

# Scottish Negotiating Committee for Teachers

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6 September 2001

Dear Colleague

## SNCT/8 LOCAL FRAMEWORK RECOGNITION AND PROCEDURE AGREEMENT

1. The Agreement reached following recommendations made in the McCrone Report stipulated that in addition to the new national negotiating body there would be 32 local negotiating committees established. These Committees will have the powers to vary certain devolved conditions of service agreements and to reach agreement on a range of matters not subject to national bargaining. Existing national agreements will be defined as either national matters or devolved matters. National matters remain to be negotiated nationally while devolved matters can be varied by agreement locally. All local agreements must be reported to the SNCT for information.
2. National and devolved matters are defined as follows:

<b>National Matters</b>	<b>Devolved matters</b>
Pay (including related allowances)	Other allowances
The working week and working year	Cover agreements
Annual leave entitlement	Appointment procedures
Class size	Particulars of employment
Sick leave	Expenses of candidates for appointment
Maternity/family leave	Transfer of temporary teachers to permanent staff
National and local recognition procedures	Promotion procedures
Disciplinary and grievance framework	Staff development arrangements
Main duties	Specific duties and job remits
Staff development framework	Arrangements for school based consultation
	Other leave and absence arrangements
	Notice periods
	Housing
	Indemnification procedures
	Disciplinary and grievance procedures

3./

2.

3. Attached as an appendix is a model framework Local Recognition and Procedure Agreement for your information. This framework should not be regarded as pre-empting the outcome of recommendations from the SNCT working parties which have been established and which are due to report to the Committee throughout the course of 2001 and early 2002.

Yours sincerely

Oonagh Aitken (Employers' Side)  
Ken Wimbor (Teachers' Panel)  
John Swift (Scottish Executive)

**Joint Secretaries**

To: Chief Executives  
Directors of Education  
Directors of Personnel

Copy: Directors of Finance

**Framework Local Recognition and Procedure Agreement  
between .....Council  
and The Educational Institute of Scotland  
and The Scottish Secondary Teachers' Association and  
The Professional Association of Teachers,  
The National Association of School Masters Union of Women Teachers,  
Headteachers Association of Scotland and the  
Association of Headteachers in Scotland.**

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1. The \_\_\_\_\_ Council hereby recognises The EIS, SSTA, PAT, NAS/UWT, HAS and AHTS \* as the sole representatives of the teaching staff, music instructors, advisers and educational psychologists 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 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 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
  - other allowances
  - discipline and grievance procedures

shall be adopted as the base for negotiations under the procedures established by this Recognition and Procedure Agreement.
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, music instructors, educational advisers and educational psychologists.
5. The Council hereby recognises the unions who are signatories to this 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 Management Side appointed by itself. The recognised unions will negotiate through a joint union side appointed by them 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 \_\_\_\_\_ \* Council Joint Negotiating Committee for Teaching Staff. Meetings of the Committee shall be held as and when requested by either side with the proviso that there will be at least \_\_\_\_\_ \* meetings in each calendar year. One of the meetings shall be designated the Annual General Meeting for the purpose of approving the membership of the JNC and reviewing any standing sub-committees. The joint secretaries shall be responsible for making the arrangements for meetings which shall be arranged within \_\_\_\_\_ \* days of a request being lodged, or otherwise by mutual agreement.
8. The composition of each side of the Committee shall be determined by the sides separately, but shall not exceed \_\_\_\_\_ \* members of each side. The Committee may, from time to time, appoint from among its own members a sub-committee or sub-committees to discharge such of the functions of the Committee as the Committee may specify.
9. The quorum for a meeting of the Committee shall be \_\_\_\_\_ \* from the Management Side and \_\_\_\_\_ \* from the Joint Union Side. In the case of a sub-committee, the quorum shall be determined by the Committee when the sub-committee is first established.
10. Agreements reached by the Committee shall be binding on the Council and the signatory unions and each of the parties hereto hereby confirm that they have the authority to bind the party on whose behalf they sign in terms of this Recognition and Procedure Agreement.
11. 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 SNCT.
12. The joint secretaries will be available to advise their respective sides on matters relating to agreements reached by the Committee. In formulating such advice the joint secretaries may consult with each other whenever they think it appropriate.
13. 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.
14. No variation to this Recognition and Procedure Agreement may be made except with the consent of the Sides to this agreement.
15. The Council hereby agrees to ensure that adequate paid time off work shall be granted to all union representatives on the Joint Negotiating Committee 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.
16. 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.
17. 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 Committee. The Council further agrees not to implement any change which is the subject of dispute until the matter has been considered by the Committee. The signatory unions, likewise, further agree not to implement any form of industrial action unless and until the Committee has failed to achieve a resolution of the matter in dispute.
18. Where agreement between the two sides of the local negotiating committee 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.

Signed on behalf of the Council

Name

Designation

Date

Signed on behalf of the Teachers' Side

Name

Designation

Date

\* To be completed as agreed by the Management Side and the Joint Union Side.