

The Highland Council

Minutes of the **Local Negotiating Committee for Teachers** held in Committee Room 1, Council Headquarters, Glenurquhart Road, Inverness on Friday 4 November 2016 at 2.05 pm.

Present:

Representing the Management Side:

Mr B Fernie
Mr A Mackinnon
Mrs B McAllister
Mr D Millar

Representing the Teachers' Side

Ms A MacDonald (EIS)
Ms C McCombie (EIS)
Mr A Sutcliffe (SSTA)
Mr S Tillman (EIS)

Also Present:

Mr B Alexander, Joint Secretary, Management Side
Mr A Bell, Joint Secretary, Teachers' Side
Ms M Bell (EIS), Teachers' Side
Mr A Whiteford (EIS), Teachers' Side

Officials in Attendance:

Mr J Steven, Head of Education, Care and Learning Service
Ms R Bell, Policy Officer, Care and Learning Service
Ms A MacPherson, 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

Mr D Millar in the Chair

Business

1. Apologies

Apologies for absence were intimated on behalf of Mr A Christie, Mr S Fuller and Mrs F Robertson.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of Meeting held on 17 June 2016

The Minutes of the Local Negotiating Committee for Teachers held on 17 June 2016 were **APPROVED**.

4. Budget Update

The Director of Care and Learning gave a verbal update on the current budget

position, during which it was explained that work was ongoing across the Service to implement the various measures necessary to balance the budget for 2016/17 and good progress was being made.

In relation to 2017/18, despite attempts at both officer and Member level, it had been difficult to obtain significant information from the Scottish and UK Governments. It was expected that formal information would not be available until the spending review was announced in December 2016 and officers were therefore beginning to plan on the basis of intelligence which suggested that there would be a further significant grant reduction, perhaps on a par with 2016/17.

On 3 November 2016, the Scottish Parliament had agreed changes to Council Tax bandings which would increase income in Highland by approximately £5m. The distribution formula and route were not yet clear but it was understood that the money raised throughout Scotland would be redistributed to schools for the purposes of the attainment challenge, worth £100m in total. However, Highland would not benefit by the amount allocated as it would be removed from the base budget, thereby adding to the challenges, albeit the Council could, if it chose, raise Council Tax by up to 3% in 2017/18 without penalty.

Taking the above into account, broad assumptions were that the reduction in the core Council budget could be in the region of 10%. That would not impact proportionately as there were some areas where expenditure could not be reduced any further – eg PPP contracts. In addition, it was anticipated that the focus on teacher numbers would continue meaning that savings in that area were less likely than in other areas of the budget. The Council's Budget Leader had therefore asked Service Directors to prepare proposals for unprotected areas of Council activity at 10, 15 and 20% of existing budgets. This was a significant development and Directors would have to respond quickly to begin to plan towards the Council's budget-setting meeting, currently scheduled to take place in February 2017.

The Budget Leader, Mr B Fernie, added that there were other aspects of the budget that were fixed. The Capital Programme, for example, was based on borrowing and interest charges amounted to approximately £55m per year. The 10, 15 and 20% proposals referred to by the Director would give the Budget Team some options. Progress was being made on a number of fronts, one of which was the Council Redesign. However, although it would provide a direction of travel, it would not be finished in time to significantly influence next year's budget. Reviews of 120 areas of activity were being carried out and, whilst some would be done quickly, most would not be completed until well into 2017. It was likely that the process would continue as the Director of Finance had advised the Council to look at a three-year budget to provide some security into the future. Indeed, the Fraser of Allander Institute's review of Scottish budgets, published in September 2016, predicted ten years of cuts, with the vote to leave the European Union being one of several factors that would affect the economy going forward.

The Budget Team was looking at a list of activities that would cease completely and it was highlighted that this might include services that, whilst not regarded as education directly, were currently used by schools. In relation to staffing, it was inevitable that there would be further cuts. Reference was made to the significant reductions as a result of the voluntary redundancy process but it was unlikely that this would be repeated and, if so, it would be in a targeted way with much smaller numbers. Staff would therefore be reduced through turnover, with posts only being

filled if they were considered to be essential.

