

Review vii – Review of Consultation Arrangements Management and Teaching Unions

Terms of Reference

March 2022

Review Rationale

The Agreement ratified on 28 April 2020 between Management Side and NITC to resolve the dispute on Teachers' pay and workload issues includes the following commitments:

“The immediate introduction of a formal requirement on the Department, Employing Authorities and other arms' length bodies to consider and consult on new initiatives which have the potential to impact on teacher workload” The agreement also commits the parties to a short time-bounded examination of the benefits of introducing Local Consultative Committees (or variants of this) in schools. This short paper commissions that review and will require Management Side and NITC to jointly look at:

- The principles of consultation with an agreed understanding of what consultation means;
- Consultation machinery covering engagement with NITC on initiatives which potentially impact on teacher workload led by the Department, Employing Authorities and other arms' length bodies – central arrangements;
- The practical arrangements for establishing consultative arrangements in schools – local arrangements;
- The manageability of proposed arrangements both central and local;
- Training support for management and trade union participants in the consultative process.

Approach

The proposal is to launch a joint Management/NITC review through the forum of the TNC. The review will produce recommendations for consultative frameworks in schools, their implementation and supporting arrangements at both central and local, school-based levels.

The aim is to have the review completed by June 2022.

Through the TNC Transition Group a Pilot Joint Consultative Committees Scheme has been developed. It is anticipated that the Pilot Scheme will commence in March 2022 and will run until April 2023 and on completion of the pilot it is anticipated that a review of the effectiveness of JCCs will be commenced by TNC in April 2023 to be completed by the end of June 2023 after which decisions will be made about the way ahead beyond September 2023.

The Review will report on the Industrial Relations developments since reaching the Pay Agreement in April 2020.

Issues to be Considered

A. This review will aim to set out the progress and key changes made in industrial relations since the Agreement was reached in April 2020 and the ending of the industrial action including:

- The review of the TNC Constitution;
- The establishment of a Joint Secretaries Forum;
- The arrangements in place to ensure early consultation between management and teaching unions in respect of any new policies or proposals for change that may impact on teacher workloads;
- The establishment of the joint working groups to address the nine identified areas in the Agreement;
- Commencement of joint reviews of the programme of policy and procedures reviews; and
- Work has commenced on a pilot of Joint Consultative Committees within schools. The pilot will be limited to schools with 400 or more primary pupils and those with 600 or more post-primary pupils.

B. In addition the review will consider the development of an overarching suite of guidance and protocols to help support school management and teaching union representatives to have good practice consultation arrangements in place.

The package may cover:

- Defining a common understanding of negotiation, consultation and communication
- Demonstrate what good consultation and communication looks like
- The scope of consultation at school level
- Clarify roles and responsibilities
- Facilitating and maintaining positive industrial relations
- Availability of advice, guidance and resourcing

Through the review Management Side and NITC will jointly consider:

- The principles of consultation with an agreed definition and understanding of what consultation means;
- Consultation machinery covering engagement with NITC on initiatives which potentially impact on teacher workload led by the Department, Employing Authorities and other arms' length bodies – central arrangements;
- The practical arrangements for establishing consultative arrangements in schools – local arrangements;
- The manageability of proposed arrangements both central and local;
- Capacity building for management and trade union participants in the consultative process.

Potential Outcomes

- Work in conjunction with the Transition Group to assist with the launch of a pilot Joint Consultative Committees scheme to assess the feasibility of JCCs in schools to support positive industrial relations.
- Improved working relationships between Management and NITC at a strategic level,
- Improved industrial relations across all schools and education settings,
- Facilitate and support positive engagement, trust and confidence between School Leaders and Trade Union representatives elected by Teachers,
- Reduction in the number of individual grievances,
- Programme of policy and procedure reviews will remain under review and continue to be modernised and updated,
- Agreed model of consultation and communication best practice for schools will be developed,
- Agreed guidance on consultation and communication for schools will be developed.

Scope

- The scope of the review will be to assess the feasibility of Joint Consultative Committees in schools to support positive industrial relations through the implementation and evaluation of a pilot scheme.
- The review will consider the current consultation arrangements in operation through TNC with a view to making recommendations on potential areas for improvement and development.

Interdependencies

- Relevant LRA Codes of Practice (Including: Time Off for Trade Union Duties and Activities, Disclosure of information to trade unions for collective bargaining purposes)
- Employment Rights (NI) Order 1996
- Employment (Northern Ireland) Order 2003
- Safety Representatives and Safety Committees Regulations (Northern Ireland) 1979.
- Review of the Workload Agreement
- Review of Workload Impact on School Leaders
- Review of Initiatives to Promote and Support Teacher Health and Wellbeing
- The work of the 'Transition Group' coming from the Pay and Workload Agreement 2020/01

Constraints

The pilot programme on JCCs not commencing on time.

Deliverables

A core working group will be established which will fully scope the review and further develop this TOR. The key deliverables expected from the working group on this review:

- Provide review progress updates bimonthly or quarterly (as requested) for the Oversight Group,
- Identify best practice consultation arrangements in schools which facilitate and maintain positive engagement, trust and confidence between School Leaders and Trade Union representatives,
- Make recommendations on effective consultation procedures based on clear rationale/evidence and taking account of workload and resourcing implications,
- Consider practicalities of implementation including timing,
- Produce agreed guidance on consultation and communication for schools,
- Develop and provide training support for management and trade union participants in the consultative process, and
- Prepare a full review report for presentation to the Oversight Group by June 2022.

Operation

Membership

The review will be led by a core working group chaired by Management Side of TNC. Membership includes three MS representatives and three trade union representatives as follows:

John Mason	Management Side Lead, Project Team (Chair)
Declan Marlow	TNC Management Side Secretary
Eugene O'Neill	CCMS
Jacquie White	UTU
John Kelly	INTO
Ronan Sharkey	NASUWT

In nominating a representative, the Oversight Group members will consider the most appropriate representative with the relevant knowledge of the particular work area.

The working group will draw in ad hoc membership for specific issues as and when required.

Roles and Responsibilities

It is expected that all members of the working group will work collectively and take ownership of work stream business.

There will be no expectation for working group members to attend face-to-face meetings etc. and all working from home arrangements will be facilitated. Where possible meetings will take place through virtual/technological methods and email, telephone, audio or video conference will be utilised until the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment) Regulations (Northern Ireland) 2021 are significantly eased. On easing of restrictions face to face meetings will be considered, taking into account the health, safety and wellbeing of participants to promote positive working relationships.

The project support team within the Department of Education (DE) will provide secretariat to the working group including recording action points as requested by the working group chair.

The work of the group supports but does not replace or change the role of the Teachers' Negotiating Committee (TNC).

Time off to attend meetings

Members of the working groups shall be granted every reasonable facility without loss of pay or other benefits, to attend meetings and undertake allocated tasks to deliver the work of the review.

In cases where this becomes excessively time consuming (for non-project team members); proportionate backfill costs may be considered for funding from the project budget with prior approval from the Project Manager.

Where necessary, substitute cover and/or acting up allowances and payments to associates (pre-approved under a framework) may also be considered.