

EIS Representatives Handbook

Support, Policy and
Advice

2012

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Introduction

Welcome to the EIS online support, policy and advice for EIS Representatives. This is designed as a reference primarily for EIS representatives in schools. This advice however, should also be made available for EIS members in schools. Advice to members in Further Education Colleges and in Higher Education is currently available in other EIS publications.

The advice will be updated from time to time and representatives are asked to ensure that the information they are accessing is the most up to date available and can be printed easily via the EIS website. Any representatives who have difficulties in accessing or in downloading this advice may request a hard copy version from EIS headquarters.

The advice is intended to assist EIS representatives in their work as well as to set the work of the EIS at school level within the wider context of the EIS within local associations and at national level. This advice is not intended as a definitive statement of EIS policy but is indicative of the range and scale of work in which the EIS is involved. It is intended to support and inform EIS representatives in their work. Full copies of policy can be downloaded from the EIS website or are available on request from EIS HQ and EIS offices. The EIS website is regularly updated with new policy developments and advice both to representatives and to EIS members.

Where EIS advice is not readily available from the website, or if further clarification is sought, the EIS representative should consult the local association secretary or area office.

The EIS representative in the school is the vital link between EIS membership within the school and the various local and national bodies of the EIS. More and more decisions are now taken at school level which means that EIS membership within the school and EIS representatives have an increasing role in the work of the EIS.

From the time of your appointment as EIS representative, members in your school may come to you asking for information on EIS policy, or seeking advice. Clearly no representative can have a complete knowledge of all the many strands of EIS policy. Equally, if you are a newly appointed representative, it will take some time before you have the knowledge or information which will allow you to give answers to queries which are addressed to you. At any time, do not hesitate to seek further advice from your Local Association Secretary.

1. THE EIS AND ITS MEMBERS

EIS members have the right to advice, support and help from the EIS when they need it most.

This could be when members are threatened with legal action or need advice or help on other legal or contractual matters. Assistance will also be provided on the occasions when individual teachers/lecturers face the possibility of disciplinary action by their employer or, by the General Teaching Council Scotland.

Teachers also have the right to raise a grievance on aspects of their work with which they are concerned and in these circumstances too, EIS advice and support is available.

At a time of cuts in budgets in council areas, including possible re-deployment or even possible redundancy, members will look more and more to the EIS for support and advice.

A growing number of members have concerns with contractual issues, in particular those who are employed on a temporary, part-time or supply basis. On rare occasions teachers are subject to bullying and harassment (including sexual and racial harassment). In all these circumstances EIS support and advice is available.

Whatever the concern, the first person to contact is normally the EIS representative in your school and thereafter [the EIS local association](#) of which you are a member. The names of local association secretaries can be found on the EIS website and are published regularly in the [Scottish Educational Journal](#). The local association may also need the help and backup of EIS Area Offices and EIS Headquarters in Edinburgh, especially when circumstances are particularly serious, or where there is a need to involve lawyers.

The EIS has access to the very best legal advice when it is required and uses quality law firms and solicitors of repute. On the rare occasions that matters end up in court, the EIS can offer full support and assistance.

As the EIS role as a learning organisation becomes increasingly established in schools and local associations, members look to the EIS more and more for advice and information on issues relating to CPD.

Useful links

www.eis.org.uk/Contacts/LocalAssociation.htm

www.eis.org.uk/News/SEJ_Home.htm

MEMBERS' INSURANCE POLICIES

The EIS has arranged the following insurance policies for the benefit of the membership. **A minimum claim level of £35 applies on both the Personal Effects and Malicious Damage to Vehicles policies.** Successful claims above £35 on the policy will be paid in full up to the respective policy limits.

Nothing stated in the following paragraphs can override the provisions of the actual policies.

Personal Effects Insurance

£500 in respect of any loss (except money)
£50 in respect of cash , banknotes, cheques or securities for money
£750 in respect of all losses in any one period of insurance

Exceptions and excesses: Please contact your EIS representative
This policy covers loss, destruction or damage caused by Fire or Theft to personal belongings at educational establishments within Scotland and at premises owned or rented by the Institute. Cover is also provided for accidental damage (not fire) occurring at any time while the member is in the course of their duties including voluntary duties associated with school/college activities.

This is an indemnity policy and does not operate on a new for old basis. This policy only operates if a claim is not made under any other insurance policy covering the same damage. Cash out with normal hours must be kept in a lock fast place.

Malicious damage to Motor vehicles

£500 in respect of any one claim.
Exceptions and excesses: Please contact your EIS Representative/Branch Secretary

This policy covers any private motor car, motor cycle (including their accessories) licensed for road use or pedal cycle and belonging to an EIS member or their spouse. These vehicles are insured against malicious damage occurring within the boundaries of any school/educational premises or parked in the street within a radius of 250 metres whilst the member is in attendance at such premises in the course of their duties or on Institute business. Cover also extends to adjacent official car parks which are the property of employers of EIS members and have been designated for use by members for parking purposes while in attendance at such premises in the course of their teaching duties or the business of the Institute.

Members may also claim reimbursement of a policy excess applicable under the member's own motor insurance policy provided the incident which occurred falls within the policy cover.

Accidental damage (with the exception noted below), damage caused during theft or attempted theft or loss of belongings are specifically excluded. Cover for damage caused during any unreported accidental damage when the Third Party cannot be traced can be included (check with EIS Representative/Branch Secretary for full details).

Third Party Insurance

The current Limit of Indemnity is £2,000,000.
Under this scheme, members are insured in respect of their legal liability, free of costs, against any claims which may be made against them for injuries to any person or damage

to property by students when in their charge, during normal official duties or during extra-official duties such as excursions and organised games in which they take part as supervisors outside their officially recognised hours of duty.

Personal Accident

The current capital sum payable for accidental death is £4,000.

Cover is provided against accidental bodily injury which solely and independently of any other cause results in death or personal injury. The policy operates regardless of whether the accident took place while on duty or not but not while engaged in a hazardous pastime or in aviation other than as a passenger in a fully licensed passenger carrying aircraft, and covers death, loss of eyes and/or limbs and total and permanent disablement.

EIS FINANCIAL SERVICES

To provide a financial and insurance service for members and their families, the EIS formed the company EIS Financial Services Ltd in 1990 as a joint venture company with a firm of independent brokers.

EIS FS was established to provide members with independent financial advice on all insurance matters as well as personal financial planning. Its consultants are authorised, in terms of current legislation, to deal with financial planning such as the improvement of pension benefits, savings schemes, investment of lump sums on retirement and house purchase. Additionally the company has arrangements for motor, travel, house and house contents insurance.

Members may contact EIS FS to obtain a quotation or to arrange a personal consultation on the following number, **0141 332 8004**

Further details on EIS Financial Services can be obtained from the company's website www.eisfs.co.uk.

EIS FS consultants will also attend meetings of members either in schools or colleges or at local association level to explain the services that can be provided.

EIS Financial Services Ltd is authorised and regulated by the Financial Services Authority.

PERSONAL LEGAL HELPLINE

A personal legal helpline staffed by qualified lawyers.

The EIS has set up a separate telephone helpline to provide members with free legal advice on any PRIVATE problem. The Personal Legal helpline provides advice on issues such as domestic and family matters, consumer problems and car accidents. This new service is separate from the legal advice obtainable through the EIS in respect of EMPLOYMENT related matters.

Open 24 hours a day, 365 days a year, call 0141 332 2887

EIS BENEVOLENT FUND

The Institute's Benevolent Fund is administered by the Employment Relations Committee with the express purposes of helping teachers who are suffering hardship.

The Benevolent Fund was established in 1896 to grant relief in cases of necessity to members and to widows and dependants of members. In this context, the term **members** include retired or disabled teachers who were EIS members when their teaching service ended. To be eligible for assistance from the Benevolent Fund members must be, or have been, in paid membership for a minimum period of one year.

HOW THE BENEVOLENT FUND WORKS

Each local association has its own Benevolent Fund correspondent who acts as a liaison officer between members in his/her area and the national committee. Local Benevolent Fund Committees depend on members to bring to their notice the circumstances of colleagues, in service or retired, or of their dependants, who, because of illness, disability, inadequate pensions or any other misfortune, are suffering financial hardship. For the effective performance of its important work, the national committee has always had to depend largely on the valuable assistance given by local Benevolent Fund Committees and local correspondents.

For more information on the EIS Benevolent fund and its contacts, visit

www.eis.org.uk/Member_Services/Benevolent_fund.htm

A CENTURY AND A HALF OF SERVICE TO EDUCATION

- 1847 Founding of The Educational Institute of Scotland...‘for the purpose of promoting sound learning and of advancing the interests of education in Scotland’
- 1851 Queen Victoria granted a Royal Charter to the EIS. Membership at the time: over 1,800. Among the powers conferred on the EIS was the power to award a degree of ‘Fellow of the Institute’. The EIS remains the only trade union which awards degrees.
- 1900 Increasingly the EIS became involved in matters of pay and conditions of service.
- 1917 Other small teaching organisations joined the EIS.
- 1918 National minimum salaries scale for teachers came into operation.
- 1939 National Joint Council formed. This was the first time that the EIS had been able to negotiate pay and conditions of service at a national level.
- 1971 The EIS became affiliated to the Scottish Trades Union Congress.
- 1976 A Further Education section was established within the EIS
- 1977 The EIS became affiliated to the Trades Union Congress.
- 1987 The EIS set up a political fund, not for party political purposes, but to protect the ability of the EIS to campaign and to challenge politicians and political decisions.
- 1990s EIS area offices set up across Scotland.
- 1999 Setting up of the Scottish Parliament, a move long supported by the EIS.
- 2003 First EIS Learning Representatives appointed.
- 2008 EIS membership exceeds 60,000 for the first time.
- 2010 EIS leads the campaign on education funding “Why must our children pay?”

EIS area offices operate in Dundee, Edinburgh and Glasgow.

The EIS today has separate representation for Higher Education members in the EIS University Lecturers’ Association (ULA) and for Further Education members in the EIS Further Education Lecturers’ Association (FELA).

2. FURTHER AND HIGHER EDUCATION

ORGANISATION OF THE EIS-FELA

The Further Education Lecturers' Association (FELA) is a Self-Governing Association within the EIS. EIS-FELA members are full members of the EIS and enjoy all EIS benefits.

EIS-FELA has its own network of FE College branches, an Executive Committee with sub-committees and office bearers which are directly elected by the EIS-FELA membership. EIS-FELA members are also able to take part in the affairs of the main EIS body by participating in their local EIS associations and by standing for election to national EIS committees and offices including EIS Council.

EIS-FELA is the sole representative body for lecturing staff in Further Education in Scotland and is recognised as such by the STUC. There is a branch of EIS-FELA in every Further Education college in Scotland. The branch is an essential part of EIS-FELA as it is responsible for conducting negotiations with college managements on pay and conditions of service since these are local matters.

The National Executive Committee of the Association follows policies laid down by EIS-FELA Annual Conference. It is responsible for conducting the business of the Association and is constitutionally autonomous in respect of the distinct interests of the further education service in Scotland. Members of the National Executive Committee are elected according to four geographical constituencies: North (4); South (2); East (4); West (8).

Both EIS-FELA and EIS-University Lecturers' Association (ULA) are serviced by the Further and Higher Education Section of the Organisation Department at EIS Headquarters.

Support for members in colleges is provided by the branch secretary in the college, Area Office and EIS Headquarters.

ORGANISATION OF EIS-ULA

The EIS-University Lecturers' Association (ULA) is a Self-Governing Association within the EIS. EIS-ULA members are full members of the EIS and enjoy all EIS benefits.

EIS-ULA has its own network of Higher Education Institutions (HEIs) branches, an Executive Committee and office bearers which are directly elected by the EIS-ULA membership. EIS-ULA members are also able to take part in the affairs of the main EIS body by participating in their local EIS associations and by standing for election to national EIS committees and offices including EIS Council.

The EIS-ULA has autonomy to develop and implement policy on educational issues relating to the universities and higher education in Scotland, including, crucially, the salaries and conditions of lecturers and related staff. EIS-ULA is formulated by members of the EIS-ULA themselves through the EIS-ULA Annual Conference and Executive Committee.

Conference meets in March each year to determine policy. The Executive Committee meets regularly. All EIS-ULA branches are represented at Conference and on the Executive Committee.

There are fifteen HEIs in Scotland and all have EIS-ULA members. All EIS-ULA members in every HEI have the right to be represented by EIS-ULA Branch Officers or full time official for any casework, redundancy or employment matter.

The EIS-ULA Executive monitors developments within the UHI Millennium Institute and seeks parity for those FE College lecturers delivering its curriculum.

The EIS-ULA is one of two unions that represents academic staff in the Scottish HE sector and is recognised as such by the STUC. The EIS-ULA enjoys mutual relations with UCU, and the other three HE campus unions in the UK (GMB, UNISON & UNITE).

EIS-ULA is one of the five HE Campus unions that negotiate pay and related issues for the entire UK HE Sector through the New JNCHES Agreement.

Both EIS ULA and FELA are serviced by the Further and Higher Education Section of the Organisation Department at EIS Headquarters. Support for members in higher education is provided by the branch secretary and EIS headquarters.

Scottish HEIs with EIS-ULA members
• Edinburgh Napier University
• Glasgow Caledonian University
• Glasgow School of Art
• Heriot-Watt University, Scottish Borders Campus
• Queen Margaret University
• Robert Gordon University
• Royal Conservatoire of Scotland
• University Aberdeen, Faculty of Education
• University of Abertay
• University Dundee, Faculty of Education
• University of Edinburgh, Faculty of Education
• University of Glasgow, St Andrews Campus
• University of the Highlands & Islands
• University of St Andrews
• University of Stirling
• University of the West of Scotland
• University Strathclyde

3. WHO CAN JOIN THE EIS?

Teachers registered with the General Teaching Council for Scotland or in employment in Scotland on a permanent, temporary, part-time or supply basis or an exchange programme abroad for a pre-determined period.

Education advisers, staff tutors, development officers, quality assurance inspectors, members of education directorates or any equivalent posts.

Persons qualified as educational psychologists.

EIS officials and officers.

Lecturing staff in further education colleges and universities or other designated institutions of higher education in Scotland.

Community-based adult education tutors (local authority and voluntary services).

Persons holding a teaching qualification who are employed as development or administrative officers by the Scottish Further Education Unit, the Scottish Qualifications Authority, Learning and Teaching Scotland, the Scottish Further Education Funding Council, the Scottish Higher Education Funding Council or the statutory successor to any or all of the foregoing.

Academic staff employed to undertake research in universities or other designated institutions of higher education in Scotland.

Professionally chartered librarians in schools, colleges, universities and other designated institutions of higher education in Scotland.

Persons employed in universities or other designated institutions of higher education in Scotland in counselling students, managing computing centres, or managing consultancy units.

The Chief Administrative Officer, Secretary, Registrar or holder of any equivalent post in any university or other designated institution of higher education in Scotland.

Instructors in Music, Expressive Arts or Home Economics, in former List D schools, in outdoor education, or in special education.

Student Members - Students studying for a teaching qualification (Student membership of the EIS is FREE)

Teachers from overseas who hold a teaching qualification in their own country are entitled to FREE EIS membership while applying for GTCS registration.

4. YOUR EIS CONTACTS

HEADQUARTERS

46 Moray Place
Edinburgh
EH3 6BH

Telephone: 0131 225 6244 fax 0131 220 3151

e-mail: enquiries@eis.org.uk

website: www.eis.org.uk

Membership tel: 0131 220 2268

e-mail membership@eis.org.uk

Scottish Educational Journal tel: 0131 225 6244

Email: sej@eis.org.uk

General Secretary	LARRY FLANAGAN
Accountant	COLIN MACKENZIE
Assistant Secretaries	LOUISE WILSON DREW MORRICE KEN WIMBOR
Further & Higher Education Officer	DAVID BELSEY
Education & Equality Officer	STEPHEN McCROSSAN
Employment, Health & Safety Officer	DAVE MCGINTY

AREA OFFICES

DUNDEE

KAREN BARCLAY (Aberdeen,
Aberdeenshire, Highland, Moray)
GRAEME CAMPBELL (Angus, Dundee, Perth
& Kinross, Fife)

310 Broughty Ferry Road, Dundee, DD4 7NJ
Tel: 01382 458270 Fax: 01382 443144

EDINBURGH

CLARE STEPHEN (Clackmannanshire, Falkirk,
North Lanarkshire, Stirling, West Lothian)

46 Moray Place, Edinburgh EH3 6BH (Tel
0131 225 3155; Fax 0131 220 3151)

TERRY GRAY (Borders, East Lothian,
Edinburgh, Midlothian, Shetland)

46 Moray Place, Edinburgh, EH3 6BH
Tel 0131 225 6244; Fax 0131 220 3151

GLASGOW

LACHLAN BRADLEY (Argyll and Bute, East Dunbartonshire, Inverclyde, Renfrewshire, West Dunbartonshire)

6 Clairmont Gardens, Glasgow G3 7LW (Tel 0141 353 3595; Fax 0141 332 2778)

FRANK HEALY (East Renfrewshire, Glasgow, Orkney, Western Isles)

6 Clairmont Gardens, Glasgow G3 7LW (Tel 0141 353 3595; Fax 0141 332 2778)

ALAN SCOTT (Dumfries & Galloway, East Ayrshire, North Ayrshire, South Ayrshire, South Lanarkshire)

6 Clairmont Gardens, Glasgow G3 7LW (Tel 0141 353 3595; Fax 0141 332 2778)

LOCAL ASSOCIATION SECRETARIES

Contact details can be found on the EIS website and in the Scottish Educational Journal.

