

The Highland Council

Minutes of the **Local Negotiating Committee for Teachers (LNCT)** held remotely on Wednesday 5 June 2024 at 3.00 pm.

Present:

Representing the Management Side:

Mr J Finlayson
Mr R Gale
Mrs I MacKenzie
Mr D Millar

Representing the Teachers' Side:

Mr K Athanasopoulos (SSTA)
Ms M Evans (EIS)
Mr L MacKenzie (EIS)
Ms G Warburton (EIS)

Also present as observers:

Mr T Coles (EIS)
Mr J Grafton (Management Side)

In attendance:

Ms K Lackie, Assistant Chief Executive - People
Mr A Bell, Joint Secretary, Teachers' Side
Ms F Grant, Joint Secretary, Management Side/Head of Education, Learning and Teaching
Ms A MacPherson, Head of Resources
Ms R Bell, Policy Officer
Ms H Jones, HR Business Partner
Ms M Murray, Principal Committee Officer
Ms R Ross, Committee Officer

Mr L MacKenzie in the Chair

Business

1. Apologies for Absence

Apologies for absence were intimated on behalf of Ms A Atkin, Mrs M Cockburn, Ms H Crawford, Mr D Louden, Mr C Munro and Mr S MacKenzie (SSTA).

2. Declarations of Interest/Transparency Statements

The Committee **NOTED** the following Transparency Statement:-

Mr J Grafton made a general Transparency Statement on the basis that his partner was a secondary school teacher in Highland but, having applied the objective test, did not consider that he had an interest to declare.

3. Minutes of Meeting held on 14 November 2023

The Committee **APPROVED** the Minutes of the Local Negotiating Committee for Teachers held on 14 November 2023.

4. Work Plan Review 2023/24

There had been circulated Report No LNCT/1/24 by the Assistant Chief Executive – People.

During discussion, the following points were raised:-

Embedding the Collaborative Improvement Framework (CIF)

The Joint Secretary, Teachers' Side, commented that the Teachers' side looked forward to appropriate involvement in any review of the CIF. It was vital that consistency of approach was applied and that all levels of staff, from Pupil Support Assistants (PSAs) to Senior Education Officers, were aware of what was expected from everyone involved in the process. Visits to schools should have a purpose that was known to those impacted, and there had to be quality professional dialogue involving appropriate stakeholders before, during and after any activity. Collaborative working, by definition, included all parties involved, and what happened should not simply be good practice but the expected practice. Time must be afforded within Working Time Agreements to cover the requirements surrounding such visits.

The Joint Secretary, Management Side, supported the point regarding expected practice, adding that it could be applied to every aspect of the Education and Learning Service.

Improving Teaching and Learning Across the Authority

The Joint Secretary, Teachers' Side, commented that the health, safety and wellbeing of both staff and pupils must be a key consideration within any plans moving forward. However, staff contact appeared to suggest this was not the case in some instances, and this was another reason why consistency of approach, with that approach being the aforementioned expected good practice, was imperative.

Concern was expressed that the removal of primary school Principal Teacher posts might have a detrimental impact on plans as Principal Teachers were currently in a position to support and develop individual settings. It was removing a vital step within personal career development towards more senior promoted roles and might lead to a more stagnant and frustrated workforce with disillusioned staff who would therefore seek to leave either the Highland Council area or teaching as a whole. This would appear to be against the idea of developing a robust and sustainable workforce to best serve the children and young people of Highland. There was a fear that the additional responsibilities currently carried out by Principal Teachers, who were in receipt of additional pay, would now be asked of unpromoted staff, and an assurance was sought that that would not happen.

It was added that there had been no true staff consultation on the removal of primary school Principal Teacher posts, with the decision appearing to be based upon a public consultation. Whilst the public consultation had suggested a removal of middle managers, it was not believed that respondents had been referring to Principal Teachers in their local primary schools. The Teachers' Side expected full involvement in a thorough and transparent process moving forward, and that communication would be regular and open to keep those impacted truly informed.

A further concern that would potentially impact upon quality learning and teaching was that there were increased expectations from the Scottish Qualifications Authority and an ever-increasing reliance upon multi-level teaching in classrooms. Both had a significant impact upon workload and, to seek to alleviate matters, sufficient time must be afforded within school Working Time Agreements.

In response, it was explained that the decision regarding Principal Teacher posts had been made by Elected Members as part of the budget-setting process. Officers were working with the Primary Headteachers Representative Group (PHRG) on how best to manage the impact of the decision, noting that the management time would remain in schools, and regular updates were being provided to the informal LNCT group. It was emphasised that it was very much a collaborative process that would take place over a long period of time, and it was not about taking support out of schools but about understanding the mitigation needed and potentially providing support in a different way.

