

ANGUS COUNCIL

EDUCATION COMMITTEE

5 MARCH 2002

FORMATION OF JOINT NEGOTIATING COMMITTEE FOR TEACHERS

JOINT REPORT BY THE DIRECTOR OF EDUCATION AND THE DIRECTOR OF LAW & ADMINISTRATION

ABSTRACT

This report recommends the formation of a new negotiating body for teaching staff in Angus in accordance with the terms of the 2001 national McCrone Agreement.

1 RECOMMENDATIONS

It is recommended that the Education Committee:

- a notes that part of the National Agreement on Teachers' Salaries and Conditions of Service ("*A Teaching Profession for the 21st Century*") contains a requirement for each Scottish Council to form a local negotiating committee for teaching staff (confirmed on 6 September 2001 by the Scottish Negotiating Committee for Teachers – Circular SNCT/8);
- b records its appreciation of the work of the recently formed Angus Teachers' Panel and of the Joint Consultative Committee (Teachers) on a range of issues relating to the new National Agreement, including helpful contributions which have been incorporated into this report and its Appendix;
- c agrees to formally establish an Angus Joint Negotiating Committee for Teachers (Angus JNCT), the proposed constitution of which is set out in the Appendix to this Report;
- d formally recommends to the JCC (Teachers) that it should be disbanded on formation of the proposed new JNCT;
- e delegates to the Staffing Sub-Committee powers to ratify any agreements reached by the JNCT, thereby amending the delegated functions of the Staffing Sub-Committee – in the terms outlined below in paragraph 3.4.
- f confirms that the Convener and Vice Convener of the Education Committee will be the 2 Councillor representatives on the JNCT.

2 BACKGROUND

- 2.1 Members of the Education Committee will be aware of the national tripartite agreement between Scottish Councils, the Scottish Executive and Scottish Teachers on pay and conditions of service – "*A Teaching Profession for the 21st Century*."
- 2.2 One strand of that agreement relates to the balance between national and local negotiations about teachers' conditions of service. The national agreement requires all Scottish Councils to establish a local Negotiating Committee for Teaching Staff and to do so no later than 1 April 2002. This requirement was confirmed by the Scottish

Negotiating Committee for Teachers in a circular dated 6 September 2001 – Circular SNCT/8.

3 PROPOSALS

- 3.1 Discussions have taken place within the JCC (Teachers) and teachers' representatives have themselves helpfully formed an Angus Teachers' Panel. Representatives of that Panel have also taken part in informal discussions which have involved both the Director of Education and the Director of Law & Administration.
- 3.2 The enclosed constitution has been developed as a result of these discussions, and it is now being submitted to the Education Committee for its approval.
- 3.3 If the Education Committee does approve the enclosed constitution, then it is recommended that the formation of the new Angus JNCT should simultaneously mark the demise of the JCC (Teachers). The enclosed constitution has been designed to ensure that discussions of the type previously undertaken within the JCC (Teachers) can still be conducted, albeit under the banner of the Angus JNCT.
- 3.4 Members' attention is drawn in particular to paragraph 4.4 of the Appendix. In terms of Section 56 of the Local Government (Scotland) Act 1973, agreements of the type which may be reached by the JNCT can only be ratified by the full Council, or a Committee of the Council, or a Sub-Committee of the Council, or an officer of the Council. Given the way in which powers are currently delegated to Sub-Committees of the Education Committee, it is proposed that the Staffing Sub-Committee be granted delegated powers to ratify such agreements. If this proposal is approved by the Education Committee, then its Staffing Sub-Committee would operate with the following remit:

Consideration and determination of any matters relating to the conditions of service of teachers, being functions conferred on the education authority and not otherwise delegated to the Director of Education; including, but without prejudice to the foregoing generality:

- a *the approval of local agreements relating to the devolved conditions of service set out in Circular SNCT/8;*
- b *the hearing of grievances raised by teaching staff in accordance with the grievance procedure for teaching staff as approved by the Education Committee;*
- c *the hearing of appeals by teachers against any disciplinary action taken by the Director of Education (or his nominated depute);*
- d *the consideration and determination of applications from teachers in educational establishments for premature retirement, or continued employment at the age of 65 years; and*
- e *the consideration and determination of cases involving any teacher whose period of sickness allowance has ended and whose circumstances the Director of Education requires to report to the Education Committee in accordance with nationally agreed conditions of service*

The Sub-Committee shall comprise three members of the Education Committee (2 of whom will normally be the 2 Councillor representatives on the JNCT). Members may appoint substitutes who must also be Councillor members of the Education Committee.*

The quorum shall be three members.