5. EIS POLITICAL FUND

The EIS was formed to promote sound learning and to advance the interests of education in Scotland but more recently the objectives have been extended to include the interests and welfare of teachers and lecturers generally in Scotland.

The EIS protects and advances the interests of its members by negotiating with employers on matters such as pay, hours, working conditions and pensions. The EIS also provides support and protection to members when they are most needed.

The EIS cannot operate in a vacuum as the interests and welfare of members are affected by events elsewhere including the state of the economy, the policies of local and central Government as well as legal provisions governing, for example, employment.

Trade Union Legislation makes clear the rights of unions to pursue the interests of their members through political activities although, where a union does so, the cost must be met from a separate "Political Fund".

The EIS has, from 1 September 1988, operated a Political Fund which is maintained by means of a separate political levy of £1.80 per year payable by its members over and above the normal EIS subscription and payable on the occasion of a member's general subscription.

All members are strongly urged to pay the political levy.

Any member, who wishes to contract out of contributing to the political levy, must give notice in the form laid down by the 1992 Trade Union and Labour Relations (Consolidation) Act and by the EIS Constitution or in a form to the like effect.

The terms of the 1984 Act state that unions are required to ballot once every ten years on renewal of their political fund. The EIS political fund was set up in 1987 following a ballot in which the overwhelming majority of EIS members supported the setting up of such a fund. In the latest ballot held in 2007, the vast majority of members who voted supported the continuation of the fund.

A political fund protects the EIS against legal challenges to the campaigning role of the union and allows the EIS to continue its vital work as a union in forcefully putting the case for quality education at all levels.

Without a political fund the EIS would not be able to maintain a high profile on issues central to the interests of education – e.g. the major campaign conducted prior to the 2007 Scottish Parliament elections, encouraging electors to vote on educational issues.

The EIS is not affiliated to any political party.

The EIS has no intention of engaging in any party political campaign and members should note that the EIS Constitution contains a provision that prevents the EIS from affiliating to any political party unless such a proposal has been approved by a majority of EIS members voting in a ballot on that particular proposal.

Members who contract out of paying the political fund levy will not, by reason of their being exempt from the obligation to contribute to the Political fund of the EIS, be excluded from any of the benefits of membership of the EIS or placed in any respect, either directly or indirectly, under any disability or disadvantage as compared with other members of the EIS. Contribution to the Political Fund of the EIS is not a condition for admission to the EIS.

6. EIS ORGANISATION AT NATIONAL LEVEL

1. THE COUNCIL

The Council of the EIS is the principal executive committee of the EIS. It meets around five times a year usually in Edinburgh and also at the AGM. It is the main decision-making body of the EIS outwith the AGM. There are around 125 members of the Council elected directly by EIS members in local associations and also by members of the EIS self-governing associations, i.e. EIS University Lecturers' Association (ULA) and EIS Further Education Lecturers' Association (FELA). Elections, where these are held, are by secret ballot.

2. COMMITTEES OF THE COUNCIL

Executive Committee Its main function is to ensure that the work of the Council is properly carried out. Its other functions include the financial and administrative affairs of the EIS, staffing, the EIS Constitution, training of EIS members, and the political trade union and international work of the EIS. It also has a role in coordinating EIS activities both nationally and locally.

Education Committee The main role of the EIS Education Committee is the development of the educational policies of the EIS and the pursuit of these policies in schools, colleges and universities. It also has a role in the determination of teacher professionalism, in seeking to define quality in education and also in responding to educational initiatives from the Scottish Government and other bodies. The Education Committee now has a CPD sub-committee to oversee the developing CPD work of the EIS.

Employment Relations Committee The Employment Relations Committee of the EIS deals with employment matters, health and safety issues, legal affairs and also the benevolent work of the EIS. The committee also has a role in supporting members on legal, grievance and disciplinary matters and other casework related issues.

Equality Committee The Equality Committee of the EIS promotes the equality of opportunity of all teachers and lecturers in Scotland regardless of race, gender, sexuality and disability.

Salaries Committee The role of the Salaries Committee is to seek to maintain and enhance the salaries and conditions of service of teachers in Scotland largely through the work of the Scottish Negotiating Committee for Teachers (SNCT). On issues of pay and conditions of service it is the main negotiating committee of the EIS. It also deals with superannuation matters.

3. ANNUAL GENERAL MEETING

The AGM is the "sovereign body" of the EIS. It meets in June, the venue alternating between Dundee and Perth. Around 350 delegates elected by local associations and the self-governing associations, (i.e. EIS-ULA and EIS-FELA) attend the AGM. Local association representatives are elected, where necessary, by secret ballot. The 125 members of the Council are automatically delegates at the AGM.

The AGM discusses motions and approves the Council decisions for the previous year.

It is important for members in schools to be aware that delegates appointed from local associations, or equally individual EIS Council members, speak as representatives of their local associations and, therefore, on behalf of the

membership within that local association. It is therefore important that as many members as possible become involved in the process of electing AGM delegates and attend meetings where AGM delegates are to be appointed or where AGM motions are to be discussed.

7. HOW THE EIS IS FUNDED

The EIS is funded principally by its members' contributions, although investment income is also received by the various funds.

Members' contributions consist of three parts. -

National contributions: These contributions provide the principal source of income for the General Fund from which is met the routine expenditure of the Institute as well as expenditure incurred in support of the professional interests of members. A proportion of members' contributions are allocated on a year to year basis for expenditure in support of the professional interests of members and from 1 September 2001 1.5% of these contributions have also been allocated annually to the Benevolent Fund.

Political Fund Contributions: These contributions provide the principal source of income for the Political Fund which is for the furtherance of political objectives as defined by legislation. (see section 5)

Local Contributions: These contributions which vary from local association to local association provide the principal source of income for the local associations of the Institute. Expenditure by local associations is governed by local constitutions but is essentially similar to that met from the Institute's General Fund. Members of Self-Governing Associations may opt out of paying these contributions.

YOUR ROLE AS AN EIS REPRESENTATIVE

8. THE MEMBERS IN YOUR SCHOOL

Many of your duties and responsibilities as EIS representative will be set out in your Local Association Constitution. Make sure you have access to a copy in your school.

INFORMING MEMBERS

Whether you are a newly appointed representative, or an EIS representative of long standing, you have a vital role to play in ensuring that all information from EIS headquarters, from the EIS Local Association and Area Office is made available in your school. This may involve:

- a) keeping up to date with information published on the EIS website
- b) pinning notices on a notice board
- c) distributing papers, leaflets, etc. to individual members or at specific focal points (staff bases, staffrooms etc.)
- d) ensuring that any relevant information is communicated at EIS meetings.

It is important to ensure that you have easy access to all mailings addressed to "the EIS Representative", also to email and to the EIS website. All too often, important EIS mail to schools goes astray or is treated alongside the ever growing volume of advertising circulars etc. It is very important that you are made aware of, and are in receipt of, all EIS mailings which come to the school and can easily and regularly access the EIS website.

Increasingly, information from the EIS naturally will come to representatives and members in electronic form, through direct email or through updated information on the EIS website – www.eis.org.uk.

Whatever the means of delivery, official EIS mailings come only from constituent bodies of the EIS, i.e. EIS headquarters in Edinburgh, the Local Association, EIS Area Offices and accredited EIS Learning Representatives.

The EIS notice board also serves an important function in all schools. The representative should ensure that it is kept up-to-date and that it is in a place to which as many members as possible have easy access.

Another very important way of providing information is through EIS meetings. In some cases a letter or email communication from the national EIS, or from the Local Association, will ask you to call a meeting to convey information or to discuss a particular matter with EIS members in the school. In other cases, you or your colleagues may feel that holding a meeting may be the most useful way of conveying a particular piece of information.

Advice on how to organise an EIS meeting is set out on page 23 of this section.

RECRUITING NEW MEMBERS

As an EIS representative, you have a very important role to play in persuading colleagues of the many benefits of EIS membership and in recruiting new members.

The strength of the EIS lies in part on the fact that the EIS is by far the biggest teaching union in Scotland with 60,000 members, representing 80% of the teaching force in nursery, primary, secondary and special schools. The EIS can only retain this predominant role if it continues to recruit new members in schools and colleges.

THE REPRESENTATIVE HAS A VITAL ROLE IN EXPLAINING TO TEACHER COLLEAGUES, ESPECIALLY THOSE WHO ARE NEW TO THE SCHOOL, THE ADVANTAGES OF EIS MEMBERSHIP. MEMBERSHIP AND RECRUITMENT PUBLICITY ARE MAILED TO SCHOOLS FROM TIME TO TIME. ADDITIONAL INFORMATION PACKS CAN BE OBTAINED FROM EIS HEADQUARTERS AND AREA OFFICES.

Representatives should also approach students on placement in schools to ensure that they are members of the EIS. Membership for students and for teachers on exchange visits from abroad is FREE. Membership is also free for teachers taking part in the induction year. Qualified teachers from overseas who are seeking GTCS registration are also entitled to free EIS membership.

From time to time you may feel there is a particularly good opportunity to recruit new members. You may well wish to enlist the help of your Local Association or Area Officer in this. **OFFICERS ARE AVAILABLE TO VISIT SCHOOLS TO EXPLAIN THE PARTICULAR ADVANTAGES OF EIS MEMBERSHIP FOR ALL TEACHERS AND STUDENTS IN THE SCHOOL.**

UPDATING MEMBERSHIP

It is important that our membership details are kept up-to-date. You will receive an annual report with the names and membership numbers of members in your school. If there are any staff changes, eg staff moves or retirements, you should note this on the form and return to the Membership Department. There is also a section to record email addresses so that members can receive information electronically should this be their preferred option. Each member is also sent an annual report, either by mail or email, so that they can advise the EIS of any changes in their circumstances. In addition they can update their details at any time in the members section of the EIS website at www.eis.org.uk.

SUPPORTING AND HELPING MEMBERS

All EIS members, whether promoted or un promoted, are entitled to EIS assistance in times of difficulty. For example, an EIS member may turn to the EIS for assistance and representation at a meeting with senior staff within the school where the individual may feel him/herself under particular pressure. Such a meeting may involve discussion on an issue such as possible future transfer to another school. Equally a member may want to discuss concerns he/she may have on some professional matter. At such meetings the EIS Representative is not required to act as a "lawyer" or to seek to construct a case on behalf of a colleague. The important thing is for the representative to have a clear idea of what has happened at any meeting/discussion which takes place. Equally, the representative may wish to ask questions at the meeting. In all cases some private written note or record is useful in case there is to be a follow-up by either party.

In exceptional cases the headteacher may be moving in a direction which will mean use of the **disciplinary procedure**. In other cases, an EIS colleague may wish, or be advised, to move in a direction which would mean invoking a formal **grievance**. These two procedures are described in part 5 which follows: "Protocol on Case Handling".

Also, nearly every council has its own disciplinary and grievance procedures, usually agreed with teacher unions.

We describe here, in general terms, the role of the EIS Representative in these processes.

It is important to stress at the outset that whenever a disciplinary or a grievance route seems likely, advice should be sought from the Local Association Secretary. His/her name is available on the EIS website and information is updated regularly and in the Scottish Educational Journal. Local Associations may wish on some occasions to contact the Area Officer on the matter.

A member or representative should never find him/herself at a formal disciplinary or grievance meeting unprepared or without appropriate forewarning. If there is any doubt about the status of a meeting, the representative should seek clarification in advance from the headteacher.

Once it is established that a grievance or disciplinary hearing is to go ahead within the school, the Local Association Secretary, when contacted, will normally advise that the representative should be present with the member. In exceptional circumstances a Local Association Official or Area Officer may wish to be present. Again, the representative's presence is not that of a "lawyer" but he/she should keep a clear record of what has transpired. If the headteacher arrives at a decision which the EIS colleague wishes to challenge, any information collected by the representative should be available for the Local Association secretary or area officer.

EIS representatives are called upon to represent members at meetings with representatives of the Directorate only in exceptional circumstances. Even at school level, any involvement should be on the basis of advice from the Local Association Secretary.

APPOINTING NEW REPRESENTATIVES

The EIS representative must be seen to have the confidence of the EIS membership as a whole. It is suggested therefore that the representative be elected on an annual basis. Most Local Associations have specific advice within their constitutions on this.

In the vast majority of schools, the elected EIS representative is most likely to emerge as a "volunteer" in the course of an EIS meeting. Not all "volunteers", however, are necessarily the best people for the job, but in many other cases a popular volunteer who commands the respect and the support of colleagues, even though inexperienced, may make an ideal representative. **It should be borne in mind that the continuing strength of the EIS at all levels is largely dependent on the emergence of new members who are willing to play an active part in the affairs of the EIS.** Experience can only be gained through time. It is important that the new representative feels supported and assisted by EIS members within the school, especially by those who are more experienced in EIS affairs. The EIS at national level, within Local Associations and within the local office structure is committed to the training of representatives and in particular of newly appointed representatives.

In some cases there may be more than one candidate for the post of EIS representative. Where this is the case, elections should be by secret ballot. In exceptional cases, where there are three or more candidates, advice should be sought from the Local Association secretary on the procedures to be adopted.

In some larger schools more than one representative may be appointed and these form themselves into a "representatives' committee". This assists with the sharing of workload, particularly at the time of major campaigns. In all schools, one EIS representative should be nominated as the "named representative" who is the main contact with EIS bodies outside the school, such as the Local Association.

REMOVAL OF A REPRESENTATIVE

There is a procedure for the removal of a representative who is alleged to have lost the confidence of members within the school. This is set out in the Local Association constitution. In the event of any difficulty, you should discuss the matter with your Local Association secretary.

Even where the school membership does not seek such a drastic method of removing a representative, there is a general onus on all the EIS members to ensure that not only does

an EIS representative fully represent the membership of the school but equally is clearly seen to be acting within the framework of EIS policy.

HOLDING MEETINGS IN THE SCHOOL

The frequency of EIS meetings will depend on the size and type of school and the situation prevailing generally within schools and within education. Within some schools, the membership may prefer a regular meeting but this will not be appropriate in all cases. Certain Local Associations offer explicit advice on the organisation of meetings and it is worth checking this with your Local Association secretary. Within some authorities, agreement has been reached on time for trade union meetings, for example, within the framework of the 21st Century Agreement.

Equally, it is often useful to organise a "single issue" meeting - on the initiative either of the representative or of a group of members in the school. Some single issues could include for example, teachers' pensions, EIS members' services and the work of the local EIS Learning Representative and could involve outside EIS speakers, whether from the Local Association, an Area Officer, or an accredited Learning Representative.

The form of the agenda will vary according to circumstances but to a large extent will be dictated by communications from the EIS national body, the Local Association or area office. Other items which could be raised will relate to forthcoming matters to be discussed at staff meetings where an EIS view will be important.

ALL members should have adequate notice of an EIS meeting. It should be in a part of the school to which as many members as possible should have easy access and at a time of day when as many members as possible can attend. In larger schools it may be advisable to have an established agenda issued prior to the meeting. Although there is no requirement to hold a minute of meetings, it is useful if there is some record kept of the discussions which have taken place. All EIS members should have access to this record.