Whilst appreciative of the involvement of the PHRG, the Joint Secretary, Teachers' Side, emphasised the importance of keeping the impacted group of staff up to date.

The Head of Resources confirmed that information had been provided to the PHRG that could be shared with Head Teachers, and made a commitment to write to individual members of staff before the end of the school session.

Integrated Children's Service Plan

The Joint Secretary, Teachers' Side, commented that the Teachers' Side welcomed the premise that the Integrated Children's Service Plan would seek to ensure that the best use was made of available resources, and assumed that this included other services/agencies such as Social Work, health professionals, Child and Adolescent Mental Health Services etc so as to ease the current pressures on both staff involved with the pastoral needs of children and Additional Support Needs (ASN) staff in schools. It was stressed that health, safety and wellbeing were at the centre of concerns, and attention was drawn to a press release which had earlier been circulated to Committee Members.

The recent ASN allocation had led to significant queries from schools, particularly in the South and West areas. Schools in the West area already considered themselves stretched, and the latest step of the transition period might see things reaching a critical point. Information was requested on the allocated number of ASN Teachers and PSAs for each location and the number of children in each setting with identified need for this year and the previous year. Examples were also requested to illustrate how the new allocation model worked.

Whilst the Teaching Unions were not fundamentally against the idea of presumption to mainstream, this could only be where resourcing, staffing, funding and time available were of appropriate and realistic levels. There was a perception that actual need was not a consideration in the new allocation, and clarity in that regard would be welcomed.

There were grave concerns that funding was neither appropriate or realistic and that, rather than improving attainment, things would be negatively impacted without any significant intervention. Children were receiving less individual time and support, differentiation requirements within classes were greater, workload was increasing,

pupils and staff were becoming increasingly frustrated, and incidents of violence and aggression were on the rise. Clearly what nobody wished for was an avoidable incident that led to significant harm to either child or staff.

In response to the request for information on the allocated number of ASN Teachers and PSAs for each location, the Joint Secretary, Management Side, explained that secondary school allocations were complete but work was ongoing to finalise primary school allocations. All Head Teachers would have the information requested. However, it would not be appropriate to share it more widely on an individual school level due to the significant number of small schools and the risk of identifying individual pupils, and it was therefore suggested that the figures be provided by Associated School Group. Information could not be provided on identified need as that was not part of the process. Limited resources were a challenge and, given that over 40% of the pupil population in Highland, and Scotland, had ASN, there was a need for a national discussion in that regard.

In addition, information was sought, and provided, in relation to the provision of training for ASN staff on trauma and suicide prevention.

Exclusion Policy

The Joint Secretary, Teachers' Side, commented that updating the exclusion guidance for schools was necessary and provided an ideal opportunity to refresh all staff's understanding of exclusion and its appropriate use. There were some suggestions that the message was now that exclusion could not be used, which would appear to be a misunderstanding as it could still be used where time was required to put appropriate measures in place to allow the pupil to safely return to school. It was clear that resource was required to address issues around this point, and it was asked what other realistic measures schools could use as there currently appeared to be no consequences for significant behavioural concerns.

The Joint Secretary, Management Side, confirmed that there was nothing in the guidance to say that exclusion could not be used other than for Care Experienced Young People as set out in The Promise. Significant behavioural concerns were highly individual and were a matter for Head Teachers and Area Managers to work through. It was emphasised that exclusion was not a punishment, and its purpose was to support the young person.

Review of LNCT Agreements

The Joint Secretary, Teachers' Side, expressed thanks to the Senior Lead Manager, Professional Learning and Development, and the Policy Officer for their work on the two LNCT Agreements presented for approval.

The Committee:-

- i. **NOTED** the position in respect of:-
 - a. Embedding the Collaborative Improvement Framework;
 - b. Improving Teaching and Learning across the Local Authority;
 - c. Integrated Children's Service Plan;
 - d. Exclusion Policy; and
 - e. Review of LNCT Agreements;

ii. and **APPROVED:-**

- a. LNCT 22 Student Teacher Placements Policy; and
- b. LNCT 35 Policy and Guidance on Professional Review and Development for Teachers.

5. Work Plan 2024/25

There had been circulated Report No LNCT/2/24 by the Assistant Chief Executive – People.