The Director of Care and Learning highlighted that the budget, including the Council Redesign, was frequently discussed at the Staff Partnership and there were staff side representatives on all of the Redesign reviews, including Additional Support Needs, Business Support in Schools, Children's Services and Music Tuition. It was suggested that education Trade Unions should be part of the Staff Partnership discussions and that Teachers' Side representatives might wish to take the matter up with other staff side colleagues. The Chair concurred, highlighting that this had been raised at the last Redesign Board.

The Committee **NOTED** the position.

5. Scottish Government Education Governance Review

The Scottish Government Consultation "Empowering teachers, parents and communities to achieve excellence and equity in education" had opened on 13 September and would close on 6 January 2017. A joint LNCT response was being prepared and it was suggested that the following points be included:

- Council and staff side representatives shared the objective to empower Head Teachers to have both authority and accountability with regard to the running of their schools. The "management of schools" programme within the Council was reviewing various aspects of support to schools and Head Teachers to better achieve this objective.
- Head Teachers wished to be supported to manage the delivery of Learning and Teaching. They did not seek greater bureaucracy or responsibility for other aspects of service that could be better provided in partnership by support services.
- The LNCT enabled collective and efficient discussion about matters relating to teachers and education at a strategic level, and an effective framework for dialogue about individual schools or Member interests. For the Council, this was assisted by good and robust HR advice from HR professionals with knowledge and expertise in educational and local authority matters. There would be concerns about the robustness of advice that did not come through this route.
- The Council believed that local democracy and governance should remain local, and that good and safe governance could not be exercised at a regional level.
- The Council also believed there could be very productive professional collaboration at a regional level, and that this could achieve both efficiencies and the development and promotion of best practice. Indeed, this was what was intended and presently happening within the Northern Alliance.

During discussion, the Management Side welcomed the opportunity to submit a joint LNCT response and hoped that the bullet points reflected the consensus reached on a number of issues.

The Teachers' Side explained that, following constitutional structure, the EIS was preparing a formal response at a national level. This was currently at the consultation stage, with a meeting scheduled to take place in Inverness on 28 November 2016. Thereafter, it would be possible to confirm what might be included in the joint response.

The Committee **NOTED** the position.

6. 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 were set out within the current Highland Council Education Improvement plan with supportive actions in place to address all four priorities. These supportive actions took the form of Continuing Professional Development (CPD) opportunities and guidance for Head Teachers, Principal Teachers and practitioners to aid delivery of school actions around these priorities:

- Summative assessment Teacher Learning Communities.
- Effective use of data (training for Head Teachers and Principal Teachers).
- Authority moderation support framework.
- Literacy and Numeracy Strategy and training (including parental involvement).
- Developing the Young Workforce (DYW) training (Head Teachers and DYW leads) around implementation of Career Education standard and streamlined work experience strategy involving employer groups.
- Leadership strategy and CPD opportunities.
- Attainment Challenge strategy updates and roll out.

It was important that schools set their improvement plans around these priorities and 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.

Draft guidance had been issued by the Scottish Government on reporting requirements to fulfil the statutory requirements of NIF – this had been issued to Head Teachers and a short-life working group had been set up to consider these requirements in the context of future school improvement planning and review. A new data pack through SEEMiS would allow schools to more readily access key data to identify and address their gaps and the method of Curriculum for Excellence data collection using this package was being reviewed.

During session 2015/16 five primary schools in Highland (Bishop Eden, Coulhill, Merkinch, Milton and Newton Park) had been in receipt of additional funding from the Scottish Government, having been selected on the basis of

the percentage of pupils on the roll in the lowest Scottish Index of Multiple Deprivation deciles. The focus in the Year 1 projects, in line with the NIF Priorities, had been on aspects of literacy, numeracy, health and wellbeing and parental involvement. Further funding had been allocated to these five schools for the current session, with the additional resource helping the schools to embed and develop ongoing projects. Tracking of outcomes from these projects would be a key part of the schools' Scottish Attainment Challenge work during the current session and beyond with key messages and strategies shared with all schools in the form of a Highland Attainment Challenge Glow tile, a national forum and sharing good practice/impact at Head Teacher conferences as well as CPD events.

In the current session the four secondary schools linked to the Scottish Attainment Challenge primaries (Wick High, Invergordon Academy, Alness Academy and Inverness High School) had been invited to bid for funding. The bids had similarly focused on the NIF priorities and, as well as addressing issues relating to deprivation within each secondary school context, they had been designed to provide linkage with the Attainment Challenge plans in the relevant feeder primary schools.

