

**The Highland Council**

Minutes of the **Local Negotiating Committee for Teachers** held in Committee Room 1, Council Headquarters, Glenurquhart Road, Inverness on Friday 17 June 2016 at 2.00 pm.

**Present:**

**Representing the Management Side:**

Mr D Millar  
Mrs F Robertson  
Mr S Fuller

**Representing the Teachers' Side**

Ms A MacDonald (EIS)  
Mr A Whiteford (EIS)  
Mr A Sutcliffe (SSTA)

**Also Present:**

Mr J Steven, Head of Education/Acting Joint Secretary, Management Side  
Ms C McCombie, Joint Secretary, Teachers' Side  
Mr A Bell, Assistant Joint Secretary, Teachers' Side  
Mr D Allan (SSTA), Observer

**Officials in Attendance:**

Ms R Bell, Policy Officer, Care and Learning Service  
Ms A MacPherson, Acting Workforce Planning and Staffing Manager, Care and Learning Service  
Ms B Johnstone, HR Business Partner, Corporate Development Service  
Miss M Murray, Committee Administrator, Corporate Development Service

**Ms A MacDonald in the Chair**

**Business**

**1. Apologies for Absence**

Apologies for absence were intimated on behalf of Mr A Christie, Mr B Fernie (OCB), Mr A Mackinnon, Mrs B McAllister, Ms M Bell, Mr R Fyfe, Mrs J Moran, Mr S Tillman and Mr N Lumsden.

**2. Declarations of Interest**

There were no declarations of interest.

**3. Minutes of Meeting held on 6 November 2015**

The Minutes of the Local Negotiating Committee for Teachers held on 6 November 2015 were **APPROVED**.

**4. Budget Update**

The Head of Education explained that the Care and Learning Service had delivered a balanced budget in 2015/16, which had been challenging given the financial

climate. There was positive news in that it had been confirmed that one-off funding would be made available which would remove all debt from schools. Schools that were carrying forward a surplus would retain it. Going forward, budget pressures continued but close monitoring would take place on a three-weekly basis. Every effort was being made to achieve the required pupil-teacher ratio and there were a number of funding streams tied to that.

The Teachers' Side, acknowledged the budget pressures the Council was facing and that difficult decisions required to be made. However, of particular concern was the impact on learners as a result of the reduction in Additional Support Needs (ASN) provision across Highland. This would have a negative impact on all learners and make the job of class teachers significantly more difficult. Focussing only on pupils with higher levels of need would leave those with lesser needs to struggle and might mean that teachers were unable to provide the level of support already agreed as part of the Child's Plan. Lack of appropriate support would also lead to disaffection and low level disruption. All pupils had a right to have their needs met and reference was made to Getting It Right For Every Child. The removal of Pupil Support Assistant posts, in some cases nearly half of the school's current entitlement, would put additional pressure on class teachers and make it harder for them to meet the needs of all pupils. In addition, the extent of the cuts would make it harder to close the attainment gap.

The Head of Education acknowledged the impact on schools and explained that it could not be avoided in terms of balancing the overall budget. However, Members were exploring whether it could be mitigated in some way.

The Committee **NOTED** the position.

## **5. Work Plan 2015-16: Review**

### **i. Review of HR Policies**

It had been agreed at the formal LNCT on 19 June 2015 that a number of Human Resource (HR) related policies for teachers and associated professionals were out of date and required to be refreshed. Recent discussions at the LNCT Executive had focussed on (1) provision for travel and subsistence; and (2) provision for special leave.

Through the SNCT, separate provision was made for travel and subsistence and although the Council's current policy on travel and subsistence had been presented to a previous LNCT, agreement had not been reached at that time. Discussions between the Council's HR Service and the LNCT Management and Teachers' Sides had continued in relation to the provisions for teachers and associated professionals and LNCT 36 Travel and Subsistence had been approved by the formal LNCT on Friday 6 November 2015.

Discussion had also continued between the Council's HR Service and the LNCT Management and Teachers Sides in relation to the current provision for special leave for teachers and associated professionals and LNCT 37 Special Leave Policy had been approved by the formal LNCT on Friday 6 November 2015.

Review of HR policies would remain on the Work Plan for 2016-17.

