

Report To: Policy and Resources Committee **Date:** 21 March 2017

Report By: Head of Organisational Development, Human Resources and Communications **Report No:** HR/06/17/AW

Contact Officer: Allan Wilson **Contact No:** 01475 712022

Subject: Inverclyde Council Local Negotiating Committee for Teaching Staff

1.0 PURPOSE

- 1.1 The purpose of the report is to advise the Policy and Resources Committee of the revised composition and operation of the Local Negotiating Committee for Teaching Staff (LNCT).
- 1.2 The Committee is also asked to agree that the four management representatives on the LNCT will be officers of the Council rather than Elected Members.

2.0 SUMMARY

- 2.1 On 1 April 2001 the national agreement *A Teaching Profession for the 21st Century* created the negotiating body known as the Scottish Negotiating Committee for Teachers (SNCT).
- 2.2 Inverclyde Council requires to have a Local Negotiating Committee for Teachers (LNCT), which has powers to vary certain devolved conditions of service and to reach agreement on a range of matters not subject to national bargaining.
- 2.3 The LNCT has been revised on the following grounds:
 - It has not been reviewed in recent years and requires to be modernised.
 - The complexity of arrangements to call a meeting and those required to be in attendance for the current LNCT means that it rarely meets.
 - The LNCT can be streamlined, more effective and efficient in its operation.
- 2.4 A formal meeting of the LNCT took place on Tuesday 7 March 2017 and agreed the revised Local Recognition and Procedure Agreement (LNCT01) and this is attached as Appendix 1 for noting by the Committee.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Policy and Resources Committee:
 - note the revised Local Recognition and Procedure Agreement (LNCT01) attached at Appendix 1; and
 - agree that the management representatives on the LNCT will be officers of the Council rather than Elected Members.

4.0 BACKGROUND

- 4.1 On 1 April 2001 the national agreement *A Teaching Profession for the 21st Century* created a new negotiating body known as the Scottish Negotiating Committee for Teachers (SNCT).
- 4.2 The SNCT is a tripartite negotiating body whose constituent members are drawn from the Convention of Scottish Local Authorities (COSLA), The Scottish Government and the recognised trades unions.
- 4.3 The SNCT requires there to be a Local Negotiating Committee for Teachers (LNCT), which has powers to vary certain devolved conditions of service and to reach agreement on a range of matters not subject to national bargaining. Devolved matters are defined as follows:
- cover agreements;
 - appointment procedures;
 - particulars of employment;
 - expenses of candidates for appointments;
 - 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;
 - other allowances; and
 - discipline and grievance procedures.
- 4.4 The establishment of, and the terms of conditions of, Inverclyde Council's existing LNCT are covered in a document known as 'LNCT 01 *Local Recognition and Procedure Agreement*'. The committee has been called 9 times since its introduction in 2003, the last time being in January 2011.
- 4.5 The national position across Scotland with regard to the composition of LNCTs is that for the most part all have modernised their approach fairly recently. Of 19 responses from other Councils:
- 3 continue to have Elected Members on their LNCT.
 - 16 have officers and trades union representatives only.
 - The range in the composition of those 16 LNCT's varies from 4 each side to 10 each side. However, 10 councils have no more than 6 members each side.
- 4.6 There is also an informal LNCT which sits regularly to discuss a wide range of education issues, including terms and conditions. This forum is chaired by the Head of Education and its membership includes trades union representatives and management representatives including a representative from Organisational Development and Human Resources. It is a good sounding board for work in progress, updates and provides an opportunity for discussion on projects and other issues. This forum will continue in its current form.
- 4.7 A formal meeting of the LNCT took place on Tuesday 7 March 2017 and agreed the revised Local Recognition and Procedure Agreement (LNCT01) and this is attached as Appendix 1 for noting by the Committee.

5.0 PROPOSALS

5.1 The main changes in the revised LNCT 01 are as follows:

- The proposed composition of LNCT will be 4 trades union members and 4 management representatives. In addition one other trades union representative and one other management representative will act as (joint) secretaries. Currently the existing agreement states that the composition of each side should not exceed 11 members. The management side representatives are currently Elected Members on the Education and Communities Committee and it is proposed that the management side will now be made up from officers of the Council.
- The revised proposal asks that the frequency of meetings will be will be at least one meeting each calendar year which will be the AGM. The current policy states that there will be at least 4 meetings each calendar year providing there is relevant business to be addressed.
- Currently the Director of Legal and Support Services (as was) is the clerk to the LNCT. The revised proposal states that the joint secretaries shall be responsible for making arrangements for, and the administration of, meetings.
- The revised proposal states that, where an agreement with both sides of the LNCT is not possible, then the matter may be referred to Policy and Resources Committee.

5.2 A final meeting of the Formal LNCT under existing arrangements took place on 7 March 2017 and agreed the revised Local Recognition and Procedure Agreement (LNCT01) and this is attached as Appendix 1.

6.0 IMPLICATIONS

6.1 Finance: There are no financial implications in this report.

Financial Implications – One off Costs

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments

Financial Implications – Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments

6.2 Human Resources: all human resources issues are included in this report

6.3 Legal: Legal services have been consulted on this issue and support the proposal.

6.4 Equalities: There are no equality issues.

7.0 CONSULTATION

7.1 Trades union colleagues played a full part in creating the (revised) LNCT01 and are in agreement with the changes to it proposed.

8.0 LIST OF BACKGROUND PAPERS

8.1 Appendix 1 – Local Negotiating Committee for Teachers (revised 2017).

LNCT 01

Inverclyde Council

Education Services

**‘Inverclyde – an Ambitious,
Confident Council’**

LNCT 01

Local Recognition and Procedure Agreement

Local Recognition and Procedure Agreement between Inverclyde Council and the Educational Institute of Scotland, the Scottish Secondary Teachers' Association and the National Association of School Masters/Union of Women Teachers.