In all cases, the view which emerges should be set within the clear framework of EIS policy. It is usually advisable that the representative is clear what this is prior to the start of the meeting. If in doubt, contact the Local Association secretary. Once this is established, a consensus view may well emerge from the meeting. In some cases, however, it may be necessary or desirable to hold a vote. The strength of any view which emerges will depend not only on the proportion of members at a meeting which favours a proposition but the proportion of the total school membership which supports that proposition.

In some larger schools, the meeting may wish a chairperson to be appointed, although elsewhere the chairing of the meeting is usually undertaken by the representative. It is usually counter-productive to seek to be overly formal with the running of EIS meetings in schools. However, it is important that meetings are run fairly, sensibly and that everyone who wishes to speak should have the opportunity of so doing, although not at disproportionate length or on a disproportionate number of occasions.

One of the purposes of EIS meetings is to have a clear EIS view on particular professional matters, for example, in advance of a staff meeting or discussion with senior management within the school. It should also be borne in mind that the EIS nationally encourages close links with parents and representative groups of parents and also with local councillors. Community and parental perspectives may help inform discussion at EIS meetings.

On occasions, the EIS within a school may wish to express its concern on a professional/trade union issue as it relates particularly to the school.

Where the concern emanates from a decision of the Scottish Government or Local Authority, the views of the members should be raised with the Local Association secretary in the first instance. Local Association Office Bearers have access to local councillors and

members of the directorate. An individual EIS representative should not normally contact the directorate directly.

Where the concern emanates from a decision of senior staff in the school such as the headteacher, it is advisable to discuss the matter with him or her. Where the matter is clearly of general concern within the school, an appropriate course of action would be to ask that the matter be placed on the agenda of a forthcoming staff meeting.

IT IS IMPORTANT THAT WHENEVER AN EIS REPRESENTATIVE EXPRESSES VIEWS ON BEHALF OF MEMBERS, THAT THESE VIEWS ARE MADE WITHIN THE CLEAR FRAMEWORK OF EIS POLICY AND THAT AS FAR AS POSSIBLE THEY COMMAND CONSENSUS SUPPORT OF MEMBERS WITHIN THE SCHOOL.

EIS "Standing Orders" set out the more formal procedures to be adopted at formal EIS meetings. This may assist you as guidance in the handling of meetings.

9. THE WIDER ROLE OF THE EIS

WORKING WITH THE LOCAL ASSOCIATION

When you, as the representative, are looking for information, or seeking advice, either on your own behalf, or on behalf of a member, the first point of contact will normally be the local association secretary. His/her contact details are available on the EIS web site and in the Scottish Educational Journal.

The local association secretary may then wish to take further advice from the area office or, occasionally, the EIS at a national level.

As well as finding out EIS policy from elsewhere, there are occasions that the EIS representative will wish to find out the views of members within the school. Before proceeding on this, it is very important indeed to find out EIS policy on the matter. This can be obtained from the EIS website, local association secretary or local area office.

Where any matter of importance is to be aired, it is particularly important that any meeting which is called should be well prepared and well organised.

On some occasions, an outcome of a school EIS meeting will be that members in a school will want to express a particular view on a matter to "the EIS" outside the school. Normally this will mean contacting the local association secretary. The way in which views expressed is important, and simply sending the bald terms of a motion passed at a school meeting is often not particularly helpful. A telephone call or e-mail to the local secretary when something urgent has been agreed by the school membership is often useful, and helps to fill in the background to a situation which the secretary may well communicate more widely to local association members or to the area office or to Headquarters.

You will be notified from time to time of meetings of your local association. All members in your school are automatically local association members and should be encouraged to attend local association general meetings where possible. As EIS representative, you have a particularly important role to play and are urged to attend these meetings. It is important that local association meetings should be as representative as possible of the members of the association which they represent. **THE EIS NATIONALLY ENCOURAGES MAXIMUM PARTICIPATION OF ALL MEMBERS IN THE WORK OF THE EIS.**

Many local associations now organise meetings of EIS representatives either on occasions or on a regular basis. It is important that you, as the representative in your school, should attend such meetings where possible.

WORKING WITH PARENTS

At certain periods during recent campaigns, the EIS nationally and at local association level has encouraged members in schools to make contact with parents - e.g. through leafleting, letter writing etc. In most cases the national EIS, local association or local area office will have leaflets prepared for distribution.

Where the school membership prepares its own materials, advice should always be taken through the local association.

A good case, badly presented, can do more harm than good. Badly handled publicity by any trade union can often be counterproductive - and alienate those whose support is sought.

EIS literature should not be sent to parents via pupils unless specific approval has been granted by the headteacher.

During recent campaigns, the EIS nationally and locally has encouraged the setting up of parents' meetings. The most successful of these occur when there is already close links between parents and teachers in the school. Any contact with parents may be through any representative group of parents.

THE EIS AND PARENTS' COUNCILS AND FORUMS

The EIS supports the intentions behind the Parental Involvement Act (2006) as it promotes constructive ways of teachers working with parents and pupils in the school. Teachers in the schools should be fully involved in any discussion about the implications of the Act for your school.

LEARNING REPRESENTATIVES AND THE EIS

As part of its commitment to continuing professional development for teachers, the EIS has now an appointed EIS Learning Representative working at local authority level within most local associations. There are also now learning representatives within a number of schools.

The links between the EIS representative in the school (informing, advising and supporting members on broad areas of EIS policy) and the EIS Learning Representatives (supporting on areas of teacher professional development) are a vital new development for the EIS (see sections 13-16).

10. NEW TEACHERS IN YOUR SCHOOL AND THE GTCS

The following advice has been prepared by the EIS, in conjunction with the GTCS, aimed at Probationer/Induction year teachers in schools. EIS Representatives should also be aware of this advice in order to support and advise Induction Year colleagues.

THE FIRST FEW MONTHS

The first few months in any new job can be an exciting but often worrying time. But the first few months in teaching can be particularly demanding. You will be working with new colleagues and getting to know new classes in a school you are not familiar with. Also, the pupils in the school are probably all too aware that you are a newly appointed teacher.

But soon you will discover all the many rewards of teaching and the unique possibilities in working with young people and preparing the next generation of young Scots.

Since August 2002 new arrangements have applied for probationer teachers, in particular a new Teacher Induction Scheme. This was agreed by the EIS and other teaching unions, representatives of the (then) Scottish Executive and of local councils as part of the 21st Century Agreement. The main features of the Programme are:

- a guaranteed Induction Post for one year
- maximum teaching 0.7 full-time equivalent
- professional development 0.3 full-time equivalent
- mentor support 0.1 full-time equivalent.

In seeking to ensure that the induction arrangement works as effectively as possible for all newly qualified teachers, the EIS is working closely with the General Teaching Council for Scotland, the Scottish Government and each of the 32 council areas in Scotland. To be successful, the Induction Year should be a positive experience for teachers, schools and pupils.

AS A NEW TEACHER

- Don't be afraid to discuss with experienced colleagues any concerns you may have. A "mentor", often called a "supporter", i.e. an experienced teaching colleague, will be allocated to support and advise you as part of the Induction Year arrangements.
- The General Teaching Council for Scotland (GTCS) has produced materials to assist and support probationer teachers. You have already achieved the Standard for Initial Registration. These new materials prepared by the GTCS will help you to achieve the Standard for Full Registration by the end of the probation year and can be found at: <http://www.gtcs.org.uk/probation/probation.aspx>.
- Make sure you read carefully any documents or advice you receive from the GTCS, and in particular material connected with the Standard for Full Registration (SFR).
- Make sure you have read thoroughly any letter of appointment or other document from the council area or school to which you have been allocated. Take particular care to read thoroughly any document which you are asked to sign.
- On any matters of concern to do with your contract, salary, conditions of employment, you should talk to your mentor, other senior member of teaching staff or headteacher and, if necessary, make contact with your local education department.

- You should make contact with your school EIS Representative who will advise you on the work of the EIS in the school and provide essential support and assistance to you throughout the Induction Year.
- As a new EIS member you have all the rights and privileges of EIS membership. This means you can play an active part in the work of the EIS in your school and local association. Find out more about EIS work from your EIS Representative.

THE NEW TEACHER AND PROBATION

All teachers employed in local authority schools in Scotland must be registered with The General Teaching Council for Scotland (GTCS). Newly qualified teachers have a guaranteed Induction post for one year. During that year they take part in an Induction Programme leading to the Standard for Full Registration.

WHAT SHOULD THE INDUCTION YEAR MEAN?

The EIS strongly believes that an effective Induction experience should mean for you:

- a stable teaching environment;
- detailed information available in the school about arrangements for probationer teachers;
- your full involvement in any discussions and procedures in relation to the probationary year;
- the opportunity for you to meet the Standard for Full registration in the category in which you are qualified;
- fully registered and well qualified teaching staff who will provide support and guidance for you throughout the year (including, in many schools, an appointed mentor);
- an appropriate probationer support programme.

Your induction post should be in a school which:

- has established processes for supporting self-evaluation and effective monitoring and evaluation mechanisms;
- has clearly defined aims and policies;
- is actively involved in effective development planning, individual action planning in particular for probationers;
- provides opportunities for probationers, as other teachers, to develop their professional competence, personal commitment and leadership qualities; and
- has a positive ethos embracing the principles of fairness and equality.

SECONDARY TEACHING – SUBJECT REGISTRATION

It is the policy of both the GTCS and the EIS that secondary teachers should be asked to teach only subjects in which they are professionally qualified. This would normally be the subject or subjects which appear on your certificate. However, a teacher can be asked to supervise a class outwith his/her own subject.

Many teachers who have achieved the Standard for Initial Teacher Education will be qualified in respect of two, three or sometimes more subjects. The reality is that many secondary teachers will only be able to teach one of the subjects in which they are qualified in the course of the Induction Year. The EIS will argue strongly that, where this is the case, opportunities must be provided as soon as possible thereafter for secondary teachers to become fully qualified in all the subject areas in which they are qualified to teach.

AT THE END OF THE INDUCTION YEAR

At the end of the Induction Year teachers will be expected to have met the Standard for Full Registration (SFR).

The Standard for Full Registration (SFR) specifies what is expected of a teacher seeking full registration with the GTCS.

For probationary teachers the SFR needs to serve two main purposes. It has to provide:

- a clear and concise description of the professional qualities and capabilities teachers are expected to develop in the course of induction;
- a professional standard against which reliable and consistent decisions can be made on the fitness of new teachers for full registration with GTCS.

The SFR builds on The Standard for Initial Teacher Education in Scotland. The EIS strongly believes that all teachers in Scotland should meet the highest professional standards and also believes strongly that the GTCS is the body best equipped to ensure that the standards are achieved and maintained throughout a teacher's career.

EXTENSION OF PROBATION

The General Teaching Council of Scotland's Professional Standards Committee has the right to decide whether a teacher should have his/her period of provisional registration extended so that further reports may be obtained. This will be done where a teacher has not yet obtained the Standard for Full Registration but where the headteacher feels that he/she has the potential to do so. Extensions will normally be for a period of 12 weeks for those on the Teacher Induction Scheme.

IF YOU NEED HELP

In the first instance, your school mentor or headteacher should be approached. The advice of the EIS is always available and the school representative will be able to give you appropriate support and advice.

Advice too can be sought from the EIS local association secretary, and, in particularly urgent circumstances, you can telephone your area office or EIS headquarters.

IF THE GTCS SAYS 'NO'

It is likely that the great majority of teachers will achieve the Standard for Full Registration (SFR) within one year. However, if a recommendation is made that a probationer teacher has failed to meet the standard, the probationer is informed of the recommendation and is supplied with copies of documents which have been submitted by the school to the GTCS. The probationer should contact the EIS in order to seek support and advice and if he/she wishes to contest the recommendation made, has the right to be represented at any hearing of the Panel of the Professional Standards Committee which the probationer is asked to attend. The EIS will provide the appropriate professional representation on behalf of every member appearing before the Panel of the Professional Standards Committee. Should the Committee decide that provisional registration be withdrawn, the probationer has the right to appeal to a further committee of the GTCS, the Appeals Board. There is no further appeal (other than to the Court of Session) and teachers whose provisional registration is withdrawn can no longer be employed in local authority schools in Scotland. However, they will be able to seek a reinstatement to the register after a 3 year break.

For further information on the GTCS, visit the GTCS website: <http://www.gtcs.org.uk>

11. THE ROLE OF THE LOCAL ASSOCIATION

Every EIS member in a school is automatically a member of a local association. There are thirty two local associations in Scotland, corresponding to the local authority councils.

PARTICIPATION OF MEMBERS

Every EIS member is entitled to attend general and business meetings of the local association. The EIS is a democratic body and it is important that every constituent part of the EIS at every level is - and is seen to be properly representative of the EIS membership as a whole. It is equally important that members in schools participate actively in the work of the local association and that as many members as possible attend meetings. When views are expressed within a local association which you, as an EIS member, disagree with, the only way to change that is if you and your colleagues who agree with you, become more actively involved and attend meetings more regularly.

Women members, in particular, are urged and encouraged to play a more active part in EIS affairs, and local associations are encouraged by the national body to consider ways of increasing the participation of women members - e.g. childcare, timing of meetings, more thought as to the venue of meetings.

All local associations are also encouraged to urge the participation of black members, members with disabilities and LGBT (lesbian, gay, bisexual and transgender).

All local associations have either, an "Executive", "Executive Committee" or a "Committee of Management" which looks after the day-to-day affairs of the local association. The way in which the executive is elected is set out in the constitution of the local association. Make sure you have a copy in your school. All EIS members within the local association have the opportunity of voting for the Executive or alternative body by postal ballot.

SUPPORTING MEMBERS

The previous sections describe the role of the EIS Representative in supporting individual members who find themselves under particular pressure or have a particular difficulty within a school. On occasions, after the advice of the local association secretary is sought, it will be apparent that the situation cannot be resolved within the school and that the matter must be pursued by the local association. Where the local association secretary is uncertain as to how to proceed he/she should not hesitate in seeking advice from the local area office or, exceptionally, EIS headquarters.

IMPLEMENTING AND FORMULATING EIS POLICY

The local association has a broad responsibility to carry out EIS policy. Clearly, the way in which this is achieved will vary according to circumstances. Of crucial importance is that in all deliberations those who take part in local association affairs should ensure that the local association is acting in a broad framework of EIS policy - and if members at a meeting are uncertain as to what this is advice should be sought, normally through the local association secretary, local area officer or from EIS headquarters. On occasions, involvement in EIS affairs will mean speaking on a platform in defence and support of EIS policy. Support, advice and literature can normally be obtained from the local area office or EIS Headquarters to assist members in this. The local association has a crucial role in the formulation of EIS policy. Motions for the AGM are considered in the run up to the AGM itself, which takes place in June. Again, members within the local association have a general responsibility to ensure that motions which are forwarded to Headquarters properly represent the concerns and interests of members within their local association.

Local associations will have to consider various views which come to it from schools or individual members. In some cases, the local association will simply wish to note the

expression of a point of view. Often the local association will wish to make representations to the local council through the available negotiating/discussion mechanisms. Some cases may more appropriately be dealt with on behalf of individual teachers through grievance machinery as is set out in an earlier section.

PARTICIPATION & TRAINING

Most local associations are well aware of the importance of increasing the participation of members within the local association. One way in which this can be achieved is through the training of EIS members and, in particular, the training of EIS representatives. Most local associations organise their own training courses with the support of the local area office.

ORGANISING ELECTIONS

The local association processes the election of national office-bearers and election to all the national bodies of the EIS. This means that local association members are appointing people to the main decision-making bodies of the EIS. The EIS is a democratic body - and again, it is vital that those elected to senior office on regional/national bodies are seen to be representative of the membership as a whole.

(a) *Nominations to Council* - These are handled by national Headquarters. If necessary, an election is thereafter organised by a nationally appointed balloting body.

(b) *Delegates to the EIS Annual General Meeting* - Local associations are required to organise secret ballots of the membership. The National AGM, with around 350 delegates is the "sovereign body" of the EIS.

(c) *President and Vice-President of the EIS* - Each local association has the right to make a nomination for the positions of President and Vice-President.

LOCAL AREA OFFICES

Local area offices have been set up in Edinburgh, Glasgow and Dundee. The central remit of officers is to support the work of local associations within each area.

LEARNING REPRESENTATIVES

Learning Representatives have now been appointed within most local authority areas. The work of Learning Representatives is covered in sections 13 - 16. The relationship which should develop between the local association office bearers and the local Learning Representative is vital to the developing role of the EIS as a learning organisation.