The Teachers' Side highlighted that the LNCT Agreements that would be examined in the current session had been agreed and were included in the Work Plan. The importance of this being manageable was emphasised.

The Committee **NOTED** the position.

## ii. **Salary Conservation**

National Conditions of Service for promoted teachers had changed with effect from 1 April 2016, resulting in the removal of lifetime conservation. Through retirements and appointments to other posts, the number of individuals affected by this change had reduced over the years and, as at the above date, 23 teachers had been affected by the removal of lifetime salary conservation.

During autumn 2015, all teachers affected by these changes had been contacted by letter and had had one to one meetings with the Workforce Planning and Staffing Manager and Principal Teacher Staffing Officer when discussions took place regarding their own personal circumstances as well as actions taken by the Council to try to mitigate the effect of these changes, these being:

- Guaranteed "ring fenced" interviews for available Principal Teacher Posts.
- Access to premature retirement compensation if appropriate savings could be identified.
- Access to voluntary severance if their post could be declared as surplus.

In November 2015, letters had been issued to all teachers affected by the change confirming what their salary would be with effect from 1 April 2016. These changes had also been notified to payroll.

The Committee **NOTED** the position.

## iii. **Tackling Bureaucracy and Managing Workload**

The concerns raised nationally over unnecessary bureaucracy and tackling workload had remained a priority during session 2015-16.

A follow-up report produced in March 2015 <http://www.gov.scot/Resource/0047/00473538.pdf> had become a key focus. The report had highlighted specific areas where changes needed to be made to tackle unnecessary bureaucracy. These had been in the areas of forward planning; assessment; self-evaluation and improvement processes; and monitoring and reporting. The report had outlined the actions that should be taken in each of these areas and had given examples of good practice.

A questionnaire had been issued to all schools asking for suggestions on what could be done to alleviate targeted areas around planning, monitoring and reporting systems and reporting formats. The outcomes from this questionnaire had become the focus of discussion with a representative group of Head Teachers.

Schools and central staff had also been reminded of the LNCT position on the two key issues of tackling bureaucracy and managing workload.

Tackling Bureaucracy and Managing Workload would remain on the Work Plan for 2016-17.

The Teachers' Side welcomed the inclusion of Tackling Bureaucracy and Managing Workload on the Work Plan for 2016-17 and agreed that it needed to be given higher priority than in the previous session.

The Committee **NOTED** the position.

#### **iv. Reporting**

During session 2015-16 the following had been delivered in relation to reporting:

- Officers had worked with schools to establish high quality profiles and the essential elements for ongoing reporting to parents.
- Officers had engaged with two pilot parent councils to evaluate their experience from the previous year.
- Volunteers from the pathfinder schools had been asked to work with their parent councils to trial ongoing reporting.
- Towards the end of 2015, more schools had been invited on board. This process had been based on using schools that already had effective profiling in place.
- Officers had continued to support schools with effective profiling and produce exemplars.
- Several secondary schools had started to use ongoing reporting through SEEMiS and their experience with this approach had been evaluated.

Reporting would remain on the Work Plan for 2016-17.

The Teachers' Side acknowledged the considerable amount of work that had taken place, particularly in relation to primary school reporting. The changes not only ensured that high quality and effective profiling was in place but had had a significant and welcome impact in terms of reducing teacher workload in the primary sector. In relation to the use of SEEMiS for ongoing reporting in some secondary schools, it was requested that the results of the evaluation be shared with the LNCT Executive at the earliest opportunity.

The Committee:-

- i. **NOTED** the position; and
- ii. **AGREED** that the results of the evaluation of the use of SEEMiS for ongoing reporting in secondary schools be shared with the LNCT Executive at the earliest opportunity.

#### **v. Whole School Reviews of Job Sizing of Promoted Posts in Schools**

Job Sizing had first been introduced in 2003 as part of the National Conditions of Service for Teachers as a method of measuring salaries for teacher promoted posts. Over the last five years, the Council had reviewed

the job sizing of newly created promoted posts and all posts which had become vacant. This had allowed variations in school rolls to be taken into account when re-sizing posts.

