

The Highland Council

Minutes of the **Local Negotiating Committee for Teaching Staff** held in the Convener's Hospitality Room, Council Headquarters, Glenurquhart Road, Inverness on Friday 8 November 2013 at 2.05 pm.

Present:

Representing the Management Side:

Mr A Christie
Ms J Douglas
Mr G MacKenzie
Mr G Ross

Representing the Joint Union Side:

Mr R Colman (EIS)
Ms A Macdonald (EIS)
Mr D Allan (SSTA)
Mr A Sutcliffe (SSTA)

Also Present:

Mr H Fraser, Joint Secretary, Management Side
Mr A Stewart, Joint Secretary, Joint Union Side
Mr D Fallows, Management Side

Officials in Attendance:

Ms E Kirkham, Workforce Planning and Staffing Manager, Education, Culture and Sport Service
Miss M Murray, Committee Administrator, Chief Executive's Office

Ms A Macdonald in the Chair

Business

1. Apologies for Absence

Apologies for absence were intimated on behalf of Dr D Alston and Mr M Green.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of Meeting held on 9 November 2012

The Committee **APPROVED** the Minutes of the Local Negotiating Committee for Teaching Staff held on 9 November 2012.

In relation to item 3 – Minutes of Meeting held on 11 November 2011 – the Joint Secretary, Joint Union Side referred to previous discussions regarding difficulties in obtaining supply cover. Anecdotal evidence indicated that difficulties continued to be experienced and an update was sought from the Management Side.

In response, the Joint Secretary, Management Side explained that the situation had deteriorated in some areas. Earlier in the week, a small primary school had been unable to open for a day as a result of staff and pupil illness and a lack of supply cover for the teaching Head Teacher. In secondary schools, there continued to be issues in

specific areas in Highland and increasing difficulties in certain subjects. It was a national issue in both urban and rural areas and a significant amount of work was ongoing in terms of looking at systems to make it easier for Head Teachers to get in touch with supply teachers in their area. However, it was recognised that there simply were not enough supply teachers in either the primary or the secondary sector.

4. Rationalisation of School Estate

On 16 December 2010, the Council had approved a report outlining a strategic review of education provision which would result in the creation of a sustainable school estate. The overall aim of the strategic review of the school estate was to develop a school environment which would sustain and improve education provision, pupil performance and outcomes for young people in Highland.

In that regard, there had been circulated a paper outlining proposed procedures for the appointment of teaching and promoted staff (Primary) to a new school following a strategic review of education provision within an Associated School Group.

The Joint Secretary, Management Side explained that the matter had been discussed at the LNCT Executive Group. The circulated document was the agreed position and covered ring-fencing, redeployment and advertising of posts. There was a logical flow which covered every eventuality and safeguarded teachers' positions.

The Joint Secretary, Joint Union Side confirmed that the document was the agreed position. However, there was still work to be done in terms of the implications for surplus staff.

Thereafter, the Committee **APPROVED** the proposed procedures.

5. Travel and Subsistence

There had been circulated the Travel and Subsistence Policy introduced in September 2010 for all Highland Council staff, excluding teachers and associated professionals for whom provision was contained within the Scottish Negotiating Committee for Teachers (SNCT). The SNCT Handbook of Conditions of Service for Teachers, Part 1: Appendix 1.3 - Local Framework Recognition and Procedure Agreement devolved the matter of consideration of the provision of travel and subsistence to Local Negotiating Committees for Teaching Staff (LNCT).

The Joint Secretary, Management Side explained that the existing provision for travel and subsistence for teachers and associated professions as outlined in Part 4 of the SNCT Handbook dated back to 1984 and it was proposed to move to a situation where all Council employees had the same conditions. The matter had been debated at the LNCT Executive Group and, at the last meeting, the Management Side had indicated that it would be recommending that the LNCT agree that the Council's Policy on Travel and Subsistence be implemented for teachers and associated professionals. However, the Joint Union Side was not of the same view.

The Joint Secretary, Joint Union Side provided a detailed explanation of the background to the current position during which it was explained that most teachers were casual car users as they worked in a specific school and, if they used their car to attend a course or meeting, they claimed the casual mileage rate. However, a number of teachers, for example, visiting teachers and music instructors, could not do their job

without a car and were therefore classed as essential car users. Highland was a rural area and these teachers travelled several thousand miles per year. Under the existing arrangements, they received a lump sum to offset the cost of tyres, servicing and depreciation etc as well as a mileage rate.