* *The current membership of the Staffing Sub-Committee comprises Councillors Lumgair, Milne and Welsh.*

4 HUMAN RIGHTS

4.1 There are no Human Rights implications arising directly as a result of approving the recommendations contained within this Report.

5 CONSULTATION

5.1 In accordance with Standing Orders of the Council, this report has been the subject of consultation with the Chief Executive and the Director of Finance.

5.2 Discussions have also taken place within the JCC (Teachers) on the general principles underlying the contents of this report, as have further informal consultations with representatives of the Angus Teachers' Panel.

Jim Anderson
Director of Education

Catherine A Coull
Director of Law & Administration

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 any material extent in preparing the above report.

APPENDIX

JAA/CJ

ANGUS JOINT NEGOTIATING COMMITTEE FOR TEACHERS

CONSTITUTION

1 Context

- 1.1 There shall be established a committee to be known as the Angus Joint Negotiating Committee for Teachers (hereinafter referred to as “the Angus JNCT” or “the JNCT”).
- 1.2 In forming the JNCT, Angus Council (hereinafter referred to as “the Council”) recognises the Educational Institute of Scotland, the Scottish Secondary Teachers Association, the Professional Association of Teachers, the National Association of School Masters/Union of Women Teachers, the Head Teachers’ Association of Scotland and the Association of Head Teachers (Scotland) as the sole representatives of the teaching staff (including music instructors, educational advisers and educational psychologists) employed by the Council on all matters relating to conditions of service as defined in paragraph 4.1 below.
- 1.3 The Council recognises the unions identified in paragraph 1.2 as the sole bargaining agents for the matters covered by this Constitution.

2 Purpose

- 2.1 The principal purpose of the Angus JNCT is to establish and maintain bargaining machinery and a negotiating procedure between the Council and the signatory unions whereby relevant conditions of service can be determined for all teaching staff, including music instructors, educational advisers and educational psychologists.
- 2.2 The Council and the recognised unions jointly affirm their commitment to the maintenance of good industrial relations, and accept that this Constitution and any formal agreements which arise from it will be binding on the signatory parties.
- 2.3 The signatory parties to this Constitution acknowledge the importance of establishing and maintaining confidence in the negotiating arrangements established under this Constitution and recognise the need to negotiate in good faith.

3 Membership

- 3.1 Membership of the Angus JNCT will comprise of 6 members appointed by the Council and 6 members appointed by the recognised trade unions.
- 3.2 The members appointed by the Council will comprise two Councillors (normally the Convener and Vice Convener of the Education Committee), and four Officers (normally the Director of Education and the three Heads of Educational Services).

3.3 The members representing the unions will be appointed by the Angus Negotiating Committee for Teachers (Teachers' Panel) and these appointments will reflect the respective membership strengths of each of the organisations identified in paragraph 1.2 above.

3.4 Substitutes will be eligible to attend meetings to take the place of any member unable to attend provided that:

- i the substitute for a Councillor is also a Councillor
- ii the substitute for a Chief Officer is also a Chief Officer
- iii the substitute for a teacher is an employee (on Teachers' Conditions of Service) of Angus Council

3.5 Either the Council or the Union side may invite an appropriate person or persons to attend any meeting of the JNCT to act in an advisory capacity.

4 Functions

4.1 All agreements, orders, settlements and determinations of the Scottish Negotiating Committee for Teaching Staff in School Education dealing with:

- cover agreements
- appointment procedures
- particulars of employment
- expenses of candidates for appointment
- transfer of temporary teachers to permanent staff
- promotion procedures
- staff development arrangements
- specific duties and job remits
- arrangements for school based consultation
- other leave and absence arrangements
- notice periods
- housing
- indemnification procedures
- disciplinary and grievance procedures
- other allowances

shall be adopted as the base for negotiations, along with any other agreed matters which are not subject to national negotiations.

