

**MINUTES OF THE SPECIAL COUNCIL AND EMPLOYEE JCC
MONDAY, 6 NOVEMBER 2006**

Council Side present:	Councillors *Basu, *Beacham, *Diakides, Gorrie, *Griffith (Chair), B. Harris, *C Harris, *Hoban, *Meehan and *Santry.
Teachers' Side present:	*Tony Brockman, *Julie Davies, Jan Beard, *Jane Clarke, *Steve Ballard, *Jane Wilkinson, *Sharon Easton, *Tony Hartney, *Alan Homes, and *Michael Parnham.

* Indicates Members present

LC1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Catherine Harris. Apologies were also received from Jan Beard, who was substituted by Jess Pinnells.

LC2. URGENT BUSINESS

None.

LC3. DECLARATIONS OF INTEREST

Declarations were received from Councillors B Harris, Diakides, Griffith and Basu.

LC4. DISPUTE: CLASS SIZE, NON CONTACT AND COVER

The Chair invited Tony Brockman, Secretary of the Haringey Teachers' Panel, to address the Committee. Mr Brockman stated that this meeting was the first occasion under the new arrangements that the Teachers' Side had requested such a meeting to resolve a dispute. This highlighted the seriousness of the situation. Mr Brockman outlined the history of the class size, cover and non-contact time issue which was documented in the papers before the Committee (with particular reference to his letter to the Director of the Children and Young People's Service, Sharon Shoemsmith, on 13 September 2006).

Mr Brockman recalled the 1987 agreement which all parties entered into. He commented that the Local Management of Schools provisions in 1989 had transferred employment powers to governing bodies thus reducing the opportunity for LEAs to enter agreements with unions which were mandatory on governing bodies. Nonetheless, since LMS, a Schools Personnel Handbook was published and issued, agreed by both the Council and the Teachers' side. Some 25 such agreements, including that on class size, cover and non-contact time had been included and strongly and jointly recommended to Governing Bodies for adoption.

However, the section referring to class sizes, cover and non-contact time had been the subject of calls for a review by the Teachers' Panel, most recently over the past two years. He referred to the agreed Action Plans of the Teachers' Negotiating Group in the agenda pack, one element of which was to complete a class size/cover review by 24 January 2006. With reference to this, Mr Brockman expressed alarm that a letter from Ms Shoemsmith to secondary school head teachers on 26 June 2006 stated that there was "no local agreement on class sizes in secondary schools". This, he stated, contradicted the letter of 18 September 2000, of the Personnel Consultant to

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the LEA that indicated that "all parties wished to preserve the agreement between the LEA and the Union on...inter alia class sizes in the schools in the Borough". Mr Brockman stated that although an agreement to review had been reached, no action had been taken to date and the Director's letter contradicted the agreed position minuted at TNG. As a result, there were now concerns that there were examples of class sizes rising in some Haringey schools. Mr Brockman therefore felt that an agreement on the way forward was urgently needed at this impasse and suggested the following points for a resolution of the dispute:

Both sides should jointly:

- regret what has happened
- Undertake to ensure that this does not happen again.
- Undertake to review the agreement jointly as a matter of urgency.

There need be no change in the status of the agreement – the formulation – jointly and strongly recommended to GB's for adoption has stood the test of time. There should also be a joint statement to teachers and head teachers to tell them that while this review is under way the Council and unions continue to jointly and strongly recommend the agreement. A mechanism should be established for resolving difficulties that have arisen in the meantime and securing redress for the teachers concerned. Mr Brockman said that the Teachers' Side sought to reach agreement in these terms tonight.

Councillor Hoban asked Mr Brockman to confirm that the main concerns that had resulted in the need for this meeting was based on the said letter of the 26 June 2006. Mr Brockman confirmed that this was the central cause of the difficulty, because it was contrary to the understanding that an agreement had been made.