During discussion, the following points were raised:-

Violence and Aggression

The Joint Secretary, Teachers' Side, commented that this matter had been put forward by the Teachers' Side and, other than the review of LNCT Agreements, was the only item for the Work Plan 2024/25 as it was seen as a vital piece of work and very involved. It followed on from surveys conducted by the EIS, SSTA and the Scottish Government, the results of which were stark and confirming of each other. It was an area of significant concern for all levels of professional within educational establishments, and the Teachers' Side would seek to establish consistent and robust practices that would protect and support both staff and pupils and, in turn, lead to a safer and thus improved learning and teaching environment. Staff had the right to work in a safe environment and pupils had the right to learn in safe environment, and it was the responsibility of the employer to provide this. It was appreciated that this piece of work would need to involve non-teaching unions given that the majority of incidents involved non-teaching staff.

LNCT 4 Disciplinary and Grievance Procedures

The Joint Secretary, Teachers' Side, commented that the view of the Teachers' Side was that LNCT 4 should be split so that disciplinary and grievance procedures were contained within substantive documents. The Teachers' Side had no issue with the disciplinary process following its recent review. There were some barriers in respect of grievance resolution but they were not seen as being overly large and it was hoped that agreement would be reached in the near future.

Discussion ensued, during which it was explained that the Teachers' Side's concerns regarding grievance resolution related to the proposed removal of a second stage appeal to a panel of Elected Members. The HR Business Partner confirmed that LNCT 4, which included the second stage appeal, was still being followed for teaching staff at present. Consultation was ongoing with the Teachers' Side regarding adopting the new corporate grievance process, and it was hoped to submit a revised LNCT Agreement to the next meeting.

LNCT 16 Self-evaluation for Self-improvement

The Joint Secretary, Teachers' Side, commented that the review of LNCT 16 had been raised by the Management Side and tied in with a lot of the work that had been done on the CIF and improving learning and teaching across the authority. The Teachers' Side would seek an appropriate and fit for purpose Agreement, and the

review must be thorough and considered with any discussion involving all relevant staff groups. The revised document would be expected to include guidance not only on internal processes but on external visits. There was a need to move away from the previous “crit lesson” approach, and to have a framework that all staff were aware of and adhered to.

The Joint Secretary, Management Side, concurred that “crit lessons” were outdated and were not the most effective way to assess learning and teaching in the classroom, and there was a need to modernise procedures.

LNCT 24 Code of Practice on Use of Temporary Contracts for Teaching Staff

The Joint Secretary, Teachers Side, confirmed that the Teachers’ Side had provided a draft Agreement for consideration by officers.

LNCT 37 Special Leave Policy

The Joint Secretary, Teachers’ Side, commented that the proposed alterations would see the welcome inclusion of carers and victims of domestic abuse. There were also some minor considerations relating to public and election duties.

LNCT 38 Flexible Working Policy

The Joint Secretary, Teachers’ Side, commented that legislative changes meant there was now a statutory right to apply for flexible working once every 6 months rather than once every 12 months, and this was now open to any employee without the need for a qualifying period of service. Whilst the Teachers’ Side appreciated that there was a limited list of grounds for refusal, it was emphasised that said grounds must be evidenced and all levels of employee, including promoted post holders, must be considered.

The Head of Resources confirmed that officers would be working with the Teachers’ Side on the reviews of the various LNCT Agreements and would be working within legislative requirements. However, it was also necessary to work within service requirements which were different for school staff compared to corporate staff.

In relation to job-sizing, the Joint Secretary, Teachers’ Side, confirmed that a draft document was close to being available for sharing with wider staff.

The Committee otherwise **NOTED** the position in respect of:-

- i. Violence and Aggression; and
- ii. Review of LNCT Agreements.

On the point being raised, the Principal Committee Officer confirmed that the next meeting was scheduled to take place on 3 December 2024 at 3.00 pm.

The Joint Secretary, Teachers’ Side, commented that the Teachers’ Side was of the view that it would be more conducive to partnership working for formal LNCT meetings to take place in person, with the option to attend remotely if required, rather than wholly online.

Discussion ensued, during which the Assistant Chief Executive – People explained that, given the short duration of the meeting and that fact that Committee Members were

dispersed throughout Highland, in person meetings would not be a good use of time and in line with expected practice in terms of travel. The Chair of the Management Side concurred, adding that the online format worked well, enabled everyone to be involved and, crucially, allowed teachers to remain in school.

The Joint Secretary, Teachers' Side, highlighted that facility time was available to teacher representatives for Teachers' Panel and LNCT attendance. Online meetings were therefore providing a saving, and that facility time could be spent elsewhere.

The meeting concluded at 3.45 pm.