

## **EAST AYRSHIRE COUNCIL**

**JOINT NEGOTIATING COMMITTEE FOR TEACHING STAFF – 12 FEBRUARY 2009**

### **JNCT CIRCULAR 17: MODEL LEARNING AGREEMENT BETWEEN THE EIS AND EAST AYRSHIRE COUNCIL**

#### **Report by Executive Director of Educational and Social Services**

#### **1. PURPOSE**

- 1.1** The purpose of the report is to ask the Joint Negotiating Committee to approve the Model Learning Agreement reached between the EIS and the Council.

#### **2. BACKGROUND**

- 2.1** The Employment Act 2002 extends the rights and recognition of Trade Union Representatives to include union appointed Learning Representatives. These rights include:

- Reasonable time off with pay to undertake the appropriate training for the role;
- Reasonable time off with pay to perform their functions.

The ACAS Code of Practice on Time Off for Trade Union Duties and Activities confirms the terms of the Act and clarifies the rights and responsibilities of employers and unions in relation to Union Learning Representatives. The Model Learning Agreement between the EIS and the Council sets out how this will be adopted in practice.

#### **3. PROPOSAL**

- 3.1** The proposed Model Learning Agreement is attached as Appendix 1.

#### **4 POLICY / FINANCIAL/COMMUNITY PLANNING/RISK IMPLICATIONS**

- 4.1** None

#### **5 RECOMMENDATIONS**

- 5.1** It is recommended that Members:-

- (i) agree the attached Model Learning Agreement between the EIS and the Council.
- (ii) otherwise note the contents of the report.

Graham Short  
Executive Director of Educational and Social Services

AS/KG

27January 2009

Members requiring further information should contact Andrew Sutherland, Head of Service: Schools (01563) 576126

**LIST OF BACKGROUND PAPERS**

Nil

**Implementation Officer: Andrew Sutherland, Head of Service: Schools**

**EAST AYRSHIRE COUNCIL  
DEPARTMENT OF EDUCATIONAL AND SOCIAL SERVICES**

**MODEL LEARNING AGREEMENT BETWEEN THE EIS  
AND EAST AYRSHIRE COUNCIL**

**1. BACKGROUND AND INTRODUCTION**

The Scottish Government's "Learning Policy for Scotland" is based on the principles of "personal fulfilment and enterprise, employability and adaptability, active citizenship and social inclusion". This means a culture in which education and training are available and accessible for everyone, within the context of the Council's responsibilities under equality directives, and learning takes on the broader sense of "gaining skills to develop the confidence to progress and participate in work and the wider community".

East Ayrshire Council supports these principles and is committed to supporting them through the development of skills and knowledge of its employees to ensure the continued delivery of high quality services to the people of East Ayrshire Council.

The Educational Institute of Scotland as a learning organisation also supports these principles and is committed to partnership working with leading stakeholders in education both nationally and locally in taking forward the continuing professional development agenda for teaching staff. EIS Learning Representatives are integral to this process and are being appointed to support this agenda in all local authority areas.

East Ayrshire Council and the Institute agree that, as indicated in "A Teaching Profession for the 21<sup>st</sup> Century", the continuing professional development of teachers is both an entitlement and requirement for all teachers employed in the area of the Council.

The Employment Act 2002 extends the rights and recognition of Trade Union Representatives to include union appointed Learning Representatives. These rights include:

- Reasonable time off with pay to undertake the appropriate training for the role;
- Reasonable time off with pay to perform their functions.

The ACAS Code of Practice on Time Off for Trade Union Duties and Activities confirms the terms of the Act and clarifies the rights and responsibilities of employers and unions in relation to Union Learning Representatives.

The aims of both East Ayrshire Council and the Educational Institute of Scotland are compatible and will be realised when all parties involved in this agreement

communicate, co-operate and share ideas, information and resources. This Learning Agreement sets out how East Ayrshire Council and the Institute will work together to ensure that teachers have access to quality CPD. Both the Council and the Institute are committed to the implementation of this agreement and will work together to ensure its success.

