1. **Purpose of Report**

1.1 This report invites the Committee to approve a Local Recognition and Procedure Agreement with regard to employees of the Council who are subject to teachers' conditions of service and makes ancillary proposals.

2. **Background**

2.1 Following the publication of the report of the McCrone Inquiry into professional conditions of service for teachers, as noted by the Committee at its meeting on 13 June 2000, an Implementation Group was established by the Scottish Executive following a series of meetings with the teaching unions and with COSLA. The remit of the Implementation Group included a requirement to examine those recommendations in the McCrone Report which require formal negotiation and to consider detailed proposals for implementing those recommendations.

2.2 The conclusions of the Implementation Group included proposals on future negotiating machinery including both national arrangements and local negotiations. With regard to local negotiations, the implementation group proposed that there be local negotiating committees for teachers with powers to vary certain devolved conditions of service agreements and to reach agreement on a range of matters not subject to national bargaining. It is, accordingly, necessary that there be concluded a Local Recognition and Procedure Agreement for North Lanarkshire.

2.3 The Implementation Group devised, also, a skeleton Local Recognition and Procedure Agreement. From that skeleton, a draft Agreement for North Lanarkshire has been produced and is attached as the appendix to this report. This draft Agreement has been submitted to the Education Joint Consultative Committee and, following consideration, the Education Joint Consultative Committee recommend the approval of this Agreement by the Council and by the relevant trade unions.

3. **Consideration**

3.1 In summary, the draft Agreement

- provides for the recognition, by the Council, of the signatory unions as the sole representatives of the relevant staff on all matters relating to conditions of service which are subject to local negotiation and as the sole bargaining agents for those conditions of service;

- establishes a bargaining machinery and negotiating procedure, including the establishment of a North Lanarkshire Council Joint Negotiating Committee for Teaching Staff;
makes provision for the membership of that Committee being nine persons appointed by the Management Side and nine persons appointed by the joint Union Side with the Management Side and the joint Union Side each appointing a Joint Secretary;

makes provision for the quorum, convenership, clerking and procedures for the Joint Negotiating Committee, including specific provision that a matter shall be agreed by the Committee only if approved by both sides based on a majority of each side present and voting;

makes provision for substitute members;

provides for referral, in cases in which agreement is not possible, to the Joint Secretaries of the Scottish Negotiating Committee for Teachers;

expressly stipulates that agreements reached by the North Lanarkshire Joint Negotiating Committee shall be binding on North Lanarkshire Council and the signatory unions.

The North Lanarkshire Joint Negotiating Committee will not be a Committee of the Council. It will, accordingly, not have the power to take a decision on behalf of the Council. If the Council accepts the terms of the attached draft Agreement, in order to implement the provision that agreements reached by the Joint Negotiating Committee shall be binding on the Council, it is suggested that the Council delegate to the Director of Education power to determine on behalf of the Council and implement any matter within the terms of reference of the North Lanarkshire Joint Negotiating Committee.

It will be necessary, also, for the Council to determine members and substitute members of the Joint Negotiating Committee. Those members may be members of the Council or may be officers of the Council and the Committee may wish to give consideration to including, among the Council's members on the Committee, the Director of Education and the Depute Director of Education.

It will be necessary that the Council appoint, also, a Secretary to the Management Side. Given the role envisaged of the Secretary it is suggested that consideration be given to appointing either the Director of Education or the Depute Director of Education as Secretary to the Management Side.

While the draft Agreement has been approved by the Education Joint Consultative Committee it requires approval, also, by each of the trade unions to be recognised and, thereafter, signature on behalf of the Council and of all of the participating trade unions.

Proposal

The terms of the draft Agreement provide an effective means for settling local disputes and for local negotiations of a range of conditions of service and it is suggested that it would be appropriate that the Committee approve its terms.

If the Committee approves the terms of the attached draft Agreement, it is suggested, also, that consideration be given to identifying the Council's members on the Joint Committee and the Joint Secretary for the Management Side.

It is proposed, also, that the Committee authorise the Director of Education to advise the relevant unions of the Council's agreement and invite them to similarly agree to the terms of the draft Agreement.

It would be appropriate, also, that the Committee authorise the Director of Education to sign the Agreement on behalf of the Council.
4.5 Following the signing of the Agreement and the establishment of the North Lanarkshire Joint Negotiating Committee for Teaching Staff it is appropriate that the Education Joint Consultative Committee cease to exist and it is proposed that the Committee recommend accordingly.

