The Matching/Placing Process and Salary Conservation

- 7.1 Although the Service retains the right to place surplus promoted teachers, it is important that the views of the affected staff are taken into consideration throughout the process.
- 7.2 Surplus promoted teachers will ideally be matched to posts which carry the same job sized salary. Surplus promoted teachers may be redeployed directly into promoted posts where the salary is no more than 3 spinal column points higher or lower than their current salary.
- 7.3 Where there is a promoted surplus teacher and a promoted vacancy but the salary for the vacancy is more than 3 spinal column points higher than the surplus teacher's current salary, then the post will be advertised and the surplus teacher will be invited to apply for the post and will be subject to a competitive recruitment process.
- 7.4 Where a vacancy carries a lower salary, then the salary conservation arrangements as set out in the SNCT Handbook of Pay and Conditions of Service will apply. (see Appendix 2)

8. Temporary Placement / Lack of Appropriate Vacancy

- 8.1 Until redeployment is finalised, surplus promoted teachers may be involved in a period of temporary placement in accordance with the job mobility clause as stated in the written specification of contract. Where there is no immediate suitable permanent post available, the affected individual will be directed to a temporary placement until a suitable permanent post becomes available and is secured or until the situation is otherwise resolved. Such a placement may be to any other teaching post or position within the Service and the surplus promoted teacher will be expected to carry out duties up to a level commensurate with his/her current salary.
- 8.2 If a suitable appropriate promoted post occurs during the course of the temporary placement, a decision on whether to allow the surplus promoted teacher to complete the agreed period of the temporary placement before being allocated to his/her new substantive post will be taken, subject to the exigencies of the Service and without detriment to the individual.
- 8.3 Where an alternative post has not been achieved, the situation will be reviewed by the Service and other options to resolve the situation will be explored.
- 8.4 The Service will retain the right to make the final decision in the placing of surplus promoted teachers.

9. Associated Time Frames

- 9.1 The redeployment of surplus promoted teaching staff will normally occur as a result of the triennial review of management structures carried out by the Service prior to the similar exercise which is carried out on an annual basis in respect of unpromoted teaching staff.

- 9.2 The surplus promoted teacher will be allowed the choice of all known appropriate vacancies for the duration of their conserved salary and will be redeployed to a vacancy. Where more than one surplus promoted teacher has a preference for any vacancy, this will require a ring-fenced interview. The successful candidate will be redeployed to the vacancy.
- 9.3 In normal circumstances, the date of redeployment will be notified one month in advance and earlier if possible. There may be occasions when it is in the interest of the surplus promoted teacher for the redeployment to take place sooner.
- 9.4 Redeployed post holders will normally have the right to return to their original schools during a period of two years after redeployment, should an appropriate vacancy arise. It will be incumbent upon the redeployed post holder to make such a request. However, it must be recognised that there may be special circumstances related to the curricular needs of pupils or to the overall exigencies of the service which will have to be taken into account.
- 9.5 If surplus promoted teachers choose to apply for posts for which, in the context of this policy, they are not eligible, they will proceed under standard recruitment and selection procedures.
- 9.6 If, in the opinion of the Service, a surplus promoted teacher unreasonably refuses on two occasions, to accept proposed placements, in accordance with the SNCT Handbook of Pay and Conditions of Service there will be no entitlement to conservation of salary and any subsequent placement will be at the behest of the Service.

10. Travelling Expenses

- 10.1 Where redeployment involves relocation, redeployed promoted teachers will receive excess travelling expenses in accordance with the provisions of the SNCT Handbook of Pay and Conditions of Service – Part 4 paragraph 14.7.

11. Right of Appeal

- 11.1 A surplus promoted teacher who is dissatisfied with any decision in relation to the application of these procedures will have recourse to the JNCT Grievance Framework for Teachers, but only where the grievance is in relation to this agreement not being applied properly.

12. Definitions Of Terminology Used –

For the purposes of this policy the following definitions apply:

Applicant = existing, substantive postholder who is eligible to apply and who opts to do so.

Eligible = meets the requirements and specifications for the post.

Matching in = the process of placing a single, eligible applicant for a single vacant and appropriate post.

Opting out = a conscious and informed decision by the affected postholder not to participate in any of the procedures covered by this agreement from the point when an individual decides to do so. This decision should be communicated in writing to the Service and is irrevocable once taken.

Ring fencing = is recruitment restricted to eligible staff in and beyond the school as appropriate.

School = Primary or Secondary establishment.