The mileage rates had increased every year from 1984, when the arrangements were implemented, to 1999 when CoSLA decided to allow local authorities to deal with any increases in mileage rates. In 2001, the SNCT Agreement officially devolved the matter to the LNCT.

Since that time, despite letters having been written to the Head of Personnel and the Assistant Chief Executive and the issue having been raised several times at both the LNCT Executive Group and the formal LNCT, no changes had been negotiated to the arrangements. The mileage rates dated back to 1999 and, due to the increasing cost of petrol, did not cover what users were paying out.

Turning to the recommendation by the Management Side, adopting the policy would mean a reduction in the casual user rate although that was acceptable as, conversely, the training rate would increase. However, the abolition of essential car user status meant that any user who drove less than 8300 miles per year would lose out on recompense for their travel. This was considered to be inherently unfair, especially given that mileage rates were several years out of date.

It had been suggested, at the LNCT Executive Group, that the Joint Union Side would accept the Council's Policy for new employees. However, it could not agree to it for existing employees who were classed as essential users as they had no option but to travel as part of their job. In conclusion, the Joint Union Side would agree to the Council's policy if protection was afforded to existing essential car users.

The Joint Secretary, Management Side highlighted that the same implications applied to former essential car users within the Council, represented by non-teaching unions, and they had agreed to the policy.

In response the Joint Secretary, Joint Union Side pointed out that the new policy for other employees was part of the Single Status arrangement which specifically excluded teachers. The LNCT was charged with negotiating such conditions for teachers and had to look specifically at the implications for teachers and what other non-teaching unions agreed was not relevant to the discussion.

During further discussion, it was explained that no changes could be made without the agreement of the LNCT and, as part of the Recognition Agreement, there was a facility to refer any issue on which agreement could not be reached to the Joint Secretaries of the SNCT. There being failure to reach an agreement, it was suggested that the matter be referred back to the Joint Secretaries to discuss the next step and how the SNCT would or would not be involved.

Thereafter, the Committee **AGREED** that the issue of travel and subsistence for teachers and associated professionals be referred back to the Joint Secretaries of the LNCT for further discussion as to the next step.

6. Health Surveillance

The Council had a duty of care to all staff and, in order to check that hazards were not affecting the health of staff and that the safeguards in place were working correctly, it was required under law to provide health surveillance. Currently, the Council employed the services of RS Occupational Health to carry out health surveillance for employees who were exposed to hazards whilst at work - for example, noise, fumes, chemicals, dust and vibration.

In that regard, there had been circulated an Advice Note produced to ensure that teachers were properly informed about the purpose of health surveillance checks.

The Joint Secretary, Management Side explained that the Advice Note formalised practice developed over a period of time. It had been discussed at the LNCT Executive Group and the wording, processes and roles and responsibilities had been agreed. Importantly, the Advice Note set out the position with regard to access to Occupational Health records.

The Joint Secretary, Joint Union Side confirmed that the Advice Note had the agreement of the Joint Union Side and emphasised the importance of reassuring staff about the confidentiality of medical information.

Thereafter, the Committee **AGREED** that the Advice Note be issued by RS Occupational Health to all teachers required to undergo health surveillance checks prior to those checks being carried out.

7. School Improvement through Self-Evaluation

There had been circulated documents relating to school improvement through self-evaluation, the aim of which was to promote a more focused approach to lesson observations to ensure they were linked to staff development and resulted in sustained improvements in learning and teaching. They built upon the very good and positive work proposed in LNCT agreements 16 and 29 and it was proposed that they be released to schools as operational guidance.

The reason for this approach was that HMI inspections and Quality Assurance visits to schools had highlighted self-evaluation as a key issue for improvement in Highland. One aspect of self-evaluation was carrying out direct observations of learning and teaching.

The Joint Secretary, Management Side explained that the matter had been discussed at the LNCT Executive Group and the documents reflected the agreed wording and procedures. Direct observations were an important element of professional development of teaching staff and the guidance would facilitate the process. It was important that the procedures were clear so they could be applied consistently and all parties understood their duties and responsibilities. In addition, it was important to specify who had access to information and for what purpose.

The Joint Union Side confirmed their support of the guidance and emphasised the importance of ensuring Head Teachers and staff were aware of it.

Thereafter, the Committee **APPROVED** the documents for use in schools.