5. Recommendation

5.1 It is recommended that the Committee

(a) approve the terms of the attached draft Local Recognition and Procedure Agreement;

(b) give consideration to the members and substitute members of the North Lanarkshire Joint Negotiating Committee;

(c) appoint a Joint Secretary to the North Lanarkshire Joint Negotiating Committee;

(d) delegate to the Director of Education power to determine on behalf of the Council and to implement all matters within the terms of reference of the North Lanarkshire Joint Negotiating Committee which have been agreed by that Committee;

(e) authorise the Director of Education to advise all relevant unions of the agreement, by the Council, to the terms of the attached draft Agreement and to invite the relevant unions to similarly agree;

(f) authorise the Director of Education to sign a Local Recognition and Procedure Agreement in terms of the attached draft; and

(g) agree that, on the signing of the Agreement and the establishment of the North Lanarkshire Joint Negotiating Committee for Teaching Staff, the Education Joint Consultative Committee cease to exist.

Director of Administration

Members seeking further information on the contents of this report are asked to contact John Fleming, Head of Central Services on Extension 2228.
LOCAL RECOGNITION AND PROCEDURE AGREEMENT

between

NORTH LANARKSHIRE COUNCIL

and

THE EDUCATIONAL INSTITUTE OF SCOTLAND;
THE SCOTTISH SECONDARY TEACHERS ASSOCIATION;
THE PROFESSIONAL ASSOCIATION OF TEACHERS;
THE NATIONAL ASSOCIATION OF SCHOOLMASTERS/UNION OF WOMEN TEACHERS;
THE HEAD TEACHERS ASSOCIATION OF SCOTLAND; AND
THE ASSOCIATION OF HEAD TEACHERS IN SCOTLAND

1. North Lanarkshire Council hereby recognises The Educational Institute of Scotland, The Scottish Secondary Teachers Association, The Professional Association of Teachers, The National Association of Schoolmasters/Union of Women Teachers, The Head Teachers Association of Scotland and The Association of Head Teachers in Scotland as the sole representatives of the teaching staff, advisers, educational psychologists and (insofar as employed within educational establishments) music instructors employed by the Council on all matters relating to conditions of service as defined in paragraph 3 of this Recognition and Procedure Agreement.

2. The Council and the recognised unions jointly affirm their commitment to the maintenance of good industrial relations and accept that this Recognition and Procedure Agreement, and any formal Agreements which may arise from it, will be binding on the signatory parties.

3. All agreements, orders, settlements and determinations of the Scottish Negotiating Committee for Teaching Staff in School Education dealing with:
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- Cover agreements
- Appointment procedures
- Particulars of employment
- Expenses of candidates for appointment
- Transfer of temporary teachers to permanent staff
- Promotion procedures
- Staff development arrangements
- Specific duties and job remits
- Arrangements for school based consultation/negotiation
- Other leave and absence arrangements
- Notice periods
- Housing
- Indemnification procedures
- Other allowances
- Working time arrangements

shall be adopted as the base for negotiations under the procedures established by this Recognition and Procedure Agreement.

4. The purpose of this Recognition and Procedure Agreement is to establish bargaining machinery and a negotiating procedure between the Council and the signatory unions whereby relevant conditions of service can be determined for all teaching staff, educational advisers, educational psychologists and (insofar as employed within educational establishments) music instructors.

5. The Council hereby recognises the unions who are signatories to this Recognition and Procedure Agreement as the sole bargaining agents for the matters covered by this Recognition and Procedure Agreement.

6. The Council will negotiate through a management side appointed by itself. The recognised unions will negotiate through a joint union side appointed by them collectively which will reflect, on a pro rata basis, the respective membership strengths of each of the signatory unions. The management side and the joint union side will each appoint a secretary for their respective sides.

7. Negotiations between the two sides shall be conducted within a committee to be known as the North Lanarkshire Council Joint Negotiating Committee for Teaching Staff. Meetings of the Committee shall be held as and when requested by either side with the proviso that there will be at least four meetings in each calendar year. One of those meetings shall be designated the Annual General Meeting for the purpose of noting the membership of the Joint Negotiating Committee and
reviewing any Standing Sub-Committees. The Director of Administration of North Lanarkshire Council shall be the Clerk to the Joint Negotiating Committee and he or his representative shall be responsible for making the arrangements, following consultation with the Joint Secretaries, for meetings, which shall be arranged within twenty one days of a request being lodged, or otherwise by mutual agreement, and for the administration of meetings.