There had been a further ten applications from Highland schools (primary and secondary), two made centrally by the Council and three by Associated Schools Groups (ASG) to the Scottish Government's Attainment Challenge Innovation Fund. These smaller scale projects were not restricted to the schools in the full Scottish Attainment Challenge programme and covered, for example, literacy, numeracy, health and wellbeing, leadership, employability and outdoor learning. Where relevant, these projects had links with the Attainment Challenge projects mentioned above.

During discussion, the Teachers' Side agreed that the NIF should form the basis for school improvement plans. However, this had to be both manageable and mindful of staff and resource limits. A collegiate approach was important and it was essential that Head Teachers were advised and supported throughout.

In response to a question regarding the short-life working group that had been established to consider reporting requirements, it was explained that the group currently comprised Head Teachers and the Quality Improvement Team. However, it would be helpful to include LNCT Teachers' Side representatives.

In relation to the additional funding from the Scottish Government, it had recently been confirmed that, in the current year, £600k would be allocated to secondary schools and £400k to primary schools. Plans were scrutinised carefully by the Government before funding was approved and tracking of outcomes was key. The importance of good communication and learning from the good practice taking place was emphasised.

The Committee **NOTED** the position.

ii. **Management of Schools**

In 2015/16, consideration and analysis had taken place in relation to the following:

- existing school management structures across Highland
- curriculum delivery and possible developments with the use of technology
- support to schools in terms of office support and janitorial services
- continued expansion of early learning and childcare and impact on school management
- recruitment difficulties and extent of vacancies
- development of a Leadership Programme for new Head Teachers

In August 2016 the outline proposals for each ASG (applying a consistent framework of approaches) had been approved by the Area Care and Learning Management Teams as the platform to undertake consultation with Head Teachers and Members throughout August and September.

A three year implementation programme had been proposed and the priorities had been determined based on the known prevailing circumstances in each ASG, ie inability to recruit to permanent posts being the most crucial in some of the smaller ASGs, or timescales for new campuses being built in others. There were eight ASGs prioritised for the new structure to be implemented for August 2017.

On 25 August there had been a Member Briefing to outline the approach for the wider consultation, followed by four workshops (one for each area). These had been attended by all Head Teachers where they had been asked to work with their own ASG colleagues to devise a proposal that they would support and see as an improvement to the delivery of education for their ASG, ie gave Head Teachers the opportunity to focus on being the leaders of learning in their ASG.

The proposals from all workshops had been collated and shared with Area Care and Learning Management Teams and a further Member Briefing had been held on 25 October to outline the agreed approach for each ASG.

The next steps were:

1. To work on remits for Shared Head Teacher Posts, 3 -18 Head Teacher posts and Depute Head Teachers, Business Manager or Administration Team Leader posts (this would involve working alongside the Redesign Board on office reviews).
2. To work with the Redesign Board on Cleaning and Facilities Management approaches.
3. To prioritise work with the ASGs identified for August 2017 implementation – which would in turn inform the future developments for August 2018 and 2019 implementation.
4. November /December - consult with Members, Head Teachers in the eight ASGs and the LNCT to agree the proposals before embarking on consultation with parents and stakeholder groups in January 2017.

During discussion, the Teachers' Side emphasised the need to be clear that this referred to senior management in schools. The proposed negotiating group was considered to be a good way forward. However, the paperwork that had been promised had not yet been provided.

In response, it was confirmed that a package of draft proposals for 2017/18

would be circulated to Members, Teachers' Side representatives and a parental group week beginning 7 November 2016.

The Committee **NOTED** the position.

iii. Tackling Bureaucracy and Managing Workload

There had been circulated a Workload Control Agreement which had been approved by the LNCT Executive and Head Teacher representative groups, and subsequently distributed to all Head Teachers during the previous term. After consultation, a number of agreed actions had been planned and carried out across the authority as detailed below. These would be reviewed and revised on a regular basis through the representative groups and the LNCT Executive.

