

COMMITTEE: ADMINISTRATION

DATE: 5TH MARCH 2008

SUBJECT: REFERENCE FROM CHILDREN'S SERVICES
JOINT NEGOTIATING AND CONSULTATIVE
COMMITTEE (CSJNCC) - EMPLOYMENT
PROCEDURES FOR CENTRALLY EMPLOYED
TEACHERS

REPORT BY: CHIEF EXECUTIVE (HEAD OF LOCAL
DEMOCRACY)

CONTACT OFFICER: SUSAN ROWLAND 546036

IMPLICATIONS:

LEGAL	✓	COMMUNITY SAFETY
EQUALITIES	✓	ENVIRONMENT
FINANCIAL		CONSULTATIONS
STAFFING	✓	OTHER

WARDS AFFECTED: ALL

PURPOSE

1. The purpose of the report is to refer to the Administration Committee the recommendations of the Children's Services Joint Negotiation and Consultative Committee (CSJNCC).

RECOMMENDATION(S)

2. Administration Committee is recommended to adopt the revised Disciplinary, Grievance, Sickness and Capability Procedures for centrally employed teachers as set out at Appendix A.

BACKGROUND

3. At its meeting on 6th February 2008 the CSJNCC received a report on the Employment Procedures for Centrally Employed Teachers and resolved:-
“To commend the Revised Disciplinary, Grievance, Sickness and Capability Procedures to Administration Committee for adoption.”
4. On 6th February 2006, the CSJNCC were advised that:-
5. In 1997, on formation of a Unitary Authority by which teachers were employed for the first time, the Council adopted a series of employment procedures for employees on teachers’ conditions of service employed in central departments, rather than in schools, where they come under the remit of the governing body. Other than amendments to the process outlined in the Capability Procedure, to reflect Department for Children Schools and Families (DCFS) expectations, these have not been reviewed. They are now out of date and fail to recognise the change in the governance of the Council or the newly structured Council departments.
6. Whereas procedures commended to schools’ governing bodies have been reviewed to reflect the statutory changes implemented by the School Staffing (England) Regulations 2003, and the consequent right of a headteacher to dismiss, the current procedures fail to recognise the delegation by the Council, to appropriately trained designated officers, for action short of appeal against dismissal. Procedures to manage sickness are vague and have not been documented for ease of application, leaving the Council at risk of treating people differently.

REPORT

7. The Pay and Conditions Working Party has considered this issue and agreed that the procedures required revision. The framework for managing teacher capability has been set out by the DCFS. Our procedure has been amended accordingly and is attached to this report as an appendix.
8. In order to ensure equity with other Council employees, it is considered that the Council already has procedures for Sickness, Discipline and Grievance, subject to regular review as required. It is recommended that the clause “For employees on Council employment contracts and on Teachers’ Conditions of Service, this policy will be applied, except where overridden by the rights of teachers under Teachers’ Pay and Conditions’. This clause is extracted from the recently agreed Organisational Change Policy.

9. An example of a condition which might override the existing Council policy is the trigger points in the Sickness Absence Procedure, to recognise 195 working days and differences in Occupation Sick Pay.
10. Prior to the next review of Council policies, or the next reprint, the most cost effective way to implement this change will be to add on addendum sheet to current policies when distributing them to teachers.

PROPOSAL/OPTION

11. It is proposed that Administration Committee commends the amendments suggested for adoption.

LEGAL IMPLICATIONS

12. There is statutory, contractual requirement to communicate procedures for managing discipline (including dismissal for sickness and capability) and grievance to employees. Save as otherwise indicated there are no legal implications to this report and this has been agreed with J. Newman in Legal Services on 8 February 2008.

STAFFING IMPLICATIONS

13. Employees need to be aware of the procedures which apply as part of their employment. This review of procedures will ensure they are relevant and more easily understood.

EQUALITIES IMPLICATIONS

14. Transparent procedures, which apply to all, ensure equal treatment. The adoption of these revisions will ensure that all employees, other than those managed by schools within the remit of the governing body, are treated equally.

FINANCIAL IMPLICATIONS

15. There are none. This has been agreed by Bob Freeman, Finance Manager on 17th January 2008.

APPENDIX

16. Appendix 1 – Revised Capability Procedure for Centrally Employed Teachers.

LIST OF BACKGROUND PAPERS
LOCAL GOVERNMENT ACT 1972, SECTION 100D

17. There are no background papers relating to this report other than exempt information as described in Part 1 of Schedule 12A to the Local Government Act 1972.