Under the terms of the SNCT, any individual could ask for their post to be re-sized. Criteria, which were set nationally, had to be met in order to proceed with a request from an individual. Local authorities could also review the job sizing of posts held by individuals, but the same national criteria had to be met in these circumstances.

Against the backdrop of some major roll changes across Highland schools, it had been agreed that a rolling programme of whole school job sizing reviews would be implemented once the census figures for September 2015 had been finalised with the Scottish Government. An initial assessment based on current whole school information had indicated that 7 of the 29 secondary schools in Highland met the criteria for a whole school review. A management restructure had now been completed in Golspie High School and consultation had begun within Tain Royal Academy and Alness Academy. Work would continue to progress job sizing reviews across remaining secondary schools.

It was highlighted that any promoted teacher whose salary was reduced as a result of a job sizing review would be entitled to three years cash conservation of salary in line with the national conditions of service for teachers.

Whole school reviews of job sizing of promoted posts in schools would remain on the Work Plan for 2016-17.

The Teachers' Side commented that whole school reviews had a significant impact on all teaching staff and school communities. The importance of keeping the Teachers' Side fully informed of the schools affected was emphasised.

The Committee **NOTED** the position.

## **6. LNCT 3: Appointments Procedure – Principal Teacher (Faculty Heads) Secondary, Management Restructuring**

LNCT 3 had originally been written in 2004 following the McCrone Agreement and the introduction of new management structures in secondary schools. The Agreement set out revised appointments procedures for the filling of Principal Teacher posts.

As the service was now reviewing management structures in secondary schools in terms of Principal Teacher formula entitlement, the Agreement required to be updated to take into account current practices.

There had been circulated a paper which set out the key areas in the revised procedures as follows:

- Process
- Matching procedure

- Eligibility for Promoted posts and Appointments Process

Arising from discussions at their pre-meeting, the Teachers' Side suggested the following amendment to the final paragraph of section 3 of the Agreement:-

*“Matching in is restricted to the initial filling of Principal Teacher posts in the new structure, and may apply to only a small number of posts. It should be noted that once the new structure is established, future vacancies will be recruited to in the normal way and ~~there will be no further matching to posts~~ *matching in of posts will be restricted to the transfer of staff who are on the Principal Teacher Redeployment Register, provided this does not overstaff the schools.*”*

The Management Side confirmed that it was content with the proposed amendment.

The Teachers' Side went on to comment that the Council, as an employer, had the right to restructure and to determine the number of promoted posts in schools. Whilst recognising the financial constraints under which the Council was currently operating, the Teachers' Side had strong concerns that the impetus for restructuring might be financial and that the resultant reduction in the number of Principal Teacher posts would, in the first instance, mean that a number of effective Principal Teachers would lose their position and potentially face a significant reduction in their salary. In the longer term, promotion opportunities for teachers in Highland would be eroded. However, the fact that the Principal Teacher entitlement formula had been made more accessible and therefore more open and transparent to schools was welcomed. The inclusion of the consultation procedure in the Agreement was also welcomed and it was presumed that this would ensure more meaningful consultation.

The Management Side emphasised that it was a matter of transparency and fairness across all schools in Highland. However, the Service did work to a budget. It was explained that any Principal Teacher who was not appointed as part of a restructure would have their salary conserved by national conditions for three years and would have the opportunity to be on the Redeployment Register.

Thereafter, having emphasised that it was in the interests of both sides to minimise the number of teachers who were disadvantaged, the Committee **APPROVED** LNCT Agreement 3: Appointments Procedures – Principal Teachers (Faculty Heads) Secondary, Management Restructuring subject to the proposed amendment.

## **7. Work Plan 2016/17**

### **i. National Improvement Framework**

The National Improvement Framework (NIF) would ensure that the education system was continually improving and that excellent learning was provided for all children and young people, addressing educational inequality.

The NIF priorities were:

- To improve attainment for all, particularly in literacy and numeracy.
- To improve the learning progress of every child by reducing inequality in education.
- To improve children and young people's health and wellbeing.

- To improve employability skills and sustained positive school leaver destinations for all young people.

These priorities would set the agenda for school improvement during session 2016-17. It was important that schools set their improvement plans around these priorities and it was vital that these plans were achievable within the resource available to the school. Schools would be reminded that, in the delivery of their plans, they should consider carefully any workload implications that might impact on staff.