- Area Care and Learning Managers were mindful of workload and bureaucracy when working alongside school staff and removed, where possible, processes that were prohibitive of good learning and teaching practices.
- The Quality Improvement Team (QIT) was careful to ensure that all correspondence and improvement practices and exemplars were succinct, direct and gave clear leadership to schools. All working groups included practitioners to ensure any expected workload was manageable and led to clarity for direction.
- School staff were offered CPD opportunities in partnership with the QIT and Educational Psychological Services to consider their life/work balance and to focus on wellbeing. Head Teachers were encouraged to sign up so that they could then support and contain stress, tackle workload issues and be creative in how to streamline information management school systems. The wellbeing of the workforce was of significant importance to the Care and Learning Service.
- Closely linked to managing workload was the relationship between improvement planning, the individual's professional review and development process and the collegiate school Working Time Agreement (WTA). To monitor and make progress with this it was important to share examples of good practice across all schools and to ensure that, where needs arose, they were explored in a solution focused way.

The school WTA was an important means of managing and controlling workload. The monitoring of WTAs by the LNCT Management and Teachers' sides was continuing during the current session and a joint meeting had been arranged for early November to sample Agreements and discuss areas of concern. It had been noted that school WTAs were returned earlier this year as a result of the advice and guidance provided in the recently reviewed LNCT 17 (Agreement on the 35 Hour Week for Teachers) and the scrutiny of the Workforce Planning and Staffing team.

The Deputy First Minister John Swinney had announced last month that SQA were to remove mandatory unit assessments for National 5 courses from session 2017-18 and Higher courses from 2018-19 which would significantly reduce the workload burden for teachers. In addition, SQA would suspend the random sample element of unit verification until 2017-18.

During discussion, the Teachers' Side thanked Ms C McCombie, former Joint Secretary, for her efforts in producing the Workload Control Agreement and welcomed the overall progress made. However, concerns remained regarding the workload associated with unit assessment during the senior phase, albeit it was reducing gradually. In relation to WTAs, all but two had been submitted by schools, which was a significant improvement on the previous year. Nevertheless, the need remained to monitor the situation, following the wording of LNCT Agreement 35.

In response, it was confirmed that all WTAs had now been received. In addition, it was suggested that there was a need for clearer guidance on WTAs from both the Management and Teachers' Sides to improve practice and ensure that the right priorities were being included.

Thereafter, the Teachers' Side having highlighted the need to formally ratify the Workload Control Agreement, the Committee:-

- i. **NOTED** the position; and
- ii. **AGREED** to ratify the Workload Control Agreement.

iv. **Reporting**

During session 2015/16, in an attempt to tackle the unnecessary bureaucracy caused by current reporting processes, the Council had developed continuous approaches to profiling and reporting to support increased family engagement. The focus had been to enhance the dialogue with learners and their families whilst strengthening the relationship between profiling and reporting to ensure learners and their families felt confident in the learning process.

A steering group of practitioners from ten pathfinder schools had developed and trialled continuous profiling and reporting in their schools. This had been coordinated by a Quality Improvement Officer and a Primary Depute Head Teacher. A package of resources had then been put together and rolled out across the Local Authority in five training events during May and June 2016.

Profiling and Reporting – Next Steps 2016/17:

- Nine training events would take place in the current session for school Senior Management Teams – four between October and December and five between April and June.
- The fifteen schools who had identified themselves as embedding continuous profiling and reporting with an end of year summative report would be supported by the Quality Improvement Team.
- A package to support profiling and reporting within the Early Years would be developed with school and partner centre nurseries, coordinated by a Quality Improvement Officer, a Development Officer, Early Years Education Support Officers and an Early Years Educational Psychologist.
- The target was to have all schools embedding continuous profiling with a short end of year summative report by 2019/20.

Secondary schools had been issued with a tracking, monitoring and reporting steer in January 2016 which outlined best practice in making judgements, and expectations of reporting to parents using SEEMiS. Most secondary schools

were now reporting and tracking on SEEMiS, with the remainder using their own developed tracking and reporting systems which tied in with the fundamentals outlined in the steer. Many secondary schools had moved to interim reporting to parents either in senior phase only or across all year groups. Interim reporting provided parents with frequent updates about their child's learning with focused next steps for improvement. It also allowed schools to gather tracking data on a more regular basis and analyse this for intervention, where required, to support learning. Interim reporting formats had resulted in positive feedback to schools from parents. The authority would continue to collate and share best practice in this area with the next step being a focus on skills tracking and linking with the new primary profiling structure.

During discussion, the Teachers' Side welcomed the attempt to reduce workload and the bureaucracy associated with reporting and looked forward to receipt of the end of year summative report. Information was also sought on how progress with the early years package would be monitored and whether the timescale was manageable in light of budget reductions. In relation to Management Information Systems, SEEMiS, although most commonly used, remained cumbersome and further details were sought on the sharing of best practice.