Any changes to this agreement that are deemed necessary may be made through the appropriate local negotiating mechanisms that exist between the Council and the Institute. A minimum of three months notice will be given for proposed changes to this agreement, unless both parties agree to a lesser notice period.

## **2 PURPOSE**

**2.1** This agreement sets out to:

- Identify the respective roles of Learning Representatives and of the relevant personnel within the Council;
- Emphasise the importance of collegial working within education;
- Clarify the relationship between the Council and Learning Representatives;
- Set out arrangements for managing and maintaining relationships;
- Prevent duplication of effort, confusion or conflict.

**2.2** East Ayrshire Council believes that having a clear learning agreement will encourage:

- Collegial working involving teachers and Council personnel in taking forward the CPD agenda;
- A sharing of resources and expertise in the area of CPD;
- Teachers to feel confident in the quality of the learning opportunities they can access;
- Teachers and Council personnel to be clear about their respective roles;
- Learning Representatives to work in partnership within their schools and with the Council.

## **3 PRINCIPLES**

**3.1** Collegiality

Continuing professional development benefits teachers by building confidence which, *inter alia*, enables them to participate more fully in collegial working both within and outwith the school. CPD also contributes to improvements in learning and teaching. CPD benefits schools by building capacity for school improvement which contributes to the raising of achievement and attainment.

**3.2** Access and Equality

Access to quality learning opportunities will be available to all teachers in the area of East Ayrshire Council on an equitable basis. This will be assured through local agreements, collegiality at school level based on transparency, trust and professionalism.

### **3.3 Professional and Personal Development**

Teachers will be encouraged to learn and develop professionally, not solely in the identified needs of the education service, but also in learning for personal professional development and fulfilment. As part of this, teachers will be encouraged to have ownership of their learning and development within the framework of the agreed local policy on CPD and the Professional Review and Development Process.

### **3.4 Local Learning Initiatives**

Teachers will be encouraged to participate in any agreed local initiatives designed to promote teacher learning and professional development.

### **3.5 Protocol and Standards for Learning Representatives**

Learning Representatives will work within the terms of this Learning Agreement and also within the terms of the national Protocol and Standards which have been established for Institute Learning Representatives.

## **4. APPOINTMENT OF LEARNING REPRESENTATIVES**

**4.1** East Ayrshire Council and the Institute agree that Institute Learning Representatives are appointed by the Institute according to the terms of the Institute's National Constitution and Learning Representative Protocol, following the successful completion of an accredited module taught by an approved provider. For the purposes of this agreement, multi-establishment Learning Representatives will work at authority level and school cluster Learning Representatives will work within schools or across a group of schools.

## **5 THE ROLE OF LEARNING REPRESENTATIVES**

**5.1** The role of the Learning Representatives will be to address the learning needs of teachers in the area of the Council. As part of this, Learning Representatives will work with appropriate Council personnel to:

- Learn about and promote CPD opportunities from a variety of providers, including university providers;
- Inform, advise and support teachers in accessing quality CPD;
- Encourage the introduction of quality programmes of CPD for teachers;

- Assist in identifying the CPD needs of teachers and ways of improving their CPD opportunities;
- Support the work of East Ayrshire Council in developing CPD opportunities for teachers.

## **6 THE ENTITLEMENTS OF LEARNING REPRESENTATIVES**

- 6.1** East Ayrshire Council and the Institute agree to support the recruitment, training and development of future Learning Representatives and to support further training and development of Learning Representatives in post.
- 6.2** East Ayrshire Council and the Institute will, in partnership with Institute personnel, promote the role of Learning Representatives through all appropriate means.
- 6.3** East Ayrshire Council and the Institute will agree appropriate reasonable time off for Learning Representatives to undertake training and development and to fulfil their duties. Specified time off for Learning Representatives will be discussed and agreed through local negotiating mechanisms and will be dependent on budget restraints and the exigencies of the service. Such time off is additional to any arrangements for time off with pay for other union duties or other union positions held.

