

ANGUS JOINT NEGOTIATING COMMITTEE FOR TEACHERS

Joint Secretary (Teachers' Panel) Philip Jackson c/o EIS Offices 24 West High Street Forfar DD8 1BA	Joint Secretary (Angus Council) Catherine A Coull Director of law and Administration St James House Forfar DD8 2ZE
---	--

25 November 2003

EW/SME/DP/AB

Dear Colleague

AJNCT/9 AMENDMENTS TO AJNCT CONSTITUTION DEVOLVED DECISION MAKING

It was agreed, at a meeting held on 26 May 2003, that there was a need to clarify the arrangements for local bargaining through the AJNCT in Angus.

At the meeting of the AJNCT held on 15 September 2003 the following statement was approved:

Annex F of "A Teaching Profession for the 21st Century" clarifies the arrangements for local bargaining.

Agreements on devolved matters would be reached at the AJNCT and ratified by the Staffing Sub prior to any implementations.

Any proposed changes to these arrangements must be referred back to the AJNCT for further agreement.

All such agreements would be reported to the SNCT for information and issued to all educational establishments for implementation.

The appropriate amendments have now been made to the constitution which is attached.

Yours sincerely

**CATHERINE A COULL
PHILIP JACKSON**

Joint Secretaries

cc Chief Executive
Director of Education
Director of Finance
Personnel Services Manager

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 Annex F of "A Teaching Profession for the 21st Century" clarifies the arrangements for local bargaining. In this context, the JNCT will make all efforts to reach agreements on devolved matters. It is acknowledged that any such agreements will require to be ratified by the Staffing Sub-Committee (of the Council's Education Committee), which has delegated powers to approve these agreements, before they are binding on the Council and prior to any implementation.

- 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) for information and issued to all educational establishments for implementation.
- 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

.....
Catherine A Coull

.....
Date

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

.....
P Jackson

.....
Date

ANGUS JOINT NEGOTIATING COMMITTEE FOR TEACHERS

Extract of MINUTE of MEETING of the **EDUCATION COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 5 March 2002 at 4.00 pm.

2. FORMATION OF JOINT NEGOTIATING COMMITTEE FOR TEACHERS

The Committee agreed:-

- (i) to note that part of the National Agreement on Teachers' Salaries and Conditions of Service ("A Teaching Profession for the 21st Century") contained 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);
- (ii) to record 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 had been incorporated into the Report (311/02) and its appendix;
- (iii) to formally establish an Angus Joint Negotiating Committee for Teachers (Angus JNCT), the proposed constitution of which was set out in the appendix attached to the Report;
- (iv) to formally recommend to the JCC (Teachers) that it should be disbanded on the formation of the proposed new JNCT;
- (v) to delegate, to the Staffing Sub-Committee, powers to ratify any agreements reached by the JNCT, thereby amending its delegated functions as follows:

"The 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, the following:

- (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;"*
- (vi) to confirm that the Sub-Committee shall comprise three members of the Education Committee (two of whom will normally be the two Councillor representatives on the JNCT), that members may appoint substitutes who must also be Councillor members of the Education Committee, and that the quorum shall be three members; and
- (vii) to confirm that the Convener and Vice-Convener of the Education Committee would be the two Councillor representatives on the JNCT.