In response to questions, it was confirmed that training events for Head Teachers had commenced. It was not possible, at this stage, to comment on the impact of budget reductions on the timescale for embedding continuous profiling. In relation SEEMiS, it was important to capitalise on what was happening in schools and maximise the use of the system, despite its limitations in some aspects. A new cloud-based version of SEEMiS was being developed but this would take the best part of two years. With regard to the early years, SEEMiS was not fit for purpose and staff were looking at an alternative system from outwith the Council.

In relation to this and the preceding item, the Joint Secretary, Management Side, highlighted that, further to the recent Education Scotland review of tackling bureaucracy, a revised action plan on reducing bureaucracy would be produced and discussions would take place with the Teachers' Side in that regard.

The Committee **NOTED** the position.

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

A review programme of whole school job-sizing and over-entitlement in secondary schools in relation to the Principal Teacher (PT) staffing formula would continue during the current session. One PT entitlement review had been completed and the exercise in a second school was at the final stage of approval. Initial discussions had been held with two further secondary schools who met the review criteria and it was hoped to progress a PT review in those schools during the course of the current session. All PT vacancies in secondary schools continued to be monitored in terms of entitlement, with Head Teachers being asked to make interim management arrangements where appropriate in schools where entitlement was exceeded.

Following confirmation of the teacher census figures in November 2016, a work plan and timetable would be drawn up in consultation with the LNCT Teachers' side in respect of secondary schools that met the review criteria for the current session. Head Teachers would be briefed and a full communication exercise would be undertaken with the promoted staff in the schools affected.

During discussion, the Teachers' Side referred to the LNCT Minutes of 17 June 2016 and expressed concern that, despite assurances from Workforce Planning, a work plan and timetable of whole school reviews and restructuring had not been shared with the Teachers' Side. The Teachers' Side had entered into LNCT Agreement 3 with the Management Side in good faith but, at best, there had been ambiguity in practice. However, the assurance from Workforce Planning regarding the issue of management time in schools was welcomed and the Teachers' Side looked forward to engaging constructively with an ethos of openness and transparency.

In response, it was explained that engagement regarding the proposed work plan could not take place until the teacher census figures were available in November 2016.

The Head of Education referred to the earlier budget update and highlighted that there were currently 41 posts in secondary schools that, in terms of LNCT Agreement 3, were over entitlement. He confirmed that he was happy to share information with the Teachers' Side in that regard. The Management Side was trying to address the situation to ensure that there was a sense of fairness throughout the Council area. It was acknowledged that it was a difficult situation for teaching staff and officers were endeavouring to work with Head Teachers in a phased way. However, it was emphasised that there was sense of urgency.

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. Initial discussion had taken place between the LNCT Management and Teachers' sides and a further meeting had been scheduled with Council HR Services to review 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

There had been circulated LNCT 11 Agreement which had been approved in 2005 and 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 had been superseded by LNCT 17 Agreement on the 35 Hour Week for Teachers which had been approved at the formal LNCT in June 2015.

The Committee **APPROVED** the deletion of LNCT 11 Agreement on the 35 Hour Week for Teachers.

b. LNCT 22 Student Placement Protocol

This Agreement had been approved in 2006 as a protocol 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 and a revised LNCT 22 would be presented to the formal LNCT in June 2017 for approval.

The Teachers' Side looked forward to further discussions in relation to LNCT 22 and commented that any reduction in management positions would result in less time and capacity to deal with student teachers.

The Committee **NOTED** the position.

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

Initial discussion with the LNCT Teachers' side had taken place to review the procedures for the appointment of Head Teachers and Depute Head Teachers, incorporating the requirement for the Scottish Qualification for Headship. A working group would now be established to take this forward and a revised LNCT 23 would be presented to the formal LNCT in June 2017 for approval.

The Teachers' Side welcomed the discussions in relation to LNCT 23. However, it had been raised with the Management Side that Teachers' Side representatives on the LNCT list for appointments panels were not being used and a return to agreed procedures would be welcomed.

In response, it was confirmed that the list had been updated and re-circulated. However, it was accepted that there was an issue and the Head of Education undertook to address it.

The Committee **NOTED** the position.

The meeting concluded at 2.40 pm.