

LOCAL NEGOTIATING COMMITTEE FOR TEACHERS

At the Annual General Meeting of the Local Negotiating Committee for Teachers held in Meeting Room 2, Council Offices, Garshake Road, Dumbarton on Tuesday, 22 September 2009 at 10.10 a.m.

Present: Councillor May Smillie; Terry Lanagan, Executive Director of Educational Services; Dave Clarke, Head of Service (Resources); Graham Hutton, Head Teacher, Dumbarton Academy; Geraldine Lyden, Personnel Adviser (for Tricia O'Neill, Head of Human Resources and Organisational Development); Olean Allison, E.I.S.; Charles Docherty, E.I.S.; Colin Galletly, E.I.S.; Josephine McDaid, E.I.S.; Alex McEwan, S.S.T.A.; James Moore, E.I.S.; Stewart Paterson, Teachers' Convener, E.I.S. and Janice Wardrop, E.I.S.

Attending: Lorraine Beveridge, Committee Officer, Legal, Administrative and Regulatory Services.

Apologies: Apologies were intimated on behalf of Councillor Patrick McGlinchey and Ms Julie McGrogan, Head Teacher, St. Michael's Primary School.

Josephine McDaid in the Chair

MEMBERSHIP

Having heard Ms McDaid, the Committee agreed to note that the membership of the Committee for the forthcoming year would be as follows:-

Teachers' Side

Members:- Stewart Paterson, Teachers' Convener, E.I.S; Josephine McDaid E.I.S., (Chair); Janice Wardrop, E.I.S.; Olean Allison, E.I.S.; Charles Docherty, E.I.S., Colin Galletly, E.I.S; James Moore, E.I.S. and Alex McEwan, S.S.T.A.

Substitutes for any member of the Teachers' Side:- Michael Dolan, E.I.S. and Alistair Kennedy, S.S.T.A.

Adviser: Lachlan Bradley, E.I.S. Area Officer

Management Side

Members:- Councillor May Smillie (Vice-Chair); Councillor Jonathan McColl; Councillor Patrick McGlinchey; Councillor George Black; Terry Lanagan, Executive Director of Educational Services; Dave Clarke, Head of Service (Resources), Educational Services; Graham Hutton, Head Teacher, Dumbarton Academy and Julie McGrogan, Head Teacher, St. Michael's Primary School.

Substitutes: Geraldine Lyden, Section Head, Human Resources, Educational Services and Margaret Mackay, Quality Improvement Officer, Personnel, Educational Services.

CHAIR AND VICE-CHAIR

In accordance with Paragraph 9 of the Local Recognition and Procedure Agreement, the Committee is asked to note that in this, the seventh year of the LNCT, Councillor May Smillie will assume the Chair for the Management Side and Josephine McDaid, E.I.S., will assume the position of Vice-Chair for the Teachers' Side.

Councillor Smillie in the Chair

Councillor Smillie, on behalf of the Committee, thanked Ms McDaid for her commitment as Chair of the Committee during the last year.

MINUTES OF PREVIOUS MEETING

There were submitted and approved the Minutes of Meeting of the Local Negotiating Committee for Teachers held on 19 May 2009.

With reference to the 35 Hour Working Week Agreement Session 2009-2010, after hearing Mr Paterson, the Committee agreed that the Executive Director of Educational Services should send a reminder to those schools who had not yet signed the agreement.

With reference to the failure to agree the 35 Hour Working Week at Our Lady and St. Patrick's High School (OL&SPHS), after hearing Mr Paterson and the Executive Director of Educational Services, the Committee noted:-

- (a) that the Joint Secretaries of the SNCT had recommended that a solution to the 35 hour working week should be found locally;
- (b) that the Joint Secretaries of the LNCT were currently assisting staff at OL&SPHS to resolve the situation;
- (c) that if the matter could not be resolved it would be submitted to the LNCT for decision; and

- (d) that at a meeting of the Education and Lifelong Learning Committee held on 9 September 2009 (Page 2166 refers), when the matter had been discussed, it had been agreed that a report on the up to date situation at OL&SPHS would be submitted to the next meeting of the Committee, by which time it was expected that an agreement should have been reached.

After discussion, the Committee agreed:-

- (1) to note that the Sub Group of the LNCT had met and that proposed amendments to the 35 hour working week for the Session 2010-2011 would be submitted to a future meeting of the LNCT;
- (2) to note that there were a number of items currently being discussed by the Sub-Group which would be submitted to future meetings of the LNCT; and
- (3) to note that since the Sub-Group had been formed, two members had retired.

SNCT 31 CODE OF PRACTICE ON THE USE OF TEMPORARY CONTRACTS

A report was submitted by the Joint Secretaries of the LNCT seeking a review of the previous agreement made in April 2005 regarding the code of practice on the use of temporary contracts (former SNCT 31, Appendix 2.8 of SNCT Handbook 2007), due to the reduction in staffing requirements, the reduction in peripatetic employment and the differing interpretation of the April 2005 LNCT agreement.

After discussion and having heard both Sides, the Committee agreed:-

- (1) to acknowledge the difficulties being experienced with regard to the agreement and the need for justifiable refusal of contracts in the absence of a permanent post to offer;
- (2) to acknowledge that applicants should be made permanent where there was such a post and should not be unreasonably refused;
- (3) to the following LNCT arrangements which reflected the Fixed Term Regulations of 2002 and still offered a more favourable LNCT arrangement than SNCT 31/Appendix 2.8 of the SNCT handbook 2007:-

"Any temporary contract extended beyond 2 years will be made permanent unless the authority can objectively justify not doing so.";
- (4) that objective justification would be in situations where no permanent post existed or that the post was directly linked to time defined funding etc.; and
- (5) that it would not be justifiable to decline an application and continue using successive fixed-term contracts.

PROGRAMME OF MEETINGS

The Committee noted that meetings were normally held during the months of December, March, May/June and September (AGM).

After discussion and having heard both Sides, it was agreed that the Committee would meet on the following dates, prior to meetings of the Education and Lifelong Learning Committee:-

Tuesday, 15 December 2009 at 2.00 p.m.

Tuesday, 16 February 2010 at 10.00 a.m.

Tuesday 18 May 2010 at 10.00 a.m.

The meeting closed at 10.30 a.m.