4.2 In addition to undertaking negotiations on conditions of service, the JNCT will also provide a means of regular consultation and exchange of information, ideas and

comment between the Council and its teacher employees on a range of agreed matters of mutual interest.

- 4.3 The JNCT may appoint from among its own members a Sub-Committee or Sub-Committees to discharge such of its functions as it may specify.
- 4.4 The JNCT should make all efforts to reach agreements. It is acknowledged that any such agreements will require to be ratified by the Sub Committee of the Council with delegated powers to approve these agreements before they are binding on the Council.
- 4.5 Agreements reached between the two sides shall be set out in a text jointly approved by the two sides and the text will be subscribed by the Joint Secretaries. All agreements will be reported to the Scottish Negotiating Committee for Teachers (SNCT).
- 4.6 The Joint Secretaries (see 5.3 below) will be available to advise their respective sides on matters relating to agreements reached by the JNCT. In formulating such advice the Joint Secretaries may consult with each other whenever they think it appropriate.

5 Procedures

- 5.1 The JNCT will normally hold four ordinary meetings per annum in September, December, February and May/June, one of which – in May/June – shall be designated as the Annual General Meeting for the purposes of appointing the Convener of the JNCT for the following year, of noting any changes to the membership of the JNCT, and of reviewing the membership of any standing Sub-Committee of the JNCT. Ordinary meetings will normally be called by notice in writing no later than seven calendar days before the date of the meeting. The notice will include the agenda of items to be discussed and the minute of the previous meeting(s). In addition, special meetings may be arranged as and when required at the request of either the Council or the Angus Teachers' Panel. The Joint Secretaries (see 5.3 below) will be responsible for making arrangements for all meetings.
- 5.2 The Convenership of the JNCT will rotate on an annual basis, between a Council representative and a Joint Union Side representative with the Vice-Convenership rotating on a similar basis. The Annual General Meeting will normally be the first meeting at which a "new" Convener takes the chair.
- 5.3 The Council's Director of Law & Administration together with a person appointed by the Teachers' Panel will act as Joint Secretaries to the JNCT.
- 5.4 The Joint Secretaries will prepare both the agenda and the minutes of meetings of the Angus JNCT for its approval as a correct record. The minutes will be submitted to the next meeting of the JNCT for approval as an accurate record. The minutes will also be submitted to the Council's Education Committee and to the Angus Negotiating Committee for Teachers (Teachers' Panel) for information.
- 5.5 The Council will ensure that adequate paid time off work shall be granted to all union representatives on the JNCT. Particular consideration shall be given to

the amount of paid time off work required by the person appointed as union side Joint Secretary, as well as the necessary facilities covered by ACAS Code of Practice No 3.

- 5.6 The quorum for a meeting of the JNCT shall be three from the Council (including at least one Councillor) and three from the Joint Union Side. In the case of a sub-committee, the quorum shall be determined by the JNCT when the sub-committee is first established.
- 5.7 In the event of any dispute being declared between the two sides or where there is a failure to agree at school level on any relevant matter, the Council and the signatory unions should seek to resolve the matter, without delay, through discussion in the JNCT. The Council will not implement any change which is the subject of dispute until the matter has been considered by the JNCT. The signatory unions, likewise, will not implement any form of industrial action unless and until the JNCT has failed to achieve a resolution of the matter in dispute.
- 5.8 Where agreement between the two sides of the JNCT is not possible, either side may refer the failure to agree to the Joint Chairs of the SNCT for conciliation. If the conciliation is unsuccessful the joint chairs of the SNCT may recommend further procedures for resolution of the difference, including external conciliation, mediation or binding arbitration.

6 ALTERATION AND VARIATION OF THE CONSTITUTION

6.1 No amendment to this constitution may be made except with the consent of both sides of the JNCT. If one side wishes a variation, it should be submitted in writing to the Joint Secretaries at least six weeks prior to the proposed implementation date of the amendment.

Signed on behalf of Angus Council _____

Date _____

Signed on behalf of the Angus
Negotiating Committee for Teachers
(Teachers' Panel) _____

Date _____