

ANGUS COUNCIL

EDUCATION COMMITTEE - 30 APRIL 2002

STANDING ORDERS: EDUCATION STAFFING SUB-COMMITTEE

REPORT BY THE DIRECTOR OF LAW AND ADMINISTRATION

ABSTRACT

This Report asks members to consider whether or not the Council's Standing Orders should be amended to permit "referral upwards" of certain decisions of the Staffing Sub-Committee of the Education Committee.

1. RECOMMENDATION

It is recommended that the Committee considers whether or not to recommend that the Council should amend Standing Order 39 to permit two members the right to refer to the Education Committee delegated decisions by its Staffing Sub-Committee to approve local agreements relating to the devolved conditions of service of teaching staff set out in Circular SNCT /8.

2. BACKGROUND

Reference is made to Article 2 of the minute of the meeting of the Education Committee of 5 March 2002 in terms of which the recommendations in Report 311/02 were approved. In particular, the Education Committee agreed to delegate to its Staffing Sub-Committee powers to ratify any agreements reached by the newly formed Angus Joint Negotiating Committee for Teachers which has been formed in accordance with the terms of the 2001 National McCrone Agreement.

3. DELEGATION

The delegation to the Staffing Sub-Committee, in terms of Standing Order 39(4), is absolute, and the ability of two members to refer matters "upwards" does not apply. The rationale behind this is that the remit of the Sub-Committee to date has related only to individual/personal matters or grievances or appeals by individual teachers which are not appropriate for decision by another body.

I have been approached by an elected member requesting that the additional function now delegated to the Sub-Committee by the approval of Report 311/02, namely "the approval of local agreements relating to the devolved conditions of service set out in circular SNCT8", be subject to the right of "referral upwards" by two members in terms of Standing Order 39(3).

It is for the Council to determine its own rules and procedures for decision making within its Standing Orders. However, I have thought it appropriate to bring this matter to the attention of the Education Committee in the first instance since the request refers to an Education function.

On the one hand, the additional function is more of a policy matter than the individual/personal matters which the Sub-Committee has previously dealt with. It could therefore be argued that it would be appropriate for two members to have the right to ask for the approval of local agreements to be referred upwards to the Education Committee.

On the other hand, the spirit of the McCrone Agreement is that local agreements should be reached through joint discussion between Council representatives and teacher representatives and it is only the current law governing local authority decision making which prevents this happening in the new Angus Joint Negotiating Committee for Teachers. It could therefore equally be argued that the delegation of powers to the Staffing Sub-Committee comes as close as is possible to recognising the spirit of the McCrone Agreement and accordingly that the Council should make the delegation absolute and not subject to any further scrutiny.

I am currently undertaking a major review of Standing Orders and a report will be brought to the Policy and Resources Committee in due course. However, in view of the fact that local agreements for teaching staff may be negotiated any time after 1 April 2002 by the new Angus Joint Negotiating Committee for Teachers, I consider it appropriate for the Council to consider this matter now.

4. FINANCIAL IMPLICATIONS

There are no financial implications arising directly from this Report.

5. HUMAN RIGHTS IMPLICATIONS

There are no human rights implications arising directly as a result of this Report.

6. CONSULTATION

The Chief Executive, the Director of Finance and the Director of Education have been consulted in the preparation of this Report.

Catherine A Coull
DIRECTOR OF LAW AND ADMINISTRATION

The following 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 this report.

The Council's Standing Orders and related documents.
Report 311/02 by the Director of Education and the Director of Law and Administration.