## **7. THE RESPONSIBILITIES OF THE EDUCATIONAL INSTITUTE OF SCOTLAND**

- 7.1** The Institute will provide the Council, from time to time, with notice in writing of the names of appointed Learning Representatives.
- 7.2** The Institute will promote awareness of the role of Learning Representatives within the Institute and will facilitate the recruitment and subsequent training and development of Learning Representatives.
- 7.3** The Institute will encourage Learning Representatives to play a full part in working with local representatives of the Institute and make use of local Institute facilities as appropriate.
- 7.4** The Institute will support the work of East Ayrshire Council in developing its own work in relation to CPD and will promote collegial working within schools.
- 7.5** The Institute will facilitate subsequent training and development, requiring reasonable time off, with pay, in agreement with the Council. Any time off with pay will be subject to any budget constraints and the exigencies of the service.

- 7.6** The Institute will facilitate meetings of Learning Representatives on a regular basis for support and updating on information, policy developments etc.

## **8 THE RESPONSIBILITIES OF THE COUNCIL**

- 8.1** East Ayrshire Council will ensure that appropriate education personnel and head teachers are fully aware of the contents of this Learning Agreement and will support head teachers in facilitating time off, consistent with the terms of 6.3 above, to enable Learning Representatives to fulfil their duties including training opportunities to support this work.
- 8.2** East Ayrshire Council will allow Learning Representatives to use workplace facilities as appropriate to support their role. Access will be facilitated subject to availability to a telephone, desk, PC, internal and external e-mail, intranet and internet, secure filing facilities, use of a notice-board, a private room for discussions with staff and access to other facilities as may be available to assist with their work.
- 8.3** East Ayrshire Council will provide supplementary training and development for recognised Learning Representatives to ensure familiarity with existing Council policies and procedures in relation to development and learning as well as to establish and maintain close and effective working relationships.
- 8.4** East Ayrshire Council will ensure that appropriate personnel arrange to meet with Learning Representatives in their area on a regular basis, a minimum being three times per year.

## **9 THE ROLE OF LEARNING REPRESENTATIVES WITHIN COUNCIL STRUCTURES**

- 9.1** The work of Learning Representatives complements the Council and school arrangements in relation to the CPD of teachers, including agreed arrangements as part of the Professional Review and Development process.
- 9.2** It is acknowledged that East Ayrshire Council has a number of existing processes and mechanisms in place related to teacher CPD and makes appointments of personnel at Council and school level to promote and develop CPD for teachers. Learning Representatives will support the work of the Council in this area.
- 9.3** The appropriate Council personnel and Learning Representatives will be brought together as appropriate to be trained, to share good practice and to help shape the future direction of CPD within the authority.
- 9.4** Through agreed local mechanisms, including the Professional Review and Development process, teachers and learning representatives will be encouraged and given paid time off subject to the exigencies of the service to attend events promoting learning such as joint CPD events.

## **10 MONITORING OF THE LEARNING AGREEMENT**

- 10.1** Representatives of East Ayrshire Council and the Institute at local level and Learning Representatives will meet at least once per year to monitor the effectiveness of the Agreement. This will include a review of progress, identification of successes, relevant issues and a general statement of aims for future work.
- 10.2** Any concerns about the implementation of this agreement should be raised with the relevant agreed Council and Institute personnel in the first instance and thereafter dealt with under agreed LNCT procedures.

## **11 LEGAL AND NEGOTIATING CONTEXT**

- 11.1** All individual disputes or grievances arising from any learning or educational initiative will be pursued through the existing local grievance procedures.
- 11.2** This agreement will not be used as an alternative to local negotiating mechanisms.
- 11.3** Nothing in this agreement shall take away or detract from the rights of EIS Learning Representatives under the Employment Act 2002 and the ACAS Code of Practice. Nor does this agreement prevent the Educational Institute of Scotland from seeking remedy for any breach either of the Act or the Code of Practice.

Andrew Sutherland  
Secretary, Management Side

Iain Harvey  
Secretary, Union Side

27 January 2009