PROTOCOL ON CASE HANDLING

1. Introduction

- 1.1 This protocol provides guidance on the terms of engagement between the EIS and its members. This relates to the provision of support, advice and representation on employment matters. EIS members and officials are required to comply with this protocol.
- 1.2 The EIS will provide advice to members on matters relating to their employment subject to the conditions set out in this protocol.
- 1.3 This protocol also applies to circumstances in which members may be provided with legal advice. Legal advice is provided solely on matters relating to employment.
- 1.4 Case Handling and funding decisions are ultimately a matter for the Employment Relations Committee which under the Constitution “will act at its own discretion and with the full powers of the Council.” (Rule XIII (e))

2. Engaging EIS Representation

- 2.1 In most circumstances a member seeking advice, assistance or representation from the EIS, should in the first instance approach the school/college representative.
- 2.2 Where the school representative wishes guidance or where the matter is to be dealt with beyond school level, contact should be made with the local association secretary, although it is for each local association to decide which official(s) should undertake case handling responsibilities. The school representative will not normally be expected to represent a member beyond school level.
- 2.3 At Directorate or Committee level cases should normally be conducted by local association officials. Where a local association official requires assistance or wishes to pass on responsibility for a case, a request should be made to the appropriate Area Officer who will make the necessary arrangements.
- 2.4 In further education colleges where the Branch Secretary wishes guidance on a case contact should be made with the appropriate Area Officer. In universities where the Branch Secretary wishes guidance contact should be made with the National Officer (Further and Higher Education).
- 2.5 There may be circumstances in which the above cannot be followed and it may be appropriate for a member or representative to contact EIS Headquarters directly, for example when:
 - (i) contact cannot be established with the appropriate local association official, branch official or Area Officer and the matter requires urgent action;
 - (ii) the issue is particularly serious and/or sensitive such as allegations of a criminal nature or sexual misconduct.
- 2.6 If responsibility for a case is to be remitted to another official the following procedures should be observed:
 - (i) the member should be informed that it is intended to pass on the case;
 - (ii) all documentation should be passed to the official taking over the case;
 - (iii) the official remitting the case should cease all involvement and direct all communications to the official now dealing with the matter.

- 2.7 When a case requires the official to undertake formal action on behalf of a member the Case Handling Protocol should be signed by the member.

3. Members' Obligations

Members are expected to:

- (i) co-operate with and provide full information to the official handling the case;
- (ii) authorise the official dealing with the case to make the necessary enquiries and otherwise act as his/her representative;
- (iii) refrain from taking independent action in connection with a matter on which representation is being provided by the EIS;
- (iv) have due regard to advice given by the official handling the case.

4. Officials' Obligations

The official handling the case is expected to:

- (i) clarify with the member the procedures to be followed in his/her case;
- (ii) give best advice and representation to the member at all times;
- (iii) respect confidentiality;
- (iv) consult with and keep the member informed of all developments in connection with the case.

5. Grievance Procedure

- 5.1 The EIS will provide advice to any member regarding grievance procedures, including any member acting in a management capacity, subject to the provisos set out below.
- 5.2 The EIS will not normally provide representation to a member who is acting in a management capacity in a grievance.
- 5.3 However, in certain circumstances representation may be provided. In deciding upon such representation consideration will be given to the nature of the grievance, including in particular whether the grievance relates to a decision of a member acting in a management capacity implementing the employer's policies, or to a decision otherwise involving an action or the exercise of judgement by a manager. Account will also be taken of the level of support provided to the member by the employer.
- 5.4 In considering representation the EIS has no obligation to defend the policies, procedures and practices of any employer.
- 5.5 Where a member raises a complaint in terms of Harassment/Bullying against another member advice should be provided to both members if requested. As in 5.3 above, in certain circumstances the EIS may provide representation to a member who is acting in a management capacity.
- 5.6 It is the duty of the employer to provide legal advice and assistance where necessary to employees exercising management functions on its behalf. If an employer fails in this duty the EIS will give consideration to the provision of representation to the member to pursue a grievance against the employer.
- 5.7 Where members are in conflict on an issue advice/representation will not be provided by the same official.

6. Disciplinary Procedure

- 6.1 Where an individual member is facing serious disciplinary action and is suspended from work pending investigation (whether through formal suspension or enforced extended leave) the following arrangements should apply:
- (i) the official responsible for dealing with the member should maintain regular contact with the member to provide support, including during periods when meetings are not required in order to prepare for hearings;
 - (ii) the Employment Relations Department or Further and Higher Education Department should be informed, in writing, if any member of the EIS has been suspended from work.
 - (iii) the official should ensure that members are reminded of the existence of the EIS stress counselling helpline and, where appropriate, are encouraged to use this;
 - (iv) Local Association/Branch Secretaries may seek advice in relation to a particular case from the appropriate Area Officer or Headquarters Official.
- 6.2 The EIS will not provide representation to a headteacher or other member exercising a management function in connection with taking disciplinary action against members of staff.

7. Legal Advice and Representation

- 7.1 Legal advice or representation may be authorised only by the appropriate Headquarters Official, through the Employment Relations Committee.
- 7.2 Legal advice is provided to members only in relation to matters arising from their employment. This includes legal advice relating to referral to the General Teaching Council for Scotland following conviction in a court of law.
- 7.3 Legal representation for an employer's internal grievance and disciplinary procedures will not be provided.
- 7.4 Where legal advice or representation is sought the member will be provided with a copy of this protocol unless previously provided under paragraph 2.7 and he/she will be required to sign the appropriate form to confirm acceptance of its terms.
- 7.5 Legal expenses incurred by a member prior to securing legal advice and representation from the Employment Relations Committee will not be met by the EIS.
- 7.6 Court and tribunal proceedings may only be pursued with the prior consent of the Employment Relations Committee.
- 7.7 A member who has had his/her case referred to the EIS advising solicitors must ensure that he/she:
- (i) does not take legal advice separate from that provided by the EIS solicitors;
 - (ii) does not require that the case be conducted in an unreasonable manner;
 - (iii) accepts the legal advice provided;
 - (iv) does not reject an offer of settlement which is considered as reasonable by the EIS advising solicitors.

NB: Failure to comply with the above conditions may result in the Employment Relations Committee withdrawing EIS funding from a case.

- 7.8 Where a member unreasonably abandons a case in respect of which legal expenses have been incurred, the EIS reserves the right to seek recovery of all or part of the costs from the member.
- 7.9 Where a case is unsuccessful, is withdrawn or discontinued on the advice of the EIS solicitors the member will not be subject to any costs.

8. Procedure to be Adopted on Disputes regarding Representation

- 8.1 Decisions on the provision or discontinuation of representation rest with the Employment Relations Committee.
- 8.2 Any member dissatisfied with the conduct of his/her case by a local official or college/university branch representative should raise the matter with the local association or branch concerned. Each local association/college or university branch should have an established mechanism for dealing with such matters in an appropriate and confidential manner.
- 8.3 Where a complaint has been raised in 8.2 above against a local official or college/university branch representative the local association/college or university branch should consider offering alternative representation in light of the circumstances. If this cannot be agreed with the member then the matter will be referred to the appropriate Headquarters' Official for consideration and decision. Any appeal on this decision will be considered by the Employment Relations Committee.
- 8.4 Where a member is dissatisfied with the conduct of his/her case by an Area Officer or Headquarters' Official he/she should write to the General Secretary.
- 8.5 Where a complaint has been raised against an Area Officer or Headquarters' Official a decision on alternative representation will be made by the appropriate Headquarters' Official or General Secretary and any appeal on this decision will be considered by the Employment Relations Committee.

Footnote: 1 The term “official(s)” includes both officer(s) and official(s) of the EIS and refers to elected representatives and full-time officers and officials.

Employment Relations Department
Educational Institute of Scotland
46 Moray Place
EDINBURGH
EH3 6BH

Protocol on Case Handling

I have been provided with a copy of EIS Protocol on Case Handling by

_____ (LA Secretary/Area Officer).

I have read and agree to abide by the relevant provisions of the Protocol on Case Handling.

Name _____ Membership No _____

Date _____

Employment Relations Department
Educational Institute of Scotland
46 Moray Place
EDINBURGH
EH3 6BH

The EIS would be grateful if you could provide information to enable us to comply with our monitoring procedures. Provision of this information is voluntary.

Name _____ Membership No _____

Please tick as appropriate*:

Sex: Female Male
Black/Minority Ethnic**
White
Other (please specify) _____
Ethnicity _____

* The above classification complies with TUC recommendations.

**The term black is used in a socio-political sense to unite peoples who, because of their skin colour, have experienced racism and discrimination. Not all people are comfortable with this term and, therefore, black/minority ethnic (BME) is also used.

Do you perceive the issue on which you are seeking advice involves discrimination on the following grounds?

Sex
Gender Reassignment
Sexual Orientation
Race
Disability
Religion or Belief

Why the EIS wishes to monitor:

Monitoring is accepted as a key tool in combating discrimination in employment. It is supported by the STUC, TUC and the statutory agencies (EOC, CRE, and DRC). Any information gained from this exercise will be treated confidentially and only for the purposes of monitoring trends in case work.

13. LEARNING REPRESENTATIVES

CURRENTLY BEING UPDATED

PROTOCOL FOR EIS LEARNING REPRESENTATIVES

Learning Representatives (LRs) work at two levels within the EIS. At multi-establishment level the objective is that there should be around 50 LRs working within the framework of EIS local associations. This includes LRs working within both school and FE sector within each local authority area. At establishment level, the objective is that there should be one EIS LR within each school and each further education college. Larger schools and FE colleges have the option of additional LRs. The protocol for EIS LRs at multi-establishment level is set out below. The protocol for LRs at establishment level is set out on pages 38-40.

LEARNING REPRESENTATIVES WORKING AT MULTI ESTABLISHMENT LEVEL

Number of Learning Representatives

The objective is that there should be 50 LRs working within the framework of the EIS local association. The numbers, broadly pro rata in terms of membership levels within local associations, are as follows: Aberdeen City (2), Aberdeenshire (2), Angus (1), Argyll & Bute (1), Clackmannan (1), Dumfries & Galloway (1), Dundee (1), East Ayrshire (1), East Dunbartonshire (1), East Lothian (1), East Renfrewshire (1), Edinburgh (4), Falkirk (1), Fife (3), Glasgow (5), Highland (2), Inverclyde (1), Midlothian (1), Moray (1), North Ayrshire (1), North Lanarkshire (3), Orkney (1), Perth & Kinross (1), Renfrewshire (2), Scottish Borders (1), Shetland (1), South Ayrshire (1), South Lanarkshire (3), Stirling (1), West Dunbartonshire (1), West Lothian (2), Western Isles (1). LRs will be drawn from both the school and the FE sectors. From time to time additional LRs will be appointed, following consultation with the local associations concerned and with the approval of the National Executive Committee of the EIS.

The Role of Learning Representatives

EIS LRs are appointed within a framework established by the UK Government, Scottish Government, TUC and STUC and have the rights and entitlements of LRs as set out in the relevant legislation and ACAS Code.

EIS LRs are subject broadly to the Standards for Learning Representatives set out by the TUC and specifically to the "Standards for EIS Learning Representatives". An LR does not fulfil the same role as a local association negotiator. For example, CPD and PRD policy matters which require to be agreed with the Authority do not fall within the remit of the LR.

LRs, consistent with the terms of the national and local EIS constitutions, will promote the quality of teacher professional development within the authority area where they work. This will include liaison on issues related to professional development with the local association Executive/Committee of Management, with the local authority and other employers, and with all providers of teacher and lecturer professional development. LRs will also provide support for EIS members in accessing, planning and managing professional development. LRs working at a multi-establishment level will also liaise closely with LRs working at the level of the school or college.

LRs are required to adhere to the rules and regulations of the EIS as set out in the Constitution of the EIS, to perform their duties consistent with the national and local Constitutions of the EIS and to adhere to the "Standards for EIS Learning Representatives".

LRs will work in a flexible manner with all appropriate stakeholders committed to the quality professional development agenda for teachers. These include local authority and Scottish Government representatives, teachers who are members of other unions and

teachers who are members of no union. LRs will, however, only provide detailed support, information and advice on professional development opportunities to members of the EIS.

Appointment of Learning Representatives

The National Executive Committee will appoint sufficient numbers of LRs consistent with the terms of paragraph 1 of this protocol in consultation with the local associations in the area of which the LR will undertake his/her duties. Confirmation of the names of LRs in post will be made by Council at the final meeting of the annual EIS cycle of meetings reporting to the AGM.

A potential LR, after selection by the National Executive Committee, will be required to undertake and pass an approved module at Masters level, taught by a university partner of the EIS. Only after the module has been successfully completed, will the potential LR be accredited to undertake the duties of an EIS Learning Representative.

The Council will appoint an ad hoc sub-committee of the National Executive Committee to oversee development in relation to the EIS continuing professional development role, including the arrangements in respect of Learning Representatives and also to make recommendations in terms of the appointment of Learning Representatives to fill any vacancies or, from time to time, to make additional appointments. The sub-committee will be called the CPD Sub-Committee. The sub-committee will be charged with consulting fully any local association in which a vacancy has occurred with a view to agreeing an appropriate replacement.

In the event of any disagreement between the sub-committee and the local association on a nomination to fill the vacancy, the matter will be referred to the National Executive Committee with a full appropriate statement from the sub-committee and also from the local association concerned. The National Executive Committee will thereafter either make a clear decision on appointment or will refer the matter back to the sub-committee who, in giving new consideration to the matter, will be charged with liaising with the relevant local association.

The CPD sub-committee will be charged with investigating any alleged failure on the part of a LR to adhere to the terms of this Protocol and/or to the "Standards for EIS Learning Representatives". This will include investigating any allegation by a local association that the LR has failed to meet the terms of the Protocol or Standards. In the event that the sub-committee believes that the LR has a case to answer for, the sub-committee will arrange to meet directly with the LR concerned to discuss the matter. If the sub-committee believes that the LR should be removed from post, it will make a recommendation on this to the National Executive Committee. An LR has the right of appeal against the recommendation on removal and may make a written submission to the National Executive Committee. When the National Executive Committee meets to consider the matter the LR will be entitled to make an oral presentation to the National Executive Committee.

Time Off for Learning Representatives

Local associations and, where appropriate, branch secretaries in FE colleges, will be charged with negotiating appropriate time off for LRs within the framework of the ACAS Code. In the event of failure to agree appropriate time off which is acceptable both to the local association and to the LR, the matter will be referred back to the national CPD sub-committee with a view to pursuing the matter with the local authority concerned and thereafter, if necessary, to seek appropriate redress in law.

Network and Meetings of Learning Representatives

The National Executive Committee will organise a network of all LRs working at multi-establishment level. This will mean encouraging regular liaison among LRs through all means available including through a web based infrastructure established nationally by the EIS.

The National Executive Committee, through the CPD sub-committee, will from time to time organise meetings of LRs to discuss issues of common interest and to take forward EIS policy in terms of the EIS learning agenda.

From time to time LRs will organise meetings, either face-to-face or in virtual time, of LRs working at school and college level within their own local council area.

Development of Learning Representatives

The EIS Executive Committee, through its CPD sub-committee will, in liaison with an appropriate university partner, arrange for the teaching of a module at Masters level for EIS members wishing to become LRs. The content of the module will cover broadly the lifelong learning agenda as it applies to teachers, to the relevant terms of the “Teaching Profession for the 21st Century” and to other areas of work which LRs currently and in the future would undertake. No member will become accredited as an EIS LR working at multi-establishment level without passing the module.

Where an EIS member wishes some experience of the work of an LR but has not studied the LR module, the National Executive Committee, in consultation with the local association, may appoint the member as an assistant LR. This would usually arise when there is a vacancy, or anticipated vacancy, for the post of LR at multi-establishment level. This member would have access to appropriate meetings and discussions with accredited LRs and with EIS personnel but would not give detailed support, advice and information to members. An assistant LR would be expected within a reasonable period of time to study the EIS approved LR module and thereafter to achieve accreditation as an EIS LR.

The National Executive Committee, through its CPD sub-committee, will arrange appropriate follow-up development and training for LRs in post in order that LRs are equipped to maintain the EIS Standards for LRs.

Expenses of Learning Representatives

A flat rate sum, to be approved from time to time by the Executive Committee, will be paid to accredited multi-establishment LRs to cover expenses including travel, ICT software replacement and telephone. Particular requests to consider additional significant out of pocket expenses incurred by LRs would be considered by the CPD sub-committee.