8. The composition of each side of the Joint Negotiating Committee shall be determined separately by the relevant side but shall not exceed nine members of each side (including, in each case, the joint secretary). Each side shall be entitled to determine, also, substitute members not exceeding nine in number and shall determine in respect of each substitute member whether that substitute member is entitled to act as substitute for only a specified member of the Committee or as substitute for any member of the Committee from the relevant side. The joint secretaries shall be bound to deliver to the Clerk not later than noon on the seventh day prior to the date fixed for the Annual General Meeting of the Committee formal intimation of the persons determined by the relevant side to be members of the Committee, of the persons determined by the relevant side to be substitute members and of the determination by the relevant side as to whether each substitute is entitled to act as substitute for any member of the Committee determined by the relevant side or for merely one or more specified member so determined. The Committee may, from time to time, appoint from among its own members a Sub-Committee or Sub-Committees to discharge such of the functions of the Committee as the Committee may specify.

9. The quorum for a meeting of the Committee shall be three members from the management side and three members from the joint union side. In the case of a Sub-Committee, the quorum shall be determined by the Committee when the Sub-Committee is first established.

10. The Convenership of the Committee will be on the basis of annual rotation. The Council side will determine the Convener for a period of one year commencing with the first meeting of the Committee and the teachers' side will determine the Vice-Convener for that period. For the second year the Convener and Vice-Convener will be determined by, respectively, the teachers' side and the Council side and the Convenership and Vice-Convenership will, thereafter, be the subject of rotation.

11. A matter shall be agreed by the Committee only if approved by both sides based on a majority of each side present and voting. Agreements reached by the Committee shall be binding on the Council and the signatory unions, and each of the parties hereto hereby confirms that they have the authority to bind the party on whose behalf they sign in terms of this Recognition and Procedure Agreement.
12. A substitute member may attend a meeting of the Committee and vote only if a member of the Committee for whom the substitute member is entitled to substitute as specified in the intimation made by the relevant joint secretary is not present at the commencement of the meeting. In the event of a substitute member commencing to act in place of a member in terms hereof, for the duration of the meeting at which the substitute member has commenced to act in place of the member of the Committee, that member of the Committee shall not be entitled to be present or to vote.

13. The Committee shall meet in private, but each side shall be entitled to authorise the presence of persons (not exceeding three in number in respect of each side) who are not members of the Committee to act as advisers. A person present as an adviser shall have no voting rights and shall be entitled to address a meeting only with the specific prior consent of the Committee.

14. Agreements reached between the two sides shall be set out in a text jointly approved by the two sides and the text will be subscribed by the joint secretaries. All local agreements shall be reported to the Scottish Negotiating Committee for Teachers.

15. The joint secretaries will be available to advise their respective sides on matters relating to agreements reached by the Committee. In formulating such advice the joint secretaries may consult with each other whenever they think it appropriate.

16. Where agreement is not possible, either side may refer the failure to agree to the joint secretaries of the SNCT.

17. In addition to the principal function of constituting a forum for the negotiation of relevant conditions of service, the functions of the Committee shall include consultation on other relevant matters, it being declared that, in the performance of such consultation function, any conclusion reached by the Committee shall have the status of, only, a recommendation and shall not be binding on the parties to this Agreement.

18. This Recognition and Procedure Agreement shall take effect as soon as it has been signed on behalf of the Council and on behalf of the recognised unions.

19. No variation to this Recognition and Procedure Agreement may be made except with the consent of the sides to this Agreement.

20. The Council hereby agrees to ensure that paid time off work shall be granted to all union representatives on the Joint Negotiating Committee and that particular consideration shall be given
to the amount of paid time off work required by the person appointed as the union side joint secretory as well as the necessary facilities advised by ACAS Code of Practice No.3.

21. The signatory parties to this Recognition and Procedure Agreement acknowledge the importance of establishing and maintaining confidence in the negotiating arrangements established under the Agreement and recognise the need to negotiate in good faith.

22. In the event of any dispute being declared between the two sides, or where there is a failure to agree at school level on any relevant matter, the Council and the signatory unions should seek to resolve the matter, without delay, through discussion in the Committee. The Council further agrees not to exercise its right to implement any change which is the subject of dispute until the matter has been considered by the Committee. The signatory unions, likewise, further agree not to implement any form of industrial action unless and until the Committee has failed to achieve a resolution of the matter in dispute.

Signed on behalf of the Council
Name
Designation
Date

Signed on behalf of The Educational Institute of Scotland
Name
Designation
Date

Signed on behalf of The Scottish Secondary Teachers Association
Name
Designation
Date

Signed on behalf of The Professional Association of Teachers
Name
Designation
Date

Signed on behalf of The National Association of Schoolmasters/Union of Women Teachers
Name
Designation
Date
Signed on behalf of The Head Teachers Association of Scotland

Name
Designation
Date

Signed on behalf of The Association of Head Teachers in Scotland

Name
Designation
Date