1. Inverclyde Council hereby recognises the EIS, SSTA and NAS/UWT as the sole representatives of the teaching staff, Quality Improvement Team, Educational Psychologists and Music Instructors employed by the Council on all matters relating to conditions of service as defined in paragraph 3 of this Recognition and Procedure Agreement and other matters not subject to national bargaining.
2. The Council and the recognised trade unions jointly affirm their commitment to the maintenance of good industrial relations and accept that this Recognition and Procedure Agreement and any formal agreements which arise from it will be binding on the signatory parties.
3. All agreements, orders, settlements and determinations of the Scottish Negotiating Committee for Teachers 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
 - Career-Long Professional Learning and Professional Update
 - Specific duties and job remits
 - Arrangements for school-based negotiation
 - Other leave and absence arrangements
 - Notice periods
 - Housing
 - Indemnification procedures
 - Other allowances
 - Discipline and grievance procedures

shall be adopted as the basis for negotiations under the procedure established by the Recognition and Procedure Agreement. All such agreements shall be subject to regular review after no more than 5 years.

4. The purpose of this Recognition and Procedure Agreement is to establish 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, Quality Improvement Team members, Educational Psychologists and Music Instructors.
5. The Council hereby recognises the unions who are signatories to the Recognition and Procedure Agreement as the sole bargaining agents for the matters covered by this Recognition and Procedure Agreement.
6. The Council will negotiate through a self-appointed Management Side. The recognised trade unions will negotiate through a Joint Union Side appointed collectively which will reflect, on a pro-rata basis, the respective membership strengths of each organisation. The Management Side and the Joint Union Side will each appoint a secretary for their respective sides.
7. Negotiations between the two sides shall be conducted within a committee to be known as the Inverclyde Council Local Negotiating Committee for Teachers (LNCT). Meetings of the LNCT shall be held as and when requested by either side with the proviso that there will be at least one meeting each calendar year, which shall be designated the Annual General Meeting, for the purpose of approving the membership of the LNCT, reviewing any standing sub-committees and agreeing the annual priorities.
The joint secretaries shall be responsible for making the arrangements for meetings which shall be arranged within twenty-one days of a request being logged or otherwise by mutual agreement, and for the administration of meetings. Normally, notice of a meeting shall be no less than seven working days.

8. The composition of each side of the LNCT shall be determined by the sides separately, but shall not exceed four members of each side excluding the joint secretaries. The LNCT may, from time to time, appoint from among its own members a sub-committee or sub-committees to discharge each of the functions of the LNCT, as the LNCT may specify.
9. The LNCT will establish an informal LNCT to take forward the LNCT's agreed priorities. The informal LNCT will consist of the joint secretary from each side plus four others nominated from each side.
10. The quorum for a meeting of the LNCT shall be three from the Management Side and three from the Joint Union Side. In the case of a sub-committee, the quorum shall be determined by the LNCT when the sub-committee is first established.
11. The Convenorship of the LNCT will be on the basis of annual rotation. The Council Side will determine the Convenor for a period of one year commencing with the first meeting of the LNCT and the Teachers' Side determine the Vice-Convenor for that period. For the next year the Convenor and Vice-Convenor will be determined by respectively, the Teachers' Side and the Council Side. The Convenorship and Vice-Convenorship will, thereafter be the subject of rotation. The Convenor shall not have a casting vote.
12. Agreements reached by the LNCT shall be binding on the Council and signatory unions where these agreements are within the delegated powers of the Director of Education, Communities and Organisational Development and Head of Organisational Development, Human Resources and Communications. Otherwise, these agreements will require to be referred to the appropriate committee of the Council for approval.
13. A substitute member may attend a meeting of the LNCT and vote, only if the member for whom they are substituting is not present.
14. 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 local agreements shall be reported to the Scottish Negotiating Committee for Teachers.

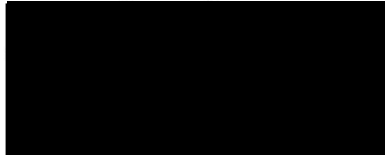
15. The joint secretaries will be available to advise their respective sides on matters relating to agreements reached by the LNCT. In formulating such advice, the joint secretaries may consult with each other whenever they think it appropriate.
16. This Recognition and Procedure Agreement shall take effect as soon as it has been signed on behalf of the Council and on behalf of the Teachers' Side.
17. No variation to this Recognition and Procedure Agreement shall be made except with the consent of both sides to this agreement.
18. The Council hereby agrees to ensure that adequate paid time off shall be granted to all union representatives on the Local Negotiating Committee for Teachers and that 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.
19. The signatory parties to this Recognition and Procedure Agreement acknowledge the importance of establishing and maintaining confidence in the negotiating arrangements established under this Agreement and recognise the need to negotiate in good faith.
20. 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 signatory unions should seek to resolve the matter, without delay, through discussions in the LNCT. The Council further agrees not to implement any change which is the subject of dispute until the matter has been considered by the LNCT. The signatory unions, likewise, further agree not to implement any form of industrial action unless and until the LNCT has failed to achieve a resolution of the matter in dispute.
21. Where agreement between the two sides of the LNCT 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 or mediation.

LNCT 01

If the conciliation is still unsuccessful then the matter may be referred to the Council's Policy and Resources Committee.

Signed on behalf of the Council:

Name:



Designation:
COUNCIL EDUCATION COMMITTEE

Date: 7/3/2017

Signed on behalf of the Teachers' Side:

Name:



Designation: Joint Chair

Date: 7th March, 2017.