14. STANDARDS FOR LEARNING REPRESENTATIVES
*** CURRENTLY BEING UPDATED**

Promoting learning

Promoting the value of CPD and life long learning within educational establishments;
 Supporting local and national policies, initiatives and campaigns which promote the provision of high quality learning opportunities for teachers and lecturers.

Developing a learning agenda and strategy for the promotion of learning

Consulting with colleagues on CPD and learning needs;
 Obtaining information to support the development of a strategy for CPD and lifelong learning;
 Monitoring and reviewing the implementation of strategies and policies designed to promote CPD and life long learning.

Supporting colleagues in planning and managing their learning and development needs

Encouraging colleagues to identify learning and CPD needs;
 Encouraging colleagues to develop CPD and learning plans;
 Advising and supporting individuals in managing their own learning;
 Assisting in reviewing progress.

Enabling teachers and lecturers to access CPD and lifelong learning opportunities and resources

Obtaining and providing information on CPD and lifelong learning opportunities;
 Supporting and encouraging teachers and lecturers in accessing CPD and lifelong learning opportunities;
 Developing an awareness of the range of CPD and lifelong learning opportunities.

Promoting the value of CPD and lifelong learning within educational establishments

Criteria	Range
(a) maximising opportunities with appropriate personnel to discuss existing and new learning opportunities, resources and examples of good practice	1. People who may assist in keeping you up to date with good practice will include: <ul style="list-style-type: none"> • other learning representatives • CPD advisers
(b) making suggestions of ways to promote and improve CPD and lifelong learning opportunities	2. Methods to promote learning could include: <ul style="list-style-type: none"> • meetings and discussion groups • articles in newsletters/websites • other EIS/LA information • electronic media • notices
(c) taking opportunities to describe EIS initiatives to appropriate personnel	
(d) advising colleagues and members about any proposed or actual changes in learning opportunities and resources available to them	
(e) keeping up to date with examples of good practice in the provision of learning opportunities and resources	3. Information may need to be obtained and made available: <ul style="list-style-type: none"> • electronically using internet

<p>(f) talking with colleagues regularly and seeking their views on important issues involving CPD and lifelong learning</p> <p>(g) encouraging colleagues to identify the connections between CPD, educational developments, good practice, salary enhancement and promotion opportunities</p>	<p>technology</p> <ul style="list-style-type: none"> • non-electronically
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Supporting local and national policies, initiatives and campaigns which promote the provision of high quality learning opportunities for teachers and lecturers

Criteria	Range
<p>(a) keeping up to date with relevant information about learning opportunities</p> <p>(b) consulting with professional and EIS colleagues regularly on policies and priorities for developing learning opportunities</p> <p>(c) actively and positively promoting the role of union learning representatives with colleagues and management</p> <p>(d) briefing and advising those involved in negotiations about relevant learning and development issues and providing them with accurate information</p> <p>(e) supporting EIS policy and guidelines on CPD and lifelong learning</p> <p>(f) ensuring that the advice and information given conforms to EIS policy and does not compromise the standing or credibility of the EIS</p> <p>(g) obtaining relevant information and publicity material and passing these on to colleagues</p> <p>(h) keeping colleagues up to date on the progress and results of any initiatives the EIS are supporting</p>	<p>1. Sources of relevant information will include:</p> <ul style="list-style-type: none"> • colleagues and members • EIS literature • full time EIS officers • STUC and TUC publications • F&HE institutions and training providers • specialist publications • local authority/establishment policies <p>2. Policies and priorities might include:</p> <ul style="list-style-type: none"> • local authority training and education provision • educational and training legislation • EIS policies • local authority/establishment policies

Consulting with colleagues on CPD and lifelong learning needs and the provision of learning opportunities

Criteria	Range
(a) keeping in touch and consulting with colleagues and encouraging participation in learning	1. Sources of information about methods of consultation and participation
(b) using methods to consult with colleagues which are democratic and relevant to the educational establishment, and the needs of particular interest groups	<ul style="list-style-type: none"> • EIS sources • journals and publications dealing with CPD/lifelong learning • TUC, STUC and other trade union sources • sources available through Information and Communication Technology (internet, intranet)
(c) working out what resources (including time, funding, equipment and administrative costs) are needed to maintain the role of the learning representative, listing any requirements clearly and advising appropriate EIS personnel	2. Methods of consultation and participation will include:
(d) keeping in regular contact with the officers of the EIS local association or branch to keep them up to date with information about learning and CPD developments	<ul style="list-style-type: none"> • union meetings, discussion groups • newsletters and other EIS publications • Information and Communication Technology (e.g. internet, intranet, video conferencing)

Obtaining and summarising information to support the development of a strategy for CPD and lifelong learning

Criteria	Range
(a) sourcing relevant information which will be useful in supporting discussions with union representatives or appropriate establishment management/advisers	1. Information is available from: <ul style="list-style-type: none"> • EIS sources • TUC/STUC • local authorities/establishments • specialist journals • Information and Communications Technology (e.g. internet, intranet)
(b) consulting information sources regularly and noting down any important details and references	
(c) seeking out valid and relevant information, analysing and summarising it for future use	2. The type of information needed may include:
(d) consulting with EIS colleagues, other learning representatives and full time officers regularly and finding out what agreements about learning access and resources are being made locally, and nationally	<ul style="list-style-type: none"> • local authority/establishment attitudes in developing CPD/lifelong learning agenda • local authority/establishment priorities in the development of CPD and lifelong learning • precedents and practices in other employment

<p>(e) advising appropriate EIS colleagues or local and national EIS officials of information to assist in national or local negotiations for learning</p>	<p>3. Specialist information is available from:</p> <ul style="list-style-type: none"> • full time EIS officers • trade union and other research and information bodies • specialist departments in the EIS • Information and Communications Technology (e.g. internet, intranet)
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Monitoring and reviewing the implementation of strategies and policies designed to promote learning

Criteria	Range
<p>(a) reviewing how policy to promote CPD and lifelong learning is being implemented</p>	<p>1. People who would be interested in information about implementation will include:</p>
<p>(b) assessing progress and quantifying achievements and passing the information on to appropriate EIS colleagues</p>	<ul style="list-style-type: none"> • colleagues • full time EIS officials • EIS specialist departments
<p>(c) noting persistent and repeated problems in implementing strategies and policies</p>	
<p>(d) identifying cases where it appears that the strategies or policies are insufficient to meet the aims and objectives or needs of learners.</p>	
<p>(e) consulting with EIS colleagues when union officials ask you about the implementation of policy to promote learning, and answering the enquiry as fully and accurately as possible</p>	

Supporting colleagues in identifying their CPD and lifelong learning needs

Criteria	Range
<p>(a) checking and clarifying with colleagues their views about their needs and types of learning opportunities</p>	<p>1. Needs may include:</p> <ul style="list-style-type: none"> • learning aims and needs • learning styles • personal aspirations
<p>(b) giving clear and relevant information in a way which enables colleagues to make informed decisions about their needs</p>	<p>2. It may be necessary to give colleagues information about:</p>
<p>(c) identifying learning needs which are based on valid and reliable</p>	<ul style="list-style-type: none"> • possible types of CPD and lifelong learning opportunities • qualifications/certification available

<p>judgements of all relevant information</p> <p>(d) making suggestions about learning needs and a plan of action for achieving them</p> <p>(e) discussing and suggesting ways of meeting learning needs which takes into account colleagues' personal circumstances</p> <p>(f) making and keeping records of help you have provided</p>	<ul style="list-style-type: none"> • support and resources available • costs and funding available • types of learning methods available, used on different programmes <p>3. Colleagues' personal circumstances may include:</p> <ul style="list-style-type: none"> • availability of time and finances • barriers to participation in learning • opportunities <p>4. Appropriate people to whom to pass on suggestions may include:</p> <ul style="list-style-type: none"> • other EIS learning representatives • other EIS representatives at a local or national level
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Supporting colleagues in developing CPD and other lifelong learning plans

Criteria	Range
<p>(a) offering guidance and support in a way which encourages the self development and independent decision making of colleagues</p> <p>(b) developing with colleagues, a realistic plan which identifies the objectives to be achieved</p> <p>(c) identifying with colleagues, the most appropriate way to put the plan into action</p> <p>(d) estimating the resources that will be required to put the plan into action and identifying how the resources will be obtained</p> <p>(e) promoting equality of opportunity</p>	<p>1. Learning plans may cover:</p> <ul style="list-style-type: none"> • types of learning and development • quantity of learning and development • delivery methods • resources • timescales • support available for learners <p>2. Resources to put the plan into action may include:</p> <ul style="list-style-type: none"> • people and organisations who will be involved • funding the plan • the time needed • the facilities which will be needed

Advising and supporting individual colleagues in managing their own learning
 (Adapted from TDLB C 263 Advise and support learners in managing their own learning
 and TDLB C261 Provide guidance to help individual learners plan their learning)

Criteria	Range
(a) providing accurate information and advice to colleagues about the skills and resources they will need to manage their own learning	<p>1. Advice and support will be required on:</p> <ul style="list-style-type: none"> • meeting learning objectives • using available resources • overcoming obstacles • choices of learning methods • the range of possible learning opportunities • progression and qualification routes <p>2. Other sources of support will include:</p> <ul style="list-style-type: none"> • other colleagues in the workplace • other people who have specialist skills or interest • services offered by local authority/establishment advisers <p>3. Bias relating to:</p> <ul style="list-style-type: none"> • age • class • disabilities and learning difficulties • gender • race • sexual orientation • contractual working time • workplace related issues
(b) explaining the level of on-going support which will be available to colleagues in managing their own CPD and learning	
(c) referring colleagues to other sources of support when required	
(d) giving advice which avoids bias and takes into account personal circumstances	
(e) giving support in a way which encourages the self development and independent decision making of learners	
(f) exploring any difficulties which learners are having in managing their CPD and lifelong learning and providing appropriate advice	

Assisting in reviewing learners' progress

Criteria	Range
(a) helping colleagues to assess their progress	<p>1. Information required may include:</p> <ul style="list-style-type: none"> • the principles and purpose of reviews • ways to encourage individuals • interview and discussion techniques • how to give constructive feedback • methods of establishing learning objectives
(b) encouraging colleagues to feel comfortable in expressing their views on their progress	
(c) identifying new learning needs, aspirations and objectives	
(d) identifying changes needed to	

learning programmes	
(e) making and keeping records of the help given to learners	

Obtaining and providing information on CPD and lifelong learning opportunities

Criteria	Range
(a) Finding out what information is available and where it can be accessed	<ol style="list-style-type: none"> 1. Information is available from the <ul style="list-style-type: none"> • EIS (including the SEJ) • your local authority/college/ • establishment sources available to the general public (e.g. libraries colleges, Learndirect, internet) 2. Features and details of learning opportunities may include: <ul style="list-style-type: none"> • registering interest and gaining access • time and place • mode of delivery • learning methods used • costs • accreditation 3. Passing information on to people may involve: <ul style="list-style-type: none"> • telling people individually • addressing small groups • posting information on notice boards • publishing information or articles in newsletters • publishing information, posters or articles on internet and intranet sites 4. It may be needed to pass on requests and queries to people like: <ul style="list-style-type: none"> • other colleagues • CPD/ lifelong learning advisers 5. Information may need to be obtained, stored and passed on: <ul style="list-style-type: none"> • electronically using internet technology • non electronically
(b) identifying people who can provide information on a regular basis and asking for details which are useful for the educational establishment	
(c) identifying the features and details of CPD and lifelong learning opportunities which are available	
(d) setting up a system to store and classify information and keeping it up to date	
(e) regularly updating any notices and posters or electronic communication and removing any information which is no longer relevant	
(f) making sure that any information given is accurate and current	
(g) passing on requests and queries to people who can provide advice if not immediately available	

Supporting and encouraging teachers and lecturers to access learning opportunities
(Adapted from TDLB C213 Promote access to learning achievement)

Criteria	Range
<p>(a) identifying barriers in access to CPD and lifelong learning opportunities and finding ways to overcome the barriers</p> <p>(b) encouraging and supporting colleagues who are not becoming involved in active learning</p> <p>(c) giving accurate and up to date information so that colleagues can make informed decisions about learning opportunities and possible qualification routes</p> <p>(d) providing colleagues with unbiased information and which is based on the opportunities available, any constraints, and the teacher's preferences</p> <p>(e) promoting equality of opportunity in accessing learning opportunities</p> <p>(f) suggesting learning opportunities which take account of previous learning and experience and advising on a suitable learning route</p> <p>(g) acting on behalf of colleagues through appropriate trade union channels to resolve problems of gaining access to learning opportunities</p>	<p>1. Barriers in access to CPD opportunities may include:</p> <ul style="list-style-type: none"> • delivery methods • location • transport • equipment (e.g. access to computers or the internet) • lack of support for people with disabilities • lack of support for people with family responsibilities (e.g. childcare facilities) • lack of skills e.g. Communication Technology skills • social factors (e.g. family commitments) • cost <p>2. Bias in access to CPD opportunities may include:</p> <ul style="list-style-type: none"> • age • class • disabilities and learning difficulties • gender • race • sexual orientation • workplace related issues <p>3. It may be required to exchange information:</p> <ul style="list-style-type: none"> • using paper based communication • electronically (e.g. internet, intranet) • by telephone • in person one to one • in person to a group

Developing an awareness of the range of CPD and lifelong learning opportunities

Criteria	Range
<p>(a) identifying the range of CPD and lifelong learning opportunities and resources available locally</p>	<p>1. Local and national learning opportunities and resources:</p>

<p>(b) identifying areas where there are no learning opportunities and new opportunities are needed</p> <p>(c) suggesting changes to existing opportunities and proposing new opportunities and resources to meet identified needs</p> <p>(e) suggesting ways in which access to learning opportunities could be improved</p> <p>(f) monitoring the use of CPD and lifelong learning opportunities and seeking feedback on the quality of their learning experience</p> <p>(g) advising appropriate EIS officers and officials of the outcome of the feedback and any problems identified</p>	<ul style="list-style-type: none"> • local authority/establishment learning provision • external, local CPD providers • local learning resource provision • funding provision • access to national and international resources (e.g. via internet) • local agreements <p>2. support:</p> <ul style="list-style-type: none"> • local authority/establishment • local and national EIS sources
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15. The Role of EIS Learning Representatives (LRs)

EIS members will be well aware of Continuing Professional Development (CPD) at least since the inception of the 21st Century Agreement which provided 35 hours CPD for teachers. In relation to further education, the Review of Scottish Colleges (ROSCO) report, approved by the Scottish Government, recommended that all full time staff within further education colleges undertake a minimum of 6 days CPD per year.

Although members are aware of CPD, are they aware of all the CPD opportunities which are available to them—both professional and personal? To assist members in finding out what quality opportunities are available to them the EIS has trained over 100 Learning Representatives (LRs). EIS LRs work all across Scotland. What actually is an LR and what do they do?

What is an LR?

An EIS LR is a teacher or lecturer member of the union who has undertaken the appropriate training to be able to give information, advice and support to colleagues on CPD. LRs are covered by the Employment Act 2002 and receive time off to carry out their role—this means that they can make contact with colleagues by email, telephone or face-to-face.

What does an LR do?

LRs undertake rigorous training which enables them to mentor colleagues who are interested in undertaking CPD but are not sure what is most suitable to them. Any member wishing to undertake CPD and progress either on a professional or personal level can contact an LR who will research opportunities and advise on what would benefit the member most as an individual. As LRs have undertaken a significant amount of CPD themselves they are aware of what is involved and how this can be achieved against the backdrop of work and personal commitments.

What types of CPD can LRs give advice on?

LRs can advise on any CPD, including Curriculum for Excellence and Classroom Practice. LRs work closely with local authority CPD personnel and further education college CPD personnel. Many LRs are members of the CPD Committees where decisions are taken regarding the CPD provision which will be available and can have an input to what is actually required whilst also making sure that it is quality CPD.

What other activities are LRs involved in?

Since 2005 LRs have been instrumental in raising the profile of CPD amongst teachers and lecturers. They work in partnership with local authorities and further education college managements to hold joint CPD events. These events are held throughout Scotland and attract speakers and contributors of the highest level. The events feature a mixture of keynote speakers and workshops—some are a combination of both. Some events take the form of Professional Dialogue events where teachers can ask questions of a panel comprising national and local education figures. The evaluations of the CPD events prove without a doubt that they have raised awareness of CPD amongst those who attend and the majority of people who attend undertake CPD as a direct result.

Are EIS LR's the same as Local Association / College representatives?

