

# ANGUS JOINT NEGOTIATING COMMITTEE FOR TEACHERS

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12 January 2011

SCH/SF

Dear Colleague

## **AJNCT/27**

### **ADDENDUM TO AJNCT CONSTITUTION – PROTOCOL ON LIAISON WITH THE MEDIA**

At a meeting of the Angus Joint Negotiating Committee for Teachers held on 15 September 2010, the contents of a Protocol on Liaison with the Media were approved and subsequently ratified by the Staffing Sub-Committee on 20 October.

2.2 of the Constitution includes the undernoted assertion:

***“The Council and the recognised unions jointly affirm their commitment to the maintenance of good industrial relations .....*”**

The following protocol has been drawn up in support of that shared commitment, and sets out the agreed position of the JNCT with regard to the specific matter of contact with the media:-

### **PROTOCOL**

As a general principle, the signatory parties to the JNCT Constitution shall seek to resolve by discussion and/or negotiation within the JNCT any issue relating to matters which fall within its remit.

It would not be normal practice for either side to approach or to comment to the media on any such issues unless or until every effort had been made to seek the views of the other side and, as appropriate, address related matters informally or, formally, through agreed JNCT procedures.

All members of the JNCT have a shared responsibility to seek to maintain good industrial relations. Each party will have regard to this responsibility in responding to the media about any matter which is recognised to be within the remit of the JNCT.

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

Yours sincerely

**SHEONA C HUNTER**  
**PHILIP JACKSON**  
Joint Secretaries

cc Chief Executive  
Director of Education  
Head of Finance  
Assistant Chief Executive

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# **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 21<sup>st</sup> 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 Head 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 parties should seek to resolve without delay, by discussion and/or negotiation within the JNCT any issue relating to matters which fall within its remit. The Council will not implement any change which is the subject of dispute until the matter has been considered by the JNCT. The signatory parties, 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. It would not be normal practice for either side to approach or to comment to the media on any such issues unless, or until, every effort had been made to seek the views of the other side and, as appropriate, address related matters informally or, formally, through agreed JNCT procedures.
- 5.8 All members of the JNCT have a shared responsibility to seek to maintain good industrial relations. Each party will have regard to this responsibility in responding to the media about any matter which is recognised to be within the remit of the JNCT.
- 5.9 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

Sheona C Hunter

Date: 13 January 2011

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

Philip Jackson

Date: 27 January 2011