8. Budget Update

The Director of Education, Culture and Sport provided an update on the current budget position, during which it was explained that there were significant areas of pressure which had repeatedly been reported to the Adult and Children's Services Committee. These related to additional support needs, school transport costs and catering, both in terms of compliance with statutory duties and the cost of produce. Combined, they amounted to a total budget pressure in excess of £1.5M. However, mitigating actions had been identified which reduced the pressure to just over £0.700M and officers were focused on reducing it further, the aim being a balanced budget at the end of the financial year.

The Council had set a budget which covered more than one year and, in relation to 2014/15, it was important to ensure that the savings which had been agreed could be delivered and to take account of the aforementioned budget pressures.

Looking ahead, there would be a continuing period of austerity and it would be necessary to manage the impact of significantly reducing budgets. It was envisaged that, as budget proposals were brought forward, they would be consulted upon through the LNCT.

The Committee **NOTED** the position.

9. Work Plan

i. Professional Update for Teachers

At the Adult and Children's Service Committee on 22 May 2013, Members were advised of the introduction of the Professional Update for Teachers and, in noting the implications for the Council and its teachers, agreed to the involvement of Highland Council in Phase 2 of the General Teaching Council for Scotland (GTCS) Pilot for the Professional Update for Teachers.

The Professional Update would be rolled out over a period of five years beginning in August 2014 and the Highland Council was a pilot local authority during the course of the current school session which would assist in preparing for the roll out. In order to appropriately support the Professional Update, a new Policy on Professional Review and Development was currently being developed for all teachers. This would be presented to a future LNCT.

The Joint Secretary, Management Side explained that the Professional Update for Teachers was something that all local authorities had to implement for teachers to be able to continue to be registered. The GTCS would shortly be carrying out an assessment of the pilot and the outcome would be discussed at the LNCT Executive Group as well as the practicalities of moving forward over the next few years.

The Joint Secretary, Joint Union Side having commented that the discussions had started positively, the Committee **NOTED** the position.

ii. **Head Teacher/Depute Head Teacher Appointments**

The Joint Secretary, Management Side explained that joint work was continuing on the development of new procedures for the appointment of Head Teachers and Depute Head Teachers. Proposals for these appointments would be presented to a future LNCT for consideration.

There were robust procedures in place that were agreed through the LNCT a number of years ago. However, there was a need to review them to ensure that everyone involved in the process was confident in implementing them.

The Committee **NOTED** the position.

iii. **Transfer of Surplus Promoted Staff**

The Joint Secretary, Management Side explained that joint work was continuing on the development of new procedures for the transfer of surplus promoted staff in both the primary and secondary sector. Proposals for these appointments would be presented to a future LNCT for consideration.

The issue was closely linked to the rationalisation of the school estate as discussed at item 4. It was clear that, in the future, there might be situations where, as a result of roll reductions or school amalgamations, there were promoted staff who were surplus and it was important to have a joint agreement on how to deal with that. However, there was a lot of detail to be worked through.

The Joint Secretary, Joint Union Side commented that it was a difficult issue given the rural nature of Highland and large number of small schools. Ideas had been raised at a number of meetings, only to find that there were problems. However, it was hoped that progress could be made over the coming months.

Thereafter, the Committee **NOTED** the position.

iv. **Salary Conservation**

In 2016, National Conditions of Service for some promoted teachers would change resulting in the removal of lifetime conservation. Currently, 40 promoted teachers had been identified as likely to be affected by this change. However, by 2016, it was anticipated that, as a result of those affected either retiring from post or being appointed to other posts with a higher salary, this number would reduce to between 20-30.

In this regard, there had been circulated SNCT Joint Secretaries letter JS/11/26 which exhorted Councils to use their best endeavours to manage the process of change, which would involve working with trade unions through LNCT structures on the impact on promoted post holders arising from school rationalisation, management restructuring, job sizing and re-sizing. In addressing this matter for Highland teachers, it would be necessary to engage with individuals directly affected by the changes to conservation. Further discussions would also require to take place with the LNCT.

The Joint Secretary, Management Side explained that there was a lot of detail to be worked through and it was important to start now to allow sufficient time to engage with staff and have a plan in place well in advance of the implementation date.

The Joint Secretary, Joint Union side confirmed that it was a matter of some urgency and emphasised the importance of engaging with and supporting affected staff.

Thereafter, the Committee **NOTED** the position.

The meeting concluded at 2.45 pm.