

Title: Local Recognition and Procedure Agreement between Scottish Borders Council and The Educational Institute of Scotland, The Scottish Secondary Teachers' Association and the National Association of Schoolmasters/Union of Women Teachers.

Number: A1

Date: September 2013 (Revised September 2023)

- 1 The Scottish Borders Council hereby recognises The EIS, SSTA, and NASUWT as the sole representatives of the teaching staff, music instructors, advisers and educational psychologists employed by the Council on all matters relating to conditions of service as defined in paragraph 3 of this recognition and procedure agreement and other matters not subject to national bargaining.
- 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 arise from it will be binding on the signatory parties.
- 3 All Teachers will be treated fairly. Scottish Borders Council is committed to ensuring that procedures do not discriminate directly or indirectly on grounds of race, colour, ethnic or national origin, religion or belief, gender, gender reassignment, sexual orientation, marital status, disability, age, or trade union membership and activity. Under employment law, priority for redeployment may be given to Teachers who are on maternity leave and Teachers with disabilities in certain circumstances (refer to the Human Resources Department for advice).
- 4 All agreements, orders, settlements and determinations of the Scottish Negotiating Committee for Teaching Staff in School Education dealing with:
 - 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
 - other leave and absence arrangements
 - notice periods
 - housing
 - indemnification procedures
 - other allowances
 - discipline and grievance procedures

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

- 5 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, music instructors, educational advisers and educational psychologists.
- 6 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. 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 Teachers' Side.
- 7 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 organisation. The Management Side and the Joint Union Side will each appoint a secretary for their respective sides.
- 8 Negotiations between the two sides shall be conducted within a committee to be known as the Scottish Borders Council Local 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 3 meetings in each calendar year. One of the meetings shall be designated the Annual General Meeting for the purpose of approving the membership of the JNC and reviewing any standing sub-committees. The joint secretaries shall be responsible for making the arrangements for meetings which shall be arranged within 21 days of a request being lodged, or otherwise by mutual agreement.
- 9 The composition of each side of the Committee shall be determined by the sides separately, but shall not exceed 6 members of each 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.
- 10 The quorum for a meeting of the Committee shall be 3 from the Management Side and 3 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.
- 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, following consultation by the Trade Union representatives with their Members and approval from the Council as appropriate. Agreements reached by the Committee shall be legally binding on the Council and the signatory unions and each of the parties hereto hereby confirm that they have the authority to bind the party on whose behalf they sign in terms of this Recognition and Procedure Agreement.
- 12 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 SNCT.
- 13 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.

- 14 No variation to this Recognition and Procedure Agreement may be made except with the consent of the Sides to this agreement. The Agreement will be subject to review, if changing circumstances so require.
- 15 The Council hereby agrees to ensure that adequate paid time off work shall be granted to all union representatives on the Local Negotiating Committee and that particular consideration shall be given to the amount of paid time off work required by the person appointed as union side joint secretary, as well as the necessary facilities covered by ACAS Code of Practice 3.
- 16 The signatory parties to this Recognition and Procedure Agreement acknowledge the importance of establishing and maintaining confidence in the negotiating arrangements established under this Agreement and recognise the need to negotiate in good faith.
- 17 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 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.
- 18 Where agreement between the two sides of the local 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.
- 19 The Chairmanship of the Committee will be on the basis of annual rotation. The Council side will determine the Chairman for a period of one year commencing with the first meeting of the Committee and the Joint Union side will determine the Vice-Chair for that period. For the second year the Chair and Vice-Chair will be determined by respectively the Joint Union side and the Council side and the determination of the Chair and Vice-Chair will thereafter be the subject of rotation.
- 20 Education and Lifelong Learning shall provide the Clerk to the Local Negotiating Committee and the post holder or representative shall be responsible for making the arrangements following consultation with the joint secretaries for the arrangement of meetings and for the administration of meetings.
- 21 The Committee shall meet in private but each side shall be entitled to authorise the presence of persons who are not members of the Committee to act as Advisers for specific issues, as required from time to time for the business of the Committee. A person present as an adviser shall have no voting rights.

LNCT Joint Secretaries:

Date signed **27 September 2023**

Justin Sinclair

Natasha York