Councillor Santry stated the following in terms of a response to the concerns raised by Mr Brockman, by way of overcoming the current impasse:

- It is regrettable that the joint review of the agreement between the LEA and the Teachers' Panel on class size, non-contact time and cover had been delayed, although this had been agreed.
- That a jointly agreed letter be sent to all teachers, head teachers and governing bodies to inform them that the review would be taking place and that in the meantime, the LEA and the Teachers' Panel would be strongly recommended to continue to follow the provisions of the agreement. This would be in addition to a letter already sent by Ms Shoesmith outlining a similar course of action.
- That Children and Young People's Service officers undertake the necessary consultations with primary and secondary head teachers to inform the review.
- That Councillor Santry, in her capacity as Executive Member for Children and Young People, monitor the progress of the review.

Mr Brockman responded that due to the three year delay in getting the review initiated, some assurances to teachers were in his view required that the review would go-ahead and that this would need to be communicated to schools appropriately, by means of a jointly agreed letter which would also advise that schools should continue to adhere to the current guidelines in the interim. In order to ensure that industrial

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action was avoided, Mr Brockman also called for a mechanism to redress workload where excessive class sizes or cover, or reduced non-contact time had occurred and referred to the Class Size Panel as possibly suitable for this purpose. The Committee were further advised that the NUT delegates to the Teachers' Side would be expected to report back to a General Meeting of the NUT the following week on the outcome of tonight's meeting.

Ian Bailey, Deputy Director of the Children and Young People's Service (Business Support and Development), responded that there was no argument that the review should take place as a matter of urgency. With regard to a letter to schools in the interim, Mr Bailey stated that asking schools to adhere strictly to the 1987 agreement would not be appropriate, given the many changes that have taken place in national agreements and legislation since it was written. Mr Bailey considered an agreement to be feasible between the two sides.

Mr Brockman accepted that many of the elements of the 1987 agreement were historic. However, some key elements were still valid, such as the limit of 27 for secondary class sizes, and the loading of timetables at an 80% maximum and the limitations on cover Mr Brockman accepted the joint letter to schools as outlined and surmised that if these key issues could be jointly identified and rectified by way of a review, and an agreement between the two sides reached by the end of the spring half term, industrial action could be averted.

At this stage in proceedings (19:10), the Chair adjourned the meeting in order for both sides to agree their respective responses to the proposal put forward.

The meeting was reconvened and 19:30 and Stuart Young, Head of Personnel, Haringey Council responded that the Council side accepted that a jointly drafted letter be sent to head teachers which would encapsulate the following:

- The Council were mindful of the existing arrangements (
- The Council recognised the need for a review to be completed urgently.
- The Council would actively seek to avoid conflict over class size, non-contact and cover issues during the review and would advise that schools avoid significant changes to class size and contact time or cover from the previous arrangements during the period of the review.
- The Council commended the current arrangements which existed for the resolution of any school based disputes including those arising from the 1987 arrangement.
- The Council's timetable for the review to include a commitment to have commenced discussions by the end of the current term and a commitment to seek to reach agreement by the end of the Spring Term if this were practicable.

Mr Brockman noted that the responses were extremely helpful, but that the drafted letter should specify what was meant by 'significant changes'. There was no objection to this proposal.

Mr Brockman also noted that no firm times/dates had been offered in respect of the review. Councillor Meehan explained that the Council would aim to complete the review by Easter 2007 in order to ensure completeness and full engagement in it by

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all parties. The urgency with which this would be progressed would be subject to the key partners' full engagement.

Mr Brockman subsequently stated that given what had been outlined between the two sides, an agreement had been reached and that the joint secretaries would meet to agree the full wording of the letter to teachers and head teachers

LC5. DATES OF NEXT MEETINGS OF THE COUNCIL AND EMPLOYEE

The dates of the next meetings of the JCC were confirmed as follows:

- Monday 4 December 2006, at 19:30 in the Civic Centre
- Monday 5 March 2007, at 19:30 in the Civic Centre

Councillor EDDIE GRIFFITH
Chair



1/12/06