No. The role of EIS LR's is to support the learning needs of teachers/lecturers. They are not negotiators and do not have a representative role in conditions of service matters, casework, grievance and disciplinary matters. For all issues other than those related to the learning agenda, members follow the normal route through their EIS local association secretary/branch representative.

How do individual EIS members access their EIS LR?

Individual EIS members are free to contact EIS LR's at any time to discuss issues relating to their own professional development. Teachers and lecturers should have time off to do so. This is covered by the relevant legislation (Employment Act 2002) but it must be "reasonable time off." This may form part of, for example, local agreements on CPD arrangements.

How do LR's communicate with each other?

A national on-line LR discussion forum is provided and each LR is given access to that Forum. The forum includes information relevant to all LR's and also provides the opportunity for LR's to share information, ask questions, and discuss matters of relevance to them.

How are LR's supported?

There is a full-time CPD/LR Co-ordinator who is there to give guidance and support to all EIS LR's, including advice on how to get started in the role as well as offering support on an on-going basis. This can take the form of email, phone, or face-to-face contact and all LR's are encouraged to communicate regularly with the Co-ordinator. Meetings of LR's are held on a regular basis where they have the opportunity to network and also to be updated on CPD developments related to their role.

EDUCATION AND EQUALITY

16. Education Scotland Inspections Advice For Members In Schools And Nurseries - Updated 2012

1. THE INSPECTION FRAMEWORK

In 2011-12, Education Scotland moved from a generational cycle of inspection (where a school is inspected every six to seven years) to a sampling model where around 240 inspections will take place each year across all sectors.

In addition to the sampled approach, inspections focussing on 3-18 curriculum areas, e.g. Science, and inspections looking at thematic tasks, e.g. Getting It Right for Every Child, will also be carried out. Normally in any year, two of the 3-18 curriculum areas and a generic theme will be looked at.

The EIS wishes to provide practical advice to teachers about what to expect as the inspection framework is implemented. In order to protect its members from excessive demands arising from inspections, the EIS issues monitoring forms to school/centres. Analyses of the information provided by EIS members in these forms indicate that for most teachers the experience is positive. However, there are times when the experience is negative and stressful for a school/centre or an individual member.

The information the EIS receives from this monitoring exercise allows us to have meaningful and evidence based dialogue with Education Scotland about the inspection process and how it can be improved.

The EIS believes that the inspection process should:

- be fair and supportive
- enjoy the confidence of those involved in the process of inspection
- reflect the reality of the situation in which the school/centre functions
- reflect the professionalism of teachers
- reflect and promote the need for collegiality within the school/centre
- recognise local authority and school improvement plans
- recognise local authority and school policies
- recognise local negotiated agreements
- add value to the school/centre and its teaching and learning and
- recognise what are achievable objectives within the above contexts.

The Care Inspectorate also inspects Early Years establishments, looking at Care and Welfare issues – Care and Support, Environment, Staffing and Management and Leadership. Inspections of this nature by the Care Inspectorate are unannounced.

2. SELF-EVALUATION

Education Scotland believes that the inspection process is about how the school/centre uses self-evaluation to take forward its plan to improve.

“Our new inspections provide the opportunity for pre-school centres and schools to show that they know themselves inside out and that they are using self-evaluation to focus on improving all the achievements of young people in line with Curriculum for Excellence. When self-evaluation evidence is robust and convincing, we use it as part of the inspection evidence. It can also help identify good practice and innovation that Education Scotland may wish to look at in more detail as part of our continuing engagement after the inspection has been completed.”

(‘Being ready for inspection’, Education Scotland website)

During an inspection, Education Scotland will be looking to see that evidence gathered from self-evaluation is analysed and used fully to:

- diagnose precisely where strengths and weaknesses lie and the implications for change
- identify the school's/centre's key priorities
- plan the action needed to bring about improvement, and
- promote improvement.

Inspectors will look at the extent to which the school's/centre's view of itself is supported by evidence and inspection activities. Education Scotland advice "Being ready for inspection" states:-

"Inspection activities may include:

- *looking at the school's Standards and Quality Report*
- *analysing the questionnaires*
- *looking at self-evaluation data and information and evidence*
- *observing learning and teaching in the classroom (learning episodes)*
- *professional dialogue with staff*
- *discussions with pupils and parents (including the Chairperson of the Parent Council)."*

3. THE INSPECTION PROCESS

Purpose of an Inspection

Education Scotland state that the purpose of a school inspection is to:

- *Promote improvement by supporting the school to continue to improve;*
- *Evaluate and report on a school's capacity to improve;*
- *Provide assurance to users on the quality of education;*
- *Provide evidence for the national overview of Scottish education.*

To evaluate the quality of a school's/centre's provision, inspections will focus on the impact on learners, answering the following questions.

- (1) How well do young people learn and achieve?*
- (2) How well does the school support young people to develop and learn?*
- (3) How well does the school improve the quality of its work?*

This final question will be evaluated by the inspection team and the response will be described as an expression of confidence:

- Confident
- Partially confident
- Not confident

Notice of Inspections

Education Scotland will give written notification of an inspection visit to secondary schools three weeks before the inspection begins and two weeks for primary schools and early years centres. This notice of inspection also applies to 3-18 curricular area and thematic inspections.

In any year, schools/centres to be inspected early in a new school session will not be notified of inspection prior to the summer holidays. In such circumstances, notice to inspect will be sent to centres/schools by mid-August.

Briefing notes have been provided by Education Scotland for Headteachers (These are available by choosing the appropriate sectorial inspection option on the 'About Inspections and Reviews' side menu at

<http://www.educationscotland.gov.uk/inspectionandreview/index.asp>)

They have advised that these briefing notes be made available to inform all members of staff.

Prior to the inspection

At the beginning of the notification period, a confidential questionnaire will be distributed to pupils, parents, and teaching and non-teaching staff. In a nursery school, a questionnaire will be sent to parents and staff only.

Schools/centres should note that advice about the questionnaires is available on the Education Scotland website ('Headteacher guidance on issuing pre-inspection questionnaires'). (This is available by choosing the appropriate sectorial inspection option on the 'About Inspections and Reviews' side menu at <http://www.educationscotland.gov.uk/inspectionandreview/index.asp>)

In the Education Scotland briefing notes, Headteachers are given a list of documentation, including the self-evaluation summary form, required by the inspection team before and on arrival (Appendices 2, 3 and 4). This is available from the Education Scotland website ("Briefing notes for headteachers of <sector>").

Education Scotland has stated that there is no mandatory requirement for the local authority to provide a pre-inspection report on an individual school/centre. For inspections that focus on 3-18 curricular area, a department/faculty will be asked to complete a self-evaluation proforma.

EIS ADVICE

What happens if I'm not happy about how the questionnaires are distributed and managed or how the content of the questionnaires are kept confidential?

Members should note that the questionnaires are confidential as the following advice to staff from Education Scotland indicates:-

"When you have filled in your form please put it in the prepaid envelope provided, seal it and either return it directly to Education Scotland or to the school office (who will send it to Education Scotland) by <<Insert date here - 6 working days before inspection date>>. (Your views about the school - Questions for teachers and other staff who work directly with children and young people' Questionnaire: available from Education Scotland website.)

If a member believes questionnaires are not being treated confidentially, they should advise the school representative who can raise the matter with the local association secretary in the first instance.

Members have the right also to advise the Managing Inspector of this concern which should also be indicated on the EIS monitoring form.

How will my workload be affected by preparing for the inspection?

Members are advised to access the Education Scotland website to ensure that they know what information will be required for their particular sector. (Normally - "*Briefing notes for headteachers of... (sector)*": Appendix 4).

The amount of information required by the Inspection Team prior to the inspection is regarded as minimal. However, the information requested should be available in the

school/centre at management level as part of its obligations to collect data and as a result of the self-evaluation process. This requirement for information should not lead to last minute collection of data and information by school/centre staff.

Where an EIS representative believes that teachers are being expected to produce documentation for inspections which is excessive and beyond what is stated in Education Scotland briefing notes they should seek advice from their local association secretary in the first instance.

What happens if my local authority decides to carry out its own 'mini-inspection'?

The EIS supports the efforts by local authorities to assist schools/centres in their self-evaluation process. However, the EIS is aware of attempts by some local authorities to impose their own models of self-evaluation on schools/centres and conduct a "mini inspection" prior to an Education Scotland inspection.

The EIS believes that a "mini-inspection" is bad practice and out of kilter with the inspection process as outlined by Education Scotland in its advice to schools/centres. Should a local authority disregard Education Scotland advice and conduct a 'mini inspection', the EIS believes this should not lead to additional work in the period before the beginning of the inspection. This work should be able to be undertaken within the parameters of locally agreed working time arrangements.

The Inspection Team

The Education Scotland inspection team will be made known to the school prior to the inspection. It will be led by a Managing Inspector (MI) who will be an HM Inspector of Education. There may be additional permanent HM Inspectors of Education, health and nutrition inspectors (HNI), assistant inspectors or associate assessors.

Education Scotland inspection teams can also include lay members who are members of the public, trained by Education Scotland staff, who have an interest but no professional involvement in education. Education Scotland maintain that the lay member does not focus on professional aspects such as approaches to teaching, attainment or nutrition related issues, their role is to focus on how a school/centre works from the perspective of relevant stakeholders, e.g. parents, pupils.

Education Scotland state that in small schools/centres (defined as those with more than 30 but fewer than 50 pupils and/or fewer than four classes) one inspector will carry out the inspection.

Inspection visits for subject and thematic tasks are usually carried out by one or two inspectors for a single day. In larger schools, the visit may extend into a second day.

EIS ADVICE

What happens if I think that the size of the inspection team is not compatible with my school/centre?

Members have the right to advise the Managing Inspector of their concern that the inspection team is too large or too small for the size of the school/centre.

The local association secretary should also be advised in the first instance and the concern should be noted in the EIS monitoring form.

The Inspection Week

Education Scotland state that the format of the week is as follows;

Monday

The inspection will normally start at lunchtime on Monday with a visit from the Inspection Team.

The scoping meeting signals the start of the inspection. The meeting should be guided by the school's/centre's self-evaluation summary form. The meeting should last no longer than an hour and a half.

During the afternoon, the Chairperson of the Parent Council, a group of parents and a group of children/young people will meet with the inspection team's lay member. The parents will have been selected by Education Scotland based on their questionnaire returns.

At the end of the school/centre day, a briefing meeting for school/centre staff will be arranged. Attendance by school/centre staff is voluntary.

Tuesday

The priority for the inspection team is to get into classes to share the learning and teaching experience which has been informed by the school's/centre's self-evaluation. The inspection team will be particularly interested in learning, teaching, literacy, numeracy and health and wellbeing within the context of a broad general education.

A school nominee would normally be invited to accompany the inspectors on some lesson visits to share thoughts and observations. Where staffing arrangements allow, a school/centre might select a teacher to take this role rather than a school/centre manager. The focus of the school nominee role is professional development. Being involved in the learning episodes would enable the individual to develop professional dialogue skills and to support benchmarking of learning and teaching within the school. The lay member will continue to engage with parents through looking at aspects of their partnership activities with the school/centre.

At the end of the day, a session will be organised to allow staff to engage in professional dialogue with the inspection team. Topics for discussion will concentrate on innovative practice, staff views on the inspection focus areas, school improvement plan, or other areas such as Curriculum for Excellence. Attendance by all staff, either support staff or professional staff alike, is voluntary. The session should last no longer than 45 minutes.

Wednesday to Friday

During Wednesday lunchtime, inspectors will be available to talk to staff on any aspect of the school/centre.

During Thursday, or possibly earlier, the inspection team will meet to discuss and agree on the inspection findings.

At the conclusion of the inspection activity, which could be anytime between Wednesday afternoon and Friday, a meeting will be arranged to discuss the findings with the Headteacher and relevant senior managers. A representative from the education authority would also be welcome to attend. This should take no longer than an hour and a half.

At the end of the meeting, agreement should be reached as to how to continue to improve the school. Discussions will have determined any continuing engagement activities that may support the school's/centre's improvement process. In many cases, there will be no need to continue engagement with the school/centre.

Where possible, before leaving the school/centre, a member of the inspection team, will provide feedback on the key inspection messages to pupils and staff. The findings from

any subject or thematic visit will also be shared with the school at the end of the visit. The findings from all visits related to any 3-18 curriculum area or generic theme will be rolled up into a national report. This report will be published as a means of identifying strengths and areas for development in the respective 3-18 curriculum area or generic theme area. Examples of innovative practice seen in individual schools may also be highlighted in these national reports.

EIS ADVICE

What happens if I can't attend any meetings that arise from the inspection process?

Teaching staff will feel under obligation to meet with Inspectors in their own time. The EIS believes it is unreasonable for teaching staff to give up their own time to discuss the findings of the inspection with Education Scotland. An assertion by Education Scotland that it is a voluntary activity does not alleviate this concern.

The EIS advises that members of staff who need to leave school promptly should not be pressurised into staying. Also, the working time arrangements do provide for time for such activities to take place.

Can I be expected to be included in the observation of a learning episode?

All teaching staff should be prepared to be included in observation of learning episodes within the classroom by the inspection team. However, if a member of staff feels uncomfortable with the school nominee being included in the observation of learning, they should register their protest immediately.

Will my participation in professional dialogue with the inspection team be counted as CPD?

It is important that professional dialogue between staff and the inspection team should be viewed as a continuing professional development activity. The EIS advises that locally negotiated working time agreements are adhered to and/or the inspection falls within the time allocated for CPD.

Post inspection

Within two weeks, Education Scotland will provide a draft copy of the report in letter format to the school/centre, the education authority and the Chairperson of the Parent Council. The letter:

- Directly answers the three key questions (See '*Purpose of an Inspection*')
- Provides strengths and aspects for development; and
- Provides an overall expression of statement about the quality of provision.

The Education Scotland website will publish the letter along with relevant inspection evidence, e.g. attainment information. This normally occurs eight working weeks after the end of the inspection.

The Record of Inspection Findings (RIF) contains the evidence on which the letter is based. The RIF is issued to the school/centre and education authority by Education Scotland three days after the letter is published. Within five days the Chairperson of the Parent Council receives the same document from Education Scotland.

EIS ADVICE

I think that I can identify a reference to a colleague from the report, what should I do?

The report should be written in such a way as to keep the identities of individual staff and pupils confidential. The opportunity for the Headteacher, education authority and Parent Council Chairperson to comment on the report should also reinforce this principle.

However, it may be possible to identify a teacher or department. If a teacher is concerned about any reference in the report the EIS advises that she/he should contact the local association secretary in the first instance.

I think that parts of the report are not representative of the discussions I had with the Inspection Team, what should I do?

EIS expects the report to reflect the professional dialogue and engagement involved in the inspection activities and the school's/centre's own self-evaluation process. If this is not the case, it should be recorded in the EIS monitoring form.

Why can't I see the RIF?

Education Scotland sees the RIF as a document internal to the school/centre, used to progress the improvement process.

Education Scotland believes that in the spirit of collegiality and to support the improvement process it is entirely appropriate for a Headteacher to share appropriate content within the RIF with staff.

Continued Engagement with Schools

Education Scotland has stated that continuing engagement activities include the following:

1. No further inspection activity

There is satisfaction with the overall quality of provision.

2. Innovative Practice

There is satisfaction with the overall quality of provision and no further inspection activity will be required. However, examples of innovative practice had been identified through the inspection process. Education Scotland will work with the school/centre and local authority to document and share the innovative practice.

3. Additional Support for Improvement

There is satisfaction with the overall quality of provision. With support from local authority or other stakeholders, necessary improvement can be made.

4. Continued Inspection

From the inspection findings, there is evidence that the school/centre needs more support and more time to make the required improvements.

EIS ADVICE

I have views on what's happening post-inspection, but don't feel involved in the post-inspection activities undertaken by the school/centre. What should I do?

EIS believes that if continuing engagement is required, activities should reflect the work of the school/centre in its own self-evaluation process and should not be contrary to its own improvement plans.

EIS also believes the activities should be achievable and realistic and arrived at through discussion with teaching staff. They should reflect the collegiality expected by Education Scotland in its advice and as outlined in SCNT Code of Practice on collegiality (2005):

- *staff should be valued and respected*
- *staff views, expressed orally or in writing, should be fully considered*
- *staff should be able to contribute to decisions on all areas of school life comfortably, openly and with dignity.*

Education Scotland documents “Improving outcomes for learners through self-evaluation” and “Improving our curriculum through self-evaluation” provide detailed guidance for schools. Reference is made in both documents to observing teaching and learning as a key tool in the self-evaluation process. Members should note that observing teaching and learning does not mean a mechanistic ‘crit’-style observation or a ‘top down approach’ but an agreed process.

