

LOCAL FRAMEWORK RECOGNITION AND PROCEDURE AGREEMENT

1. SUMMARY

- 1.1 The National Agreement reached following recommendations made in the McCrone Report provided for the establishment of a Joint Negotiating Committee for Argyll and Bute.
- 1.2 The Committee will have responsibility to negotiate certain conditions of service and other local matters related to the organisation of the Education Service.
- 1.3 The Council is required to establish this Committee and agree its terms of reference.

2. RECOMMENDATIONS

- 2.1 The Strategic Policy Committee is asked to agree that a Local Negotiating Committee be established in terms of the framework document attached as Appendix 1.

3. DETAIL

- 3.1 Argyll and Bute Council is required to establish a Local Negotiating Committee as part of the National Agreement reached following the publication of the McCrone Report.
- 3.2 Formal discussions have taken place with the Teacher Trade Unions and Associations and they have had an opportunity to make proposals for incorporation in the paper.
- 3.3 It is proposed that the Negotiating Committee report to the Strategic Policy Committee. Members are asked to agree that the composition of the Management Side be:

Education Spokesperson (Management Side Chair)
One Councillor from Non Aligned Group
One Other Councillor
Director of Education
Representative from Head Teachers' Association Scotland (Secondary
Head Teachers)
Representative from Association of Head Teachers Scotland (Primary
Head Teachers)

The Teachers' Side are responsible for their own representation. The number involved however should not exceed six members.

3.4 The Committee will operate within the Standing Orders of the Council.

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Argyll and Bute Council
9 April 2002

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**Framework Local Recognition and Procedure Agreement
between Argyll and Bute 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.**

1. Argyll and Bute 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. HAS and AHTS representatives will serve on the management side of the local committee.
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 Argyll and Bute 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 three 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 fourteen 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 six members on each side. The Committee may, from time to time, appoint 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 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 Committee when the sub-committee is first established.
10. Agreement reached by the Committee shall be binding on the Council and the signatory unions as soon as this has been homologated by the Strategic Policy Committee or such other committee or in terms of such other arrangements the Council will make. Each of the parties confirm that they have the authority to undertake this responsibility in terms of the Recognition and Procedures 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 both Sides to this agreement.
15. The Council hereby agrees to ensure that the 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.