

ANGUS COUNCIL

CHILDREN AND LEARNING COMMITTEE – 13 JUNE 2017

APPOINTMENT OF SUB-COMMITTEES OF THE CHILDREN AND LEARNING COMMITTEE

REPORT BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT

This report deals with the appointment of Sub-Committees of the Children and Learning Committee.

1. RECOMMENDATION(S)

It is recommended that the Children and Learning Committee agrees:-

- (i) to appoint, in terms of Standing Orders 32 and 33, elected members to the undernoted Sub-Committees:-
 - School Attendance Sub-Committee – 2 elected members (+1 Parent Council representative)
 - Special Cases Sub-Committee – 3 elected members
 - Staffing Sub-Committee – 3 elected members
 - Education Records Review Sub-Committee – 3 elected members
 - Executive Sub-Committee – 3 elected members
 - Special Appeal Sub-Committee – 5 elected members
- (ii) to note that the remit of each of these Sub-Committees is as detailed below and that they all act with full delegated powers;
- (iii) to note the membership of the Angus Joint Negotiating Committee for Teachers;
- (iv) to note the statutory position in relation to the Education Appeal Committee and confirm its composition as detailed in the Report;
- (v) to note the statutory position in relation to the Social Work Complaints Review Committee and confirm its composition as detailed in the Report;
- (vi) to note that Disclosure Scotland PVG checks should be undertaken on the members of the Education Appeal Committee as set out in Section 5 of this Report.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our children and young people are confident individuals, effective contributors, successful learners and responsible citizens
- Adults maximise their potential through learning opportunities
- Individuals and families are involved in decisions which affect them
- Individuals are involved in their communities

3. BACKGROUND

The Council's Standing Orders and Order of Reference of Committees provide that the Children and Learning Committee shall appoint the following Standing Sub-Committees to act with full delegated powers:-

School Attendance Sub-Committee
Special Cases Sub-Committee
Staffing Sub-Committee
Education Records Review Sub-Committee
Special Appeal Sub-Committee

Although not a Sub-Committee, the Children and Learning Committee is also required to appoint an Education Appeal Committee and a Social Work Complaints Review Committee.

4. STANDING SUB-COMMITTEES

The remits and compositions of the Standing Sub-Committees of the Children and Learning Committee are set out below.

(a) School Attendance Sub-Committee

Remit

The consideration and determination of cases of school attendance default under Sections 34 to 44 of the Education (Scotland) Act 1980 and submissions in relation to the education of children at home under Section 30 of the Act.

Composition

The Sub-Committee comprises one person drawn from the list of Parent Council nominees retained by the Head of Legal and Democratic Services and two elected members of the Children and Learning Committee.

The quorum is two persons, at least one of whom must be the Parent Council representative.

(b) Special Cases Sub-Committee

Remit

- (i) The consideration and determination of appeals against decisions of the Strategic Director - People in respect of the early admission of children to primary school education;
- (ii) The consideration and determination of requests for provision of transport of pupils to schools by reason of special circumstances; and
- (iii) The consideration and determination of appeals against decisions relating to the granting of bursaries, allowances and other financial aid to assist persons to take advantage of education facilities.

Composition

The Sub-Committee comprises three elected members of the Children and Learning Committee, with two members forming a quorum.

(c) Staffing Sub-Committee

Remit

Consideration and determination of any matters relating to the conditions of service for individual teachers, being functions conferred on the authority and not otherwise delegated to the Strategic Director – People; including, but without prejudice to the foregoing generality:-

- (i) the approval of local agreements relating to the devolved conditions of service set out in Circular SNCT/8;

- (ii) the hearing of grievances raised by teaching staff in accordance with the grievance procedure for teaching staff as approved by the Children and Learning Committee;
- (iii) the hearing of appeals by teachers against any disciplinary action taken by the Strategic Director - People (or officer designated for this purpose);
- (iv) the consideration and determination of applications from teachers in educational establishments for premature retirement, or continued employment at the age of 65 years; and
- (v) the consideration and determination of cases involving any teacher whose period of sickness allowance has ended and whose circumstances the Strategic Director – People requires to report to the Children and Learning Committee in accordance with nationally agreed Conditions of Service.

Composition

The Sub-Committee comprises three elected members of the Children and Learning Committee, with two members forming a quorum, except when the Sub-Committee considers (i) above, in which case three members will form the quorum with provision for the appointment of substitutes.

(d) Education Records Review Sub-Committee

Remit

The determination of any request for review of any decision made in terms of the Pupils' Educational Records (Scotland) Regulations 2003.

Composition

The Sub-Committee comprises three elected members of the Children and Learning Committee, selected on a rota basis, with two members forming a quorum.

(e) Executive Sub-Committee

Remit

The consideration of urgent matters during the annual recess of the Council and other matters specifically referred by the Children and Learning Committee for consideration, at other times of the year.

Composition

The Sub-Committee comprises three elected members who are entitled to appoint substitute elected members (who need not be members of the Children and Learning Committee). All three persons must be present to form a quorum.

(f) Special Appeal Sub-Committee

Remit

To consider appeals against dismissal in accordance with the provisions of the Angus Joint Negotiating Committee for Teachers Circular AJNCT/11.

Composition

The Sub-Committee comprises five elected members who are members of the Children and Learning Committee (or their substitutes), one of whom will normally be either the Convener or the Vice-Convener of the Children and Learning Committee.

5. EDUCATION APPEAL COMMITTEE

Remit

The consideration of appeals by parents against the Council's refusal of requests for places in schools of their choice for their children, or against the decision to exclude their children from school, in accordance with the terms of the Education (Scotland) Act 1980 as amended by the Education (Scotland) Act 1981.