“Self-evaluation also involves groups of teachers reflecting on their work together. We can do this in a number of ways by:

- *commenting on each other’s work, for example plans and assessments;*
- *engaging in cooperative teaching and discussion; and*
- *visiting each other’s classrooms to see how particular developments are going, to experience different methods of teaching or to confirm our views of learners’ progress.*

This process of peer evaluation is an important professional activity symbolising the professional responsibility of teams of teachers for their work. It complements professional discussion with senior colleagues who might teach alongside teachers or observe practice in classrooms.” (How Good is Our School? 3)

Members should note that there are agreements in many local authorities about classroom observation which reflect good practice. Any follow-through recommendation which suggests classroom observation should follow agreed guidelines.

4. THE INSPECTION EXPERIENCE

Education Scotland believes that the inspection experience should be seen as a positive experience for all concerned.

Education Scotland has created a best practice set of professional principles which support the inspection team in carrying out inspections in a constructive and positive manner. More detail on the PRAISE framework is available from the Education Scotland website (“*Briefing notes for headteachers of <sector>”: Appendix 1*).

There is an expectation that Education Scotland will carry out inspections which will;

- ensure that all inspections are conducted in a fair and professional manner;
- adopt a learning approach in order to share our knowledge and experience and learn from the knowledge and experience of others;
- keep in touch with senior staff throughout the process, sharing findings in a constructive way to encourage ownership and learning to take place; and
- ensure that our staff promote good practice in acknowledging diversity, promoting equality and eliminating discrimination.

Education Scotland’s ‘Principles of inspection and review’ detail the importance of transparency and mutual respect through professional dialogue. Building on this, the publication ‘Arrangements for inspecting schools in Scotland’ states

“We know from practice and feedback that positive engagement can lead to effective and productive professional dialogue which can make a significant difference to a school. We strive to continuously improve our dialogue skills and to maintain high levels of knowledge and expertise to inform that dialogue. We aim to focus opportunities for dialogue where they can have maximum impact for a school’s improvement. We will, for example, share

views and perceptions on the areas given focused attention during the inspection, the three key questions and other issues arising during the inspection.”

In addition, it also states:

“We see inspection as a two-way process and we seek to work with staff in a constructive, positive and professional manner. We assume professional engagement with staff, parents, children and young people involved in the inspection process. Based on this assumption, we expect that staff, parents, children and young people will:

- work in partnership with us to develop open and constructive dialogue;*
- provide information to ensure that we can report accurately, fairly and reliably;*
- work with us to minimise disruption, stress and bureaucracy;*
- draw any concerns about the inspection process to our attention promptly; and*
- understand that we will visit classes and, at times, wish to talk to staff and participants about key issues related to the leadership and management of the school.”*

EIS ADVICE

I'm unhappy with the way a member of the inspection team spoke to me, what should I do?

Throughout the inspection week, Education Scotland stresses that professional dialogue will take place with teachers and Headteachers. The EIS advises that members should expect to be treated courteously by the inspection team. Teachers should expect to be able to put forward their view in an assertive but not unprofessional manner. The teacher has detailed knowledge of the pupils, class and context of the school and therefore able to advise inspectors and enter into a genuine dialogue about learning and teaching. Teachers should feel able to disagree or put alternative view points to the inspectors about what is working well and what may require review. They should expect the inspectors to support the school/centre or teacher in improvement of the teaching and learning process.

If any member is dissatisfied with the conduct of an individual inspector they have the right to raise their concern with the Managing Inspector and the Headteacher. They should also advise the EIS representative of their concern. The EIS advises that they should do this as soon as possible, preferably during the inspection period. If the issue cannot be resolved at school/centre level or a teacher/school/centre believes that their concerns have not been taken seriously the school/centre representative should contact the local association secretary in the first instance.

Members are also encouraged to pursue Education Scotland's own complaints procedure.

ACTION FOR SCHOOLS BEING INSPECTED:

School Representatives should:

- Inform EIS headquarters that their school is being inspected in order to receive an EIS monitoring form.*
- Advise members on any issues that may arise as a result of the inspection.*
- Contact your local association secretary if clarification is required on issues that arise during the inspection.*
- Complete a single EIS monitoring form outlining the school's experience of the inspection and return it to EIS headquarters.*

Members should:

- Access the detailed advice contained in the Education Scotland website -*

www.educationscotland.gov.uk and
www.educationscotland.gov.uk/inspectionandreview/about/index.asp

- Expect that the process is fair and open.
- Expect to be treated courteously at all times.
- Expect to be visited in their classrooms by inspectors.
- Use the opportunity to engage in professional dialogue with Education Scotland inspectors.
- Ensure that the inspection is viewed as a CPD activity.
- Report any concerns to the Managing Inspector and school representative where necessary.
- Report any concerns to the EIS either through its monitoring form or to the school representative or local association secretary if urgent.

Please note the analysis of the monitoring forms provides the EIS with evidence to submit to Education Scotland in our discussions with them. Education Scotland is appreciative of the feedback from the questionnaires and acts upon the information provided when required.

The EIS is grateful for your co-operation in completing the questionnaire.

17. SCHOOL IMPROVEMENT PLAN

POLICY AND ADVICE TO SCHOOLS

1. Introduction

This paper updates EIS policy and advice on School Development Planning originally approved by EIS Executive Council in 2001. It now has a particular focus in relation to the implementation of Curriculum for Excellence, both in relation to the delivery of the curriculum itself and appropriate assessment arrangements.

2. The School Improvement Plan and Teacher Workload

2.1 The School Improvement Plan is one method which offers teachers a protection against unacceptable increases in workload. It offers some control over the pace of change within schools as well as the potential for staff within the school to ensure that the Plan can be implemented within the framework set by the SNCT Handbook of Conditions of Service in respect of the working day, week and year.

2.2 The School Improvement Plan needs to be linked to school working time agreements, which determine, through negotiation, the balance of time available for collegiate work, including development work, in relation to a 35 hour working week.

2.3 Additional time may be available for the implementation of the School Improvement Plan through Inset days and for some aspects funded CPD arrangements. Teachers may also agree to use some of their own annual 35 hours of CPD time to take forward an element of the Plan.

2.4 However, the School Improvement Plan cannot in itself resolve all issues of workload. Teachers must have regard to the protections afforded in terms of their own contracts.

2.5 Teachers at all levels of the school must also have regard to issues of collegiality and seek to enhance teacher empowerment and professionalism throughout the education process. Genuine collegial processes in schools have the potential to raise levels of professionalism, while at the same time managing working time and controlling workload burdens.

3. Current Practice in Relation to the School Improvement Plan

3.1 Since the planning process began in schools, practice in relation to the School Improvement Plan has developed in different ways within different schools: in some schools there are workload committees; some schools have set up school planning consultative groups; and in many schools, large secondary schools in particular, the process of improvement planning is in part devolved within the school, e.g. to secondary subject departments. Many schools and authorities have moved, also, to 3-year cycles for improvement planning.

3.2 However, it is apparent that in many schools practice is unsatisfactory. In particular, in many schools, teachers are not fully involved in the process.

- 3.3 The impact of the Authority's Improvement Plan on schools and also the existence of cluster improvement plans have added to the difficulty of managing workload.

4. The School Improvement Plan: General Principles

The School Improvement Plan, which is a statutory requirement, is central to the way in which the school operates and therefore should be informed by a number of agreed principles.

- 4.1 The Plan must be realistic and achievable both in terms of the timeframes for its contents to come on stream and the time resource made available for Plan-related work to be undertaken in the course of the teachers' contractual working day, week and year.
- 4.2 Whilst the Plan should have regard to government policy (especially the context of Curriculum for Excellence) and to the local authority plan, schools should be able to determine their own priorities within this framework. In particular, a balance needs to be maintained between authority/cluster priorities and the capacity and needs of individual establishments. This is especially relevant to smaller schools.
- 4.3 The School Improvement Plan is an important element in addressing issues of teacher workload, in particular through the management of teachers' working time. The Plan should be sufficiently detailed and costed to allow for an evaluation of its feasibility when measured against the available resources, including teacher time for familiarisation with key documents and new resources, developing materials and participation in staff development activities. The new requirements of summative assessment will need to be taken into consideration as well.
- 4.4 The Plan should set out focussed priorities for establishments, relatively few in number, and avoid developing lengthy wish lists.
- 4.5 The Improvement Plan could involve a certain amount of devolution of decision-making and implementation. For example, in secondary schools, subject departments should have a direct input to the process of formulating the draft Plan and a direct role in implementing specific elements within the approved Plan. A similar approach may be taken in larger primary schools, with groupings of staff from different stages providing their ideas.
- 4.6 To be effective, the planning process in schools should be cognisant of all aspects of the work of the school, including ongoing maintenance and consolidation of work, resource and financial management, workload issues and staff support.

5. The School Improvement Plan: The Process of Formulating the Plan

- 5.1 School Improvement Planning processes should reflect good collegiate practice within a school and seek to ensure that all teachers have the opportunity to have an input.
- 5.2 The planning process should itself be the basis of both prior and continuing consultation with all teaching staff.
- 5.3 The planning process should be planned in advance to ensure that identified collegiate time is made available for all staff to have an appropriate input at an appropriate time to the planning process.

- 5.4 All aspects of work and decision-making within the schools should be clearly related to the planning process, e.g. curriculum development, staff CPD, staff PRD and devolved school management.
- 5.5 Workload management **must form** an integral part of discussions as part of the planning process is to ensure that the individual and collective work of teachers is capable of being undertaken within the time available.
- 5.6 The School Improvement Plan – including rigorous costing of resource requirements (e.g. time, materials, staff development and finance) and the clearly-identified resources to be provided for this purpose – should be made available to all staff prior to approval of the Plan.
- 5.7 Some schools have found that the establishment of a School Planning Consultative Group (dealing with School Improvement Planning, the School's Devolved Budget and Workload management) is the most effective approach to use. The EIS considers that EIS School Representatives have an important contribution to make to such Consultative Groups or similar arrangements, either directly in that capacity, or indirectly following election to the Consultative Group by colleagues.

6. The School Improvement Plan: Implementation

The involvement of all staff in the school (whether or not there is a consultative group or workload committee overseeing the implementation of the Plan) should be just as integral to the process of implementation of the plan as to its development. The implementation process should involve staff in a number of ways and at a number of stages.

- 6.1 There should be continuing consultation about the human, material and financial resources and support needed in order to take forward the implementation of the Plan.
- 6.2 There should be regular monitoring of the Improvement Plan involving all staff, through previously agreed mechanisms. Dates for undertaking the monitoring should be agreed and indicated in the annual school calendar for staff.
- 6.3 Staff in the school have the right to be fully involved in discussion about any need for significant revisions to the Plan (together with their practical, resource and workload implications) in the course of the year. Such changes should not be a common occurrence. For example, action plans arising from HMIE visits should be built in to future improvement plans, normally, rather than supplanting existing proposals. The outcome of local authority reviews/quality assurance visits should not require agreed improvement plans to be altered at once.
- 6.4 Workload issues, whether emanating from the plan or from any other source, should be discussed regularly and frequently, involving all staff, at staff meetings, the dates of which have been previously agreed. There must also be opportunity for direct input from all staff and EIS representatives into discussions on all issues relating to workload.

7. Advice to Schools

The purpose of the EIS nationally is not to set a template for the way in which the school planning process should operate, but rather to advise its members of a framework within which the planning process can operate successfully. The key

element to this success is the collegiate working of all staff within the school. This is integral to the implementation of CfE.

- 7.1 EIS members in schools should meet to discuss whether the broad principles set out in this paper are being adhered to both in terms of the nature of the School Improvement Plan itself, the preparation of the Plan and its implementation, monitoring and evaluation process.
- 7.2 The litmus test for a School Improvement Plan is whether the plan has been properly costed, in all its aspects, and can therefore be regarded as achievable within the time frame envisaged.
- 7.3 Where difficulties arise in a particular school, these should be discussed at the school EIS meeting. In the first instance, the EIS Representative should convey the views of members to school management with the aim of resolving any issues in line with EIS policy. The results of these negotiations should be reported back to the school EIS membership and a decision taken on whether this should be referred by the EIS School Representative to the local association secretary.
- 7.4 The local association secretary will take this forward at authority level, if appropriate, and should look for support from the EIS Area Officer, where required.
- 7.5 The EIS nationally will monitor the effectiveness of arrangements, in particular through contact with local association secretaries. To ensure an accurate view, it is important, therefore, that individual EIS School Representatives should discuss with secretaries not only difficulties which have arisen within the school but also examples of good practice.

CHECK LIST

School Improvement Plan: four key issues

- The Plan should operate in the context of implementing Curriculum for Excellence.
- The Plan should be the product of collegiate activity and consultation.
- The Plan should be realistic and achievable.
- The Plan should support management of workload issues through rigorous costing of resource requirements, including time for staff development.

18. EQUALITY

“Equality is not a minority concern - it matters to every one of us. At some point in our lives, all of us face barriers that may prevent us fulfilling our potential, or participating fully in society.” (Equality and Human Rights Commission, 2007)

Responsibilities of the EIS

As a trade union the EIS recognises its own responsibilities under legislation as an employer and a provider of services.

Equality is a priority area of the EIS in its relationships with members and employers in the education sectors.

It is committed to the principles of equality in employment and educational provision. As part of the trade union movement it is aware of the role it has to play in challenging inequality, discrimination and prejudice throughout society.

Individual members have responsibilities not to discriminate and to be aware of their own obligations to challenge discrimination and promote equality in the workplace and in educational practice.

EIS members could:-

- help promote equality and eliminate discrimination in the workplace;
- play a part in the local association/branch;
- ensure equality issues are on the agenda of EIS meetings;
- encourage wider participation of members in the activities of the EIS.

Education authorities, independent schools and further and higher education institutions are expected to promote equality of opportunity and eliminate unlawful discrimination in education.

Equality Act 2010

Although the Equality Act 2010 has simplified a large number of Acts and regulations it is still very complex. The following information is intended only as a guide to some of the provisions of the Act which affect employees, education providers and service providers.

If you believe you have been discriminated against on the grounds of a protected characteristic you must seek advice from your local association secretary in the first instance.

If your employer is covered by the public sector equality duty section of the legislation, it is required not only to end discrimination but promote equality in all of its functions.

It is illegal to discriminate against people on the grounds of the following nine protected characteristics-

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race

- Religion or belief
- Sex
- Sexual orientation

Each of these characteristics is defined precisely in the Equality Act 2010, Part 2 Equality Key Concepts, Chapter 1, Protected Characteristics.

Age

- a person of a particular age group;
- persons of the same age group.
- a particular age or to a range of ages.

Disability

- a physical or mental impairment; and
- the impairment has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.

Gender reassignment

- proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex;
- a transsexual person is a person who has the protected characteristic of gender reassignment.

(applies also to people of school age)

Marriage and civil partnership

- A person who is married or is a civil partner.

Pregnancy and maternity

A woman is discriminated against if, in the protected period relating to a pregnancy of hers, she is unfavourably treated because of

- the pregnancy or;
- an illness suffered by her as a result of it;
- on compulsory maternity leave;
- seeking the right to ordinary or additional maternity leave.

Race

- colour;
- nationality;
- ethnic or national origins.

Religion or belief

- religion means any religion and a reference to religion includes a reference to a lack of religion;
- belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.

Sex

- a man or a woman.

Sexual orientation

Sexual orientation means a person's sexual orientation towards -

- persons of the same sex;
- persons of the opposite sex; or
- persons of either sex.

The Act refers to 'Prohibited Conduct' as

- Direct Discrimination;
- Combined discrimination: dual characteristics;
- Discrimination arising from disability;
- Gender reassignment discrimination;
- Pregnancy and maternity discrimination (work and non-work);
- Indirect discrimination – where an act or provision can have a disproportionate impact on a certain group and cannot be shown to have a legitimate aim.

Other 'prohibited conduct' includes

- Harassment
- Victimisation
- Discrimination on grounds of association – related to or friends with a person with a protected characteristic
- Discrimination on grounds of perception – thought to have a protected characteristic and discriminated on grounds of it even though a person does not have that characteristic

Adjustments for disabled persons

There is a duty to make reasonable adjustments for disabled persons.