Whilst recognising that the NIF was a Scottish Government initiative, the Teachers' Side emphasised the importance of regular communication and consultation on all areas of NIF implementation. Disappointment was expressed regarding the lack of notice and consultation surrounding a recent data collection request, particularly as it came the day after an LNCT meeting. The request saw teachers being asked to input data already recorded in SEEMiS and SPP tracking sheets and which could have been accessed centrally to avoid placing an additional workload burden on teachers. The Teachers' Side was keen to avoid such a situation occurring in the future and emphasised its commitment to working with the Management Side on the rollout of the NIF throughout Highland.

The Management Side acknowledged the concerns raised and explained that the timescales imposed by the Scottish Government had been extremely tight. A review of the data collection process had been put in place to establish what information was available centrally and prevent the same situation occurring in the future.

The Chair commented that the Teachers' Side would welcome working with the Management Side over the coming year with a view to streamlining procedures.

The Committee **NOTED** the position.

## ii. **Management of Schools**

The Management of Schools project would deliver on the six agreed workstreams:

- Curriculum delivery
- School Management
- Leadership
- Early Years
- Recruitment
- School Support Services

The timescale for implementation of this project was three to four years. It would provide a sustainable educational delivery model for Highland. Detailed implementation plans would be produced for discussion with all key stakeholders. Officers and teachers would work in partnership through the LNCT to pick up any issues that might arise during the implementation process. This might involve the establishment of a sub-group of the LNCT Executive which would meet on a more frequent basis.

The Teachers' Side emphasised its commitment to working together and welcomed the assurance by the Management Side that there would be effective and meaningful consultation in relation to the various workstreams. Disappointment was expressed that some of the specifics to be covered in the workstreams had not been brought to the LNCT before being presented to the Education, Children and Adult Services Committee. However, a meeting had taken place with the Head of Education and progress had been made in terms of moving forward in partnership.

The Committee **NOTED** the position.

### **iii. Tackling Bureaucracy and Managing Workload**

Discussion had continued at the LNCT Executive in relation to tackling bureaucracy and managing workload. There had been circulated a draft Workload Control Agreement which had been approved by the LNCT Executive and would now be distributed to Head Teacher representative groups for consultation.

In addition, part of the role of the LNCT was to monitor Working Time Agreements for schools and the Teacher and Management Sides of the LNCT intended to continue the joint monitoring of the agreements for 2016-17 in order to identify and share examples of good practice already taking place across schools and to discuss any issues of concern.

The Teachers' Side emphasised its commitment to working in partnership on this workstream and identifying practical examples as to how teachers could reduce their workload. Primary school reporting was cited as a good example.

Working Time Agreements were a key tool in managing and controlling teacher workload and, in relation to the annual return for session 2015-16, disappointment was expressed that more than 30% of schools had not returned Agreements weeks and, in some cases, months after the deadline. Following this poor return, the Policy Officer had committed considerable time to working with the Teachers' Side to ensure that Joint Secretary working time advice, guidance and support for session 2016-17 was issued more or less in accordance with the timeframe contained in LNCT 17. The Teachers' Side had identified some concerns regarding the overall process and welcomed the commitment by the Head of Education to work in partnership to ensure better communication and forward planning, particularly in relation to the Council priorities schools were directed to allow time for. It was disappointing that, as of Monday 13 June 2016, two weeks after the deadline, only 90 of over 200 schools had returned Working Time Agreements for the next session. It was acknowledged that the Council was taking steps to ensure that outstanding returns were submitted before the summer break and it was requested that work continue to ensure that there was not a repeat of the situation in 2015-16.

The Management Side explained that a reminder had been issued and approximately 160 Working Time Agreements had now been received. A further reminder would be issued to ensure that they were all in place for the



start of the new session in August 2016. In addition, there had been a change in the process whereby, in future, the priorities put forward by the Council would be available for discussion and finalisation prior to the Working Time Agreement letter being issued.

The Committee **NOTED** the position.

