

LOCAL RECOGNITION AND PROCEDURE AGREEMENT

Between

SHETLAND ISLANDS COUNCIL

and

THE EDUCATIONAL INSTITUTE OF SCOTLAND;
THE SCOTTISH SECONDARY TEACHERS ASSOCIATION;
THE PROFESSIONAL ASSOCIATION OF TEACHERS;

1. Shetland Islands 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 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:

- Cover agreements
- Appointment procedures including any Housing arrangements
- Particulars of employment relating to base school arrangements, etc
- 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
- Indemnification procedures
- Other allowances
- Framework for Working Time Arrangements
- Discipline and grievance procedures
- Referral to Occupational health physician
- Absence management procedure

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 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 Shetland Islands Council ~~Joint-Local~~ Negotiating Committee for Teaching Staff (LNCT). 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. The first meeting of the academic session will confirm the membership of the Committee and the joint secretaries, agree the chair and review any standing sub-committees. The Executive Director of Community Services 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 six members of each side (including, in each case, the joint secretary). Each side shall be entitled to determine, substitute members 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 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 Chair of the Committee will be on the basis of annual rotation. The Council side will determine the Chair for the academic year commencing with the first meeting of the Committee and the teachers' side will determine the Vice-Chair for that period. For the second year the Chair and Vice-Chair will be determined by, respectively, the teachers' side and the Council side and the Chair and Vice-Chair 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. The Council shall put in place mechanisms to implement agreements reached. If either side cannot reach unanimous agreement, approval shall be determined by a majority vote of those representatives of that side who are present.
12. 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. Observers may also be present with the approval of the joint secretaries.
13. 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.

14. 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.
15. 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 a recommendation and shall not be binding on the parties to this Agreement.
16. 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.
17. No variation to this Recognition and Procedure Agreement may be made except with the consent of the sides to this Agreement.
18. 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 secretary as well as the necessary facilities advised by ACAS Code of Practice No.3.
19. 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.
20. 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.
21. Where agreement between the two sides of the negotiating committee is not possible, either side may refer the failure to agree to the joint chairs of the SNCT for conciliation. If the conciliation is unsuccessful the joint chairs of the SNCT may recommend further procedures for resolution of the difference, including external conciliation, mediation or binding arbitration.

Signed on behalf of the Council

signed

Name Jacqui Watt
Designation Executive Director – Community Services
Date 30/06/05

Signed on behalf of The Educational Institute of Scotland

signed

Name Nick Stevenson
Designation Secretary EIS Shetland Local Association
Date 8th July 2005

Signed on behalf of The Scottish Secondary Teachers Association

signed

Name Jeremy F Edwards
Designation District Secretary
Date 16 / August / 2005

Signed on behalf of The Professional Association of Teachers

signed

Name Peter Haviland
Designation PAT Representative on Shetland Teachers' Panel
Date 23rd July 2005

See also supplementary agreement – January 2008

SUPPLEMENT
to

LOCAL RECOGNITION AND PROCEDURE AGREEMENT

Between

SHETLAND ISLANDS COUNCIL

and

THE NATIONAL ASSOCIATION OF SCHOOLMASTERS/UNION OF WOMEN TEACHERS

With the consent of

THE EDUCATIONAL INSTITUTE OF SCOTLAND;
THE SCOTTISH SECONDARY TEACHERS ASSOCIATION and
THE PROFESSIONAL ASSOCIATION OF TEACHERS

Supplemental Signatory Page

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

The National Association of Schoolmasters/Union of Women Teachers affirms its commitment to the maintenance of good industrial relations and accepts that the Recognition and Procedure Agreement, and any formal Agreements which may arise from it, will be binding on the signatory parties.

The parties hereto and the consenting signatories agree that for all purposes of the Recognition and Procedure Agreement the National Association of Schoolmasters/Union of Women Teachers are deemed to be included as a signatory to the Recognition and Procedure Agreement.

Signed on behalf of The National Association of Schoolmasters/Union of Women Teachers

Signed

Name Daniel A McNeill
Designation Shetland LA treasurer
Date 17/01/2008

Signed on behalf of The Educational Institute of Scotland

Signed

Name Bernie Cranie
Designation Secretary EIS Shetland Local Association
Date 25/01/2008

Signed on behalf of The Scottish Secondary Teachers Association

Signed

Name Jeremy F Edwards
Designation District Secretary
Date 06/02/2008

Signed on behalf of The Professional Association of Teachers

Signed

Name Wendy Dyble
Designation PAT Representative on Shetland Teachers' Panel
Date 12/02/2008

Signed on behalf of the Council

Signed

Name Hazel Sutherland
Designation Executive Director – Community Services
Date 19/02/2008