Note:- Parents have the right of appeal to the Sheriff within 28 days of the Appeal Committee's decision. The Strategic Director – People does not have the right to appeal.

Composition

In accordance with Schedule A1 to the Education (Scotland) Act 1980, Appeal Committees are required to comprise:-

- Members of the education authority or of the Children and Learning Committee; and
- Persons who are not members of the education authority or its Children and Learning Committee, but are
 - (i) parents of children of school age; or
 - (ii) persons who in the opinion of the authority have experience in education; or
 - (iii) persons who in the opinion of the authority are acquainted with educational conditions in the area of the authority.

(Note: None of (i), (ii), (iii) above shall include any person employed by the authority as the Strategic Director – People) or as an educational adviser or as an assistant (in any capacity) to such Strategic Director or adviser.)

The Schedule further provides that the members of an Appeal Committee who are members of the authority or its Children and Learning Committee shall not outnumber the other members of the Committee by more than one.

In Angus, it has been agreed that whenever there is an appeal of the above type to be heard, an Education Appeal Committee comprising three members should be called, namely:

- One elected member who is not a member of the Children and Learning Committee selected on a rota basis;
- One person drawn on a rota basis from a list of Parent Council representatives provided by their membership, authority being delegated to the Strategic Director – People and the Head of Legal and Democratic Services to ensure that the list is regularly updated;
- One person with experience in education.

It is recommended given the role of the Education Appeal Committee that Disclosure Scotland PVG checks of the Parent Council representatives and the person experienced in education be carried out. The elected member will already have been the subject of a Disclosure Scotland PVG check in terms of the Protection of Children (Scotland) Act 2003.

In terms of the statutory provisions, the required quorum for an Appeal Committee is all three members. The legislation stipulates that a person who is a member of the Children and Learning Committee shall not be the Chair of the Appeal Committee. The Chair of the Appeal Committee will be the person with experience in education.

6. SOCIAL WORK COMPLAINTS REVIEW COMMITTEE (TO ACT WITH POWERS IN TERMS OF STATUTORY PROVISION)

Remit

To review complaints which have previously been investigated but where disagreement exists regarding the findings or proposed action resulting from the complaint, and where the complainer has formally requested such a review.

Note: The Scottish Government has recently completed a review of the Social Work Complaints system with a new two stage model complaints handling procedure for social work services coming into effect on 1 April 2017. As a result, the requirement for local authorities to set up a Complaints Review Committee has been removed (Report No 7/17 refers). There will be a period of overlap in moving from the current to the new system and therefore complaints which are recorded up to and including 31 March 2017 will be dealt with under the existing procedures. Local authorities will still require to hold Review Committees for some time after 1 April 2017.

Composition

Membership of this Committee is made up of three independent persons drawn from a Social Work Review Panel and members are asked to approve the re-appointment of Mrs Angela Woolridge who has indicated her willingness to continue as the sole remaining member of the Review Panel. As a result of the changes detailed above, no further appointments have been made to the Committee and currently, joint arrangements are in place with Perth and Kinross Council.

7. ANGUS JOINT NEGOTIATING COMMITTEE FOR TEACHERS (AJNCT)

The Constitution of this Committee states that the principal purpose of the Angus JNCT is to establish and maintain bargaining machinery and a negotiating procedure between the Council and signatory unions whereby relevant conditions of service can be determined for all teaching staff, including music instructors, educational advisers and educational psychologists.

Remit

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
- disciplinary and grievance procedures
- allowances which are not pay related
- any other agreed matters which are not subject to national negotiations

shall be adopted as the base for negotiations, along with any other agreed matters which are not subject to national negotiations.

In addition to undertaking negotiations on conditions of service, the JNCT will also provide a means of regular consultation and exchange of information, ideas and comment between the Council and its teacher employees on a range of agreed matters of mutual interest.

Membership

Membership of the Angus JNCT will comprise five members appointed by the Council and five members appointed by the recognised unions.

The members appointed by the Council will comprise two Councillors (normally the Convener and Vice-Convener of the Children and Learning Committee) and three officers (normally the Strategic Director – People and two Senior Managers).

The members representing the unions will be appointed by the Angus (Teachers Panel). These appointments will reflect the respective membership strengths of the following organisations:-

- Educational Institute of Scotland
- Scottish Secondary Teachers Association
- Professional Association of Teachers
- National Association of Schoolmasters/Union of Women Teachers
- Head Teachers Association of Scotland
- Association of Head Teachers

Substitutes will be eligible to attend meetings to take the place of any member unable to attend provided that:-

- (i) a substitute for a Councillor is also a Councillor;
- (ii) a substitute for a Chief Officer is also a Chief Officer;
- (iii) a substitute for a teacher is an employee (on teachers' conditions of service) of Angus Council.

Either the Council or the Union side may invite an appropriate person or persons to attend any meetings of the AJNCT to act in an advisory capacity.

Note: At a meeting of the Angus Joint Negotiating Committee for Teachers held on 31 May 2017, it was agreed to amend the membership of the Committee to now comprise 6 officers appointed by the Council (removing Councillor representation). This decision will be considered by the Staffing Sub-Committee on 13 June 2017.

8. FREQUENCY OF MEETINGS

The School Attendance Sub-Committee, other Sub-Committees, the Education Appeal Committee and the Social Work Complaints Review Committee are convened when necessary. The Angus JNCT normally meets four times.

9. FINANCIAL IMPLICATIONS

There are no financial implications arising from this Report.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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