#### **iv. Reporting**

A profiling Continuing Professional Development (CPD) agenda had been produced on the back of the 2015-16 actions and would be shared with the Senior Management Team across Highland during April to June 2016. All schools had now identified when they would be moving to the new model and would have profiling and reporting included in their School Improvement Plans in the next three years. Schools would approach this in a collegiate way with staff, pupils and parents in accordance with the guidance developed by working with the pilot schools, staff and parent councils as per the action plan for 2015-16.

Officers would continue to oversee the rollout of profiling across all schools and consult with key stakeholders regarding improvements to the process.

The Teachers' Side was keen to see the rollout across schools and that secondary schools were not overlooked, both in terms of reporting and workload.

The Committee **NOTED** the position.

#### **v. Whole School Reviews of Job Sizing of Promoted Posts in Schools and Principal Teacher Entitlement Reviews in Secondary Schools**

The rolling programme of whole school job sizing reviews would continue next session. Also, budget savings approved for 2016-17 included the removal of over-entitlement in secondary schools in relation to their Principal Teacher Staffing formula. There had been ongoing discussion at the LNCT Executive, Head Teacher Representative Groups and with secondary Head Teachers with regard to addressing this.

A work plan and timetable would be drawn up in terms of secondary schools that met the criteria for a whole school review and/or were over their Principal Teacher Staffing formula. Head Teachers would be briefed and a full communication exercise would be undertaken with the promoted staff in the schools affected.

The Teachers' Side commented that the reduction of 71 Full Time Equivalent posts across Highland as well as the reduction in Principal Teacher posts would have a significant impact on teachers and learners. Many schools were not able to offer courses and concern was expressed regarding the number of instances of teachers being asked to teach bi-level and multi-level classes which, in some cases, included National 2, 3, 4 and 5. Concern was also expressed that teachers were being asked to teach subjects they were not qualified in.

The Management Side was aware of the situation and explained that some bi-level teaching was to be encouraged as if young people did not succeed at one level they might succeed at another. In addition, some secondary schools were very small and single level classes were not practicable. However, it was acknowledged that the number of levels needed to be monitored and that, in using flexible approaches to delivery, Head Teachers needed to be mindful of the pressure they were putting on staff, particularly if there was an associated development workload.

The Committee **NOTED** the position.

**vi. Review of HR Policies – Flexible Working**

The Council believed that flexible working could increase staff motivation, promote work/life balance, reduce employee stress and improve performance and productivity. Further discussion between Council HR Services and the LNCT Management and Teachers' Sides was scheduled to take place on the current provision for flexible working for teachers and associated professionals.

The Committee **NOTED** the position.

**vii. Review of LNCT Agreements**

Following recent discussions at the LNCT Executive it had been agreed that a number of LNCT Agreements were out of date and required to be refreshed. Discussion had focussed on the need to review the following agreements:

**a. LNCT 11: Agreement on the 35 Hour Week for Teachers**

This Agreement had been approved in 2005 and had been based on the Code of Practice on Working Time Arrangements for Teachers. Recent discussions at the LNCT Executive had highlighted that this Agreement was out of date and may have been superseded by LNCT 17 Agreement on the 35 Hour Week for Teachers (revised June 2015) which had been approved by the formal LNCT on 19 June 2015. Joint work would continue to review the procedures for agreement on the 35 hour week for teachers and the requirement for LNCT 11. An update would be provided at a future LNCT.

**b. LNCT 22: Student Placement Protocol**

This Agreement had been approved in 2006 to summarise the key responsibilities of both the local authority and schools in relation to student teacher placements. With the current increased numbers of students undertaking initial teacher education courses and the consequent increased demand for student placements, there was a need to continue to improve the coordination, provision and quality of student teacher placements. Joint work would continue to review the procedures for student teacher placements. A revised LNCT 22 would be presented to a future LNCT for approval.

**c. LNCT 23: Appointments Procedures – Head Teachers and Depute**

## **Head Teachers**

Joint work would continue to review the procedures for the appointment of Head Teachers and Depute Head Teachers, incorporating the requirement for the Scottish Qualification for Headship. A revised LNCT 23 would be presented to a future LNCT for approval.

The Committee **NOTED** the position and **AGREED** the Work Plan for 2016-17.

The meeting concluded at 2.35 pm.