

Shetland Islands Council



Children's Services

Shetland Islands Council

Secondment Agreement for Teaching Staff

Shetland Islands Council's Children's Services
Department

December 2019

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 Internal Secondment Policy does not apply to teachers.

A short-life LNCT working group, supported by Human Resources, has developed this agreement.

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. National Context:

There is no national agreement on arrangements for secondments for teachers.

In the "McCrone Agreement" (A Teaching Profession for the 21st Century, 2001), there is no reference to secondments, but "appointment procedures" is listed as a devolved matter, i.e. a matter to negotiation at local level through the LNCT. The Shetland LNCT has agreed a procedure for the appointment of Head Teachers and Depute Head Teachers, but not an explicit agreement on secondments.

The SNCT Handbook has only one reference to Secondments, in Part 2, Appendix 2.8 "Code of Practice on the use of fixed term temporary contracts". There, at paragraph 3.4, "secondments" is given as one of a list of reasons for a fixed term temporary appointment. 4.1 states: "Every teacher recruited to undertake work on a fixed term temporary basis will be appointed in accordance with that council's recruitment procedures".

However, the context makes it clear that it does not mean that appointment to a secondment should be in accordance with the council's recruitment procedures. Rather, it is referring to a teacher who may be employed to back-fill for someone else's secondment, i.e. what we generally refer to as "long-term supply" (as 4.2 states: "Following this process, such teachers will be placed on a register of approved teachers maintained for these purposes").

4. What is a Secondment and how does it differ from an Acting-Up Arrangement?

A secondment describes an arrangement where a teacher, or school manager, is temporarily released from their post to work in another post, or role, within the Schools and Quality Improvement Service for a specified period of time.

This secondment may be in the employee's base school or in another setting.

Ordinarily, a secondment would be for at least three months in duration but is more likely to be for a longer period of time up to 23 months.

It should be noted that a secondment request can also be considered for a member of staff who is a preferred candidate for a temporary role in order to retain job security. The process described in this document is for service initiated secondment opportunities

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.

5. 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.

6. The Process for Establishing a Secondment Opportunity:

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

Secondments within Schools and Quality Improvement require approval from either the Executive Manager of Schools or Executive Manager Quality Improvement.

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

7. Advertising Secondments:

As far as possible, all secondments should be advertised internally for all GTCS registered teachers having the opportunity to apply.

Most commonly, this 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, where applicable. Where a job profile is not available a description of the role and its outcomes should be provided.

There may be circumstances where secondment opportunities are restricted to a particular location, or group of teaching staff, as per 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 a particular GTCS registered teacher 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.

8. 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.

9. 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.

10. 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 seconded;
- The Head Teacher considers releasing the member of staff will have a detrimental impact on service delivery, and learning and teaching in the school.

11. The Right to Appeal:

The teacher 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 teacher 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

Teachers 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:

- Teachers 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 a more senior manager (for example: Executive Manager or Director).
- Senior manager to 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 with the senior manager.
- 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.

12. During a Secondment

The secondee's host school or setting will monitor any sickness absence with the secondee's established school or setting being kept informed.

13. What happens when the Secondment ends?

The secondee, the school or setting who is hosting the secondee, or the secondee's established setting can terminate the secondment before the agreed end date.

At least four weeks' notice must be given to all parties outlining the reason for early termination

A secondee has the right to return to the job in which they were employed prior to the secondment on the same terms and conditions.

Secondments may be extended beyond the original end date.

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.