Redeployment Personal Profile Management Structure Review

- NB This is not an application form

Employee Name:	
Employee Reference / National Insurance Number:	
Home Address:	
Telephone number and e-mail address:	
Substantive Post:	
Scale-point:	
Employment Status and FTE:	Fulltime / Part-time (delete as appropriate)
Current Post Location:	
Date Commenced in Current Post:	

1. Qualifications and CPD Activities:

Please state your academic, professional qualifications and other relevant CPD that you have undertaken in the last five years.

2. Employment History:

List details of previous employment both with and outwith the Council. This should include dates employed and job titles.

3. Professional and Personal Skills / Knowledge:

4. Previous Relevant Experience:

Briefly summarise previous experience with particular reference to:
Leadership & Management, Communication & Interpersonal Skills, Implementing
Change/Managing the Curriculum, Ethos & Relationships and Raising Achievement.

5. Additional Information:

Provide details of any relevant information not already included above.

6. Disability / Reasonable Adjustments:

To attend an interview –

Do you require any aids, adjustments or other arrangements to be in place to enable you to attend an interview?

Yes No

If yes, please provide details of your requirements -

To carry out a job –

Do you require any aids, adjustments or other arrangements to be in place to enable you to carry out the job?

Yes No

If yes, please provide details of your requirements -

I confirm that the information provided on this form is correct

Teacher:

Head Teacher:

Signature:		Signature:	
Date:		Date:	

Conservation

Conservation – General Provisions

1.63 The application of cash conservation will commence at the date at which the downgrading of the salary for the post, transfer or cessation of temporary appointment takes effect. During the period of cash conservation, the post holder will continue to receive his/her previous salary but will not receive any increase resulting from pay awards (other than in the circumstances outlined in 1.64 below). At the end of the period, the cash conservation will end and the post holder will then receive the normal salary for the post she/he now holds.

1.64 During any period of conservation, when the normal salary for the post occupied exceeds the conserved salary being paid (for example, through the application of pay awards), the post holder will receive the normal salary for the post with effect from that date.

1.65 Conservation of salary will cease following voluntary application for, and appointment to, a new post.

1.66 There shall be no entitlement to conservation of salary where;

(a) a teacher is transferred and ceases to be entitled to receive a remote school/distant island allowance payable (in terms of paragraph 1.72) below) or suffers a reduction in the amount of such an allowance; or

(b) a teacher refuses unreasonably, on two occasions, to accept an alternative equivalent, or better, post.

Conservation – Specific Provisions

Conservation for Promoted Post Holders appointed on or after 1 April 2001

1.67 A promoted post holder appointed to a promoted post on or after 1 April 2001 and: -

(a) whose post is resized and the salary is downgraded; or

(b) who is transferred, for reasons other than inefficiency or indiscipline, to another post which has a lower salary.

shall receive a three-year period of cash conservation, (as defined in paragraphs 1.63 and 1.64 above).

Conservation for Promoted Post Holders appointed before 1 April 2001

1.68 A promoted post holder appointed to a post before 1 April 2001 and: -

(a) whose post has been re-sized and the salary has been downgraded; or

(b) who has been transferred, for reasons other than inefficiency or indiscipline, to another post, which has a lower salary; and

(c) is in receipt of a conserved salary at 31 March 2011;

shall from 1 April 2011 until 31 March 2016 continue to receive her/his previous salary but will not receive any increase resulting from pay awards (other than in circumstances outlined in paragraph 1.64 above.) From 1 April 2016, the cash conservation will end and the post holder will then receive the normal salary for the post she/he now holds.

1.69 A promoted post holder appointed to a promoted post before 1 April 2001 and: -

- (a) whose post is resized between 1 April 2011 and 31 March 2013 and the salary is downgraded; or
- (b) who is transferred between 1 April 2011 and 31 March 2013 for reasons other than inefficiency or indiscipline, to another post which has a lower salary.

shall from 1 April 2011 until 31 March 2016 continue to receive her/his previous salary but will not receive any increase resulting from pay awards (other than in circumstances outlined in paragraph 1.64 above.) From 1 April 2016, the cash conservation will end and the post holder will then receive the normal salary for the post she/he now holds.

1.70 A promoted post holder appointed to a promoted post before 1 April 2001 and: -

- (a) whose post is resized after 1 April 2013 and the salary is downgraded; or
- (b) who is transferred after 1 April 2013, for reasons other than inefficiency or indiscipline, to another post which has a lower salary.

shall receive a three-year period of cash conservation, as defined in paragraphs 1.63 to 1.64 above.

Conservation for Promoted Post Holders with Temporary Appointments

1.71 Where a teacher has occupied a promoted post, on a temporary basis, for two or more consecutive school years and that temporary appointment ceases, then the teacher shall receive a three-year period of cash conservation (as defined in paragraph 1.63 above)