Recruitment - Enquiries about disability and health prior to offering work or for the purposes of including someone in a pool to be considered for work is not lawful.

(Questionnaires may be permitted for monitoring purposes or to ensure reasonable adjustments during interview process.)

Positive Action

Positive Action in recruitment and promotion practices of employers will now be allowed. An employer may be entitled to take a protected characteristic into consideration when appointing if people with the protected characteristic are underrepresented or are at a disadvantage. This can only be done if the candidates are equally qualified.

Trade/professional organisations

The EIS is a trade organisation and is covered by the terms of the Act.

Education

Education is a service and therefore covered by the Act.

EIS members will be required to comply with the legislation as employees of a public body or a body carrying out public functions. However, the responsible body will be the employer. In the case of schools this will be the local authority or the Board of a self-governing school.

Schools

Schools are not allowed to discriminate against pupils in relation to 7 of the 9 'protected characteristics' (age and marriage and civil partnership not included)

- in admission procedures;
- provision of education;
- access to benefits, facility or service;
- exclusion or;
- any other detriment.

Harassment and victimisation apply to pupils.

There is a duty to make reasonable adjustments.

Further and Higher Education

Further and Higher Education institutions must not discriminate (exception of marriage and civil partnership)

- in the way it provides education for the student;
- in the way it affords the student access to a benefit, facility or service;
- by not providing education for the student;
- by not affording the student access to a benefit, facility or service;
- by excluding the student;
- by subjecting the student to any other detriment.

Institutions cannot discriminate against a student on the grounds of disability.

The legislation also covers enrolment in courses, qualifications and provision of recreational or training facilities.

General Qualifications bodies are covered by the Act (exception marriage and civil partnership).

Public sector equality duty

The Act provides for a Public sector equality duty

(1) A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Specific duties have been placed on public authorities to assist in complying with the above general duty.

Remedies

Remedies relating to discrimination can be sought through employment tribunals, Courts or, in the case of education, Additional Support Needs Tribunals.

Equality and Human Rights in Scotland

EHRC (Scotland) is responsible for the progress of the EHRC Strategy in Scotland and advises on equality and human rights' issues as they relate to Scotland. The Scottish Human Rights Commission is a separate body established by the Scottish Commission for Human Rights Act, 2006. It is responsible for Human Rights' issues in Scotland. Both organisations work closely together.

Other UK legislation

There are other Employment Acts, Health and Safety at Work Acts and regulations which protect employees and workers and which have an impact on equality. There are also Codes of Practice accompanying equality legislation which are important to fulfilling responsibilities.

The Scottish Parliament

The Scottish Parliament does not have responsibility for Equality legislation devolved to it. It does, however, have responsibilities to promote equality according to the terms of The Scotland Act, 1998.

'Equal Opportunities' means the prevention, elimination or regulation of discrimination between person on grounds of sex or marital status, or racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinion, such as religious beliefs or political opinions. (Schedule 5, Section 12)

The Scottish Government

The Scottish Government has an equality strategy which provides a framework for all its departments to tackle prejudice and discrimination and promote equality.

Education Scotland

As a public body and government agency Education Scotland is subject to the duties to promote equality.

HMIe documents relating to schools, communities, local authorities and further education contain specific reference to equality indicators.

Scottish Education Legislation

There is also education legislation specific to Scotland which provides for anti-discrimination in terms of the provision of education.

- Education (Scotland) Act 1980;
- The Education (Scotland) Act 1996;
- The Standards in Scotland's Schools Act 2000;
- Education (Additional Support for Learning) (Scotland) Act 2009.

Standards in Scotland's Schools Act 2000

The Standards in Scotland's Schools Act 2000 requires education authorities to develop an annual statement of improvement objectives, incorporating an account of the ways in which they will encourage the observance of equality legislation. Section 5 states that education authorities shall include, within this annual statement, an account:

of the ways in which they will, in providing school education, encourage equal opportunities and in particular the observance of the equal opportunity requirements.

Education (Additional Support for Learning) (Scotland) Act, 2009

"A child may require additional support for a variety of reasons. These may include those who are being bullied, are particularly gifted, have experienced a bereavement, or are not attending school regularly, as well as those who have behavioural or learning difficulties, mental health problems, or specific disabilities such as deafness or blindness. The legislation will have an impact wider than education and has significant implications for professionals working in health, social work and a range of other agencies." (Learning and Teaching Scotland)

General Teaching Council for Scotland

Standard for Initial Teacher Education and Standard for Full Registration

Both Standards refer specifically to equality and social justice and the responsibility of teachers to promote them through their knowledge and understanding and professional practice.

19. Standard for Initial Teacher Education

Extracts regarding equality and social justice

1. Professional knowledge and understanding

1.1 Curriculum

“Have knowledge and understanding of, for example, sustainable development, equal opportunities, additional support needs, citizenship, international education, education for work, enterprise.”

3. Professional values and personal commitment

3.1 Value and demonstrate a commitment to social justice, inclusion and protection and caring for children

- “Demonstrate respect for the rights of all children and young people without discrimination as defined in the United Nations Convention on the Rights of the Child 1991, the Children (Scotland) Act 1995, the Standards in Scotland’s Schools Act etc. 2000 and the Additional Support for Learning Act 2005.”
- “Demonstrate that they value and promote fairness and justice and adopt anti-discriminatory practices in respect of gender, sexual orientation, race, disability, age, religion, culture and socio-economic background. “

Standard for Full Registration

Extracts regarding equality and social justice

1 Professional knowledge and understanding

.1.2

- “demonstrate in depth knowledge and understanding of, for example, sustainable development, equal opportunities, additional support needs, citizenship, international education, education for work, enterprise.”

2. Professional skills and abilities

2.1.4

- “ensure learning tasks are varied in form, differentiated and devised to build confidence and promote progress of all pupils, including those with additional support needs and high attaining pupils;
- effectively identify and respond appropriately to pupils with difficulties in, or barriers to, learning and seek advice in relation to their child protection and additional support needs;
- possess sensitive and positive attitudes towards differences among pupils (e.g. gender, social, cultural, religious, linguistic);”

3. Professional Values and Personal Commitment

“3.1 Professional teachers show in their day to day practice a commitment to social justice, inclusion and caring for and protecting children

- fully respect the rights of all children and young people without discrimination as defined in the United Nations Convention on the Rights of the Child 1991, the Children (Scotland) Act 1995, the Standards in Scotland's Schools Act etc. 2000 and the Additional Support for Learning Act 2005;
- value and soundly promote fairness and justice and adopt anti-discriminatory practices in all regards, including gender, sexual orientation, race, disability, age, religion, culture and socio-economic background;
- promote, support and safeguard the individual development, well-being and social competence of the pupils in their classes/register groups, raise these pupils' expectations of themselves and others; and encourage mutual respect and positive attitudes”

Equality Act 2010 - Checklist

Equality Act	Age	disability	Gender reassignment	Marriage/civil partnership	Pregnancy/maternity	Race	Religion or belief	Sex	Sexual orientation
Employment	√	√	√	√	√	√	√	√	√
Provision of services	√	√	√	X	√	√	√	√	√
Education	√	√	√	X	√	√	√	√	√
General statutory duty to promote equality	√	√	√	X	√	√	√	√	√
General qualifications bodies	√	√	√	X	√	√	√	√	√
Positive action	√	√	√	√	√	√	√	√	√
Dual discrimination	√	√	√	X	X	√	√	√	√
Perceived characteristic	√	√	√	√	√	√	√	√	√
association	√	√	√	√	√	√	√	√	√
Reasonable adjustments	X	√	X	X	X	X	X	X	X

Links

www.eis.org.uk

www.equalityhumanrights.com

www.educationscotland.gov.uk

www.gtcs.org.uk

www.scotland.gov.uk

www.sfc.ac.uk

www.ecu.ac.uk

SALARIES, CONDITIONS OF SERVICE AND PENSIONS

20. Salary scales and supporting notes

Teachers on the maingrade scale in Nursery, Special, Primary and Secondary Schools

Point	
0*	21438
1*	25716
2	27243
3	28794
4	30465
5	32394
6	34200

0* Probationer
1* Short Term supply teacher

Principal Teachers Job Sized Spine

Point	Job Size Band	
1	0-82	37284
2	83-96	38826
3	97-110	40377
4	111-126	41925
5	127-142	43479
6	143-159	45024
7	160-177	46572
8	178-196	48120

Chartered Teachers

Point	*
1	35253
2	36447
3	37284
4	38826
5	40377
6	41925

* Protected on current point

Principal Teachers Conserved Salary Spine

Roll	
<301	38577
301-600	39855
601-800	41154
801-1000	42414
1001-1300	43725
>1300	45006
SEN	39084

Headteachers and Depute Headteachers Job Sized Spine

Point	Job Size Band		Point	Job Size Band	
1	0-128	42288	11	267-291	57528
2	129-142	43593	12	292-317	59913
3	143-157	45024	13	318-342	62295
4	158-174	46572	14	343-368	64677
5	175-191	48120	15	369-406	68247
6	192-205	49425	16	407-444	71823
7	206-220	50859	17	445-483	75402
8	221-235	52290	18	484-521	78969
9	236-250	53715	19	522 and above	82542
10	251-266	55149			

Headteachers and Depute Headteachers Conserved Salary Spine

Point		Point	
1	42360	15	60114
2	43371	16	61806
3	44388	17	63489
4	45396	18	65166
5	46416	19	66861
6	47409	20	68538
7	48420	21	70233
8	49437	22	71916
9	50466	23	73605
10	51678	24	75279
11	53379	25	76968
12	55050	26	78669
13	56748	27	80337
14	58422		

NOTES

(a) Maingrade Scale and Chartered Teacher Scale

The Maingrade Scale applies to all unpromoted teaching staff in nursery, primary, secondary and special education. Salary progression is by service increment. Following the 2011 Pay and Conditions Agreement short term supply teachers are paid at point 1 of the maingrade scale. Progression through the Chartered Teacher Scale has been terminated. Chartered Teachers and those who were in the Chartered Teacher Programme retain the pay point reached following the 2011 Pay and Conditions Agreement.

(b) Principal Teachers, Depute Headteachers and Headteachers

There are two spinal columns, one for Principal Teachers and one for Depute Headteachers and Headteachers. Placement on both of the spinal columns is determined by application of the national job-sizing agreement.

(c) Initial Placement on the Maingrade Scale

Initial placement on the Maingrade Scale is determined by application of Part 2, Section 1, Paragraphs 1.8 - 1.23 of the SNCT Handbook.

(d) The Salary Year

The salary year for teachers runs from 1 August in one year to 31 July of the following year. This is different from the leave year which runs from 1 September to 31 August.

(e) Conservation

All teachers who continue to hold a particular promoted post to which they were appointed before 1 April 2001 will be protected by the salary conservation arrangements outlined in Part 2, Section 1, Paragraph 1.68 - 1.70 of the SNCT Handbook. Teachers appointed to promoted posts from 1 April 2001 will be entitled to cash conservation for a period of three years should their substantive salary level be downgraded.

(f) Acting Appointments

Where a teacher is appointed to carry out the duties of a promoted member of staff (Principal Teacher, Depute Headteacher or Headteacher) on a temporary basis, the salary receivable will be increased to the salary for the post. If the teacher is already employed in that school additional payment is not normally made until the teacher has been carrying out the duties of the acting post for a period of 20 working days. These 20 days need not be consecutive as long as a period of no longer than six months has elapsed since the last period of "acting up".

(g) Hourly and Daily Rates of Pay

- (i) The daily rate of pay for all teachers will be $\frac{1}{235}$ of the annual rate of salary

$$\frac{\text{annual salary}}{235}$$

- (ii) The hourly rate of pay for all teachers will be $\frac{1}{1645}$ of the annual rate of salary

$$\frac{\text{annual salary}}{1645}$$

- (iii) For each day worked leave will accrue on the basis of 0.2051 of the daily rate, pro rata for each part day.
 - (iv) Temporary teachers will normally be employed for a complete day session.
 - (v) Where a teacher is employed for less than a complete day session, the teacher will not be employed for more than one discrete period in any day.
 - (vi) Part-time and supply teachers (both permanent and temporary) are obliged as part of their contracts of employment to undertake, on a *pro rata* basis, the additional hours (above class contact and preparation/correction) required of full-time teachers. This includes a *pro rata* allocation of hours devoted to continuing professional development.
- (h) Disputes

A teacher who has reason to believe that his/her salary has been wrongly calculated should consult the EIS Representative and thereafter write to the employing authority and ask for a written statement of his/her salary position. If the teacher continues to be dissatisfied, he/she should forward a summary of the issue to the Local Association Secretary together with any statements or correspondence provided by the authority.

Warning: The above is intended as a general guide to the main salaries provisions. It is not and cannot be as comprehensive as the SNCT Handbook from which it derives. No claim or submission should be based solely on the information contained herein, but should be checked by reference to the actual provisions of the SNCT Handbook.

The SNCT Handbook can be accessed via the SNCT website: www.snct.org.uk

21. CONDITIONS OF SERVICE

THE WORKING HOURS OF TEACHERS

Part 2, Section 2 of the SNCT Handbook outlines the main terms and conditions of employment that relate to working hours. The main elements are outlined below.

- (a) A contractual 35 hour week.
- (b) Maximum class contact to be 22.5 hours in all sectors.
- (c) Preparation and correction time should be no less than 1/3 of actual class contact time.
- (d) Tasks which do not require the teacher to be on school premises can be carried out at a time and place of the teacher's choosing.
- (e) The use of the time between class contact/preparation correction time and the 35 hour week must be agreed at school level and can include a range of the following activities which are subject to agreement at school level.
 - additional time for preparation and correction
 - parent meetings
 - staff meetings
 - formal assessment
 - preparation of reports, records etc
 - curriculum development
 - forward planning
 - continuing professional development
 - additional supervised pupil activity
 - professional review and development.
- (f) The working year for teachers amounts to 195 days.
- (g) In addition, there is a contractual commitment to complete up to 35 hours per annum on continuing professional development activities.

RIGHT TO A PERMANENT CONTRACT

Section 8.5 of the previous Scheme of Conditions of Service read as follows:

A teacher who is employed on the temporary staff may at any time apply for a transfer to the permanent staff and the application shall normally not be refused if a teacher has given satisfactory full-time continuous service for a period of one year. Transfer, where granted, should normally be from 1 August.

This provision remains in Part 4 of the SNCT Handbook unless and until it is overtaken by local agreement.

The Code of Practice on the Use of Temporary Contracts (Part 2, Appendix 2.8 of the SNCT Handbook) aims to ensure that employees on temporary contracts are not treated less favourably than permanent employees and temporary teachers should be provided with the same access to information on vacancies as is provided to existing permanent post holders.

Movement to a permanent post is open to temporary teachers through normal application, however transfer to a permanent contract will be through arrangements agreed by the

Local Negotiating Committee for Teachers (LNCT). Members wishing to transfer to permanent contracts are advised to seek guidance from their local association secretary.

LEAVE ENTITLEMENT

Contractually teachers are entitled to a leave allowance equivalent to the balance of days left when they have completed the 195 days' service required of them. Provisions for annual leave are detailed in Part 2, Section 5 of the SNCT Handbook.

All teachers will accrue leave on the basis of 0.2051 of a day for each day worked, pro rata for each part day worked. In effect this provides 40 days' paid leave per annum.

The leave year begins on 1 September and leave cannot be carried forward from one year to another except for some maternity and sickness leave. Where a teacher leaves the employment of a council the leave entitlement is calculated as above less the number of days leave already taken.

Full details of leave arrangements are in the SNCT Handbook.

INCREMENTAL PROGRESSION

All teachers on the Maingrade Scale are entitled to a salary increment as at 1 August provided they have 26 weeks' qualifying service in the preceding salary year.

A week's qualifying service comprises any week in which a teacher is employed by a local authority (including periods of annual leave, public holidays, sickness absence, maternity leave or other special leave), regardless of the number of hours worked.

PERIODS OF NOTICE

The period of notice to be given by a teacher on leaving an authority's employment is:

Unpromoted teacher	4 weeks
Promoted teacher	8 weeks

The amount of notice to be given by an authority on termination of a teacher's service is as follows:

Periods of Continuous Service	Period of Notice
(a) Unpromoted Teacher	
Up to 4 years	4 weeks
5 years but less than 12 years	1 week for each year of continuous service
12 years or more	12 weeks
(b) Promoted Teachers	
1 to 8 years	8 weeks
9 years but less than 12 years	1 week per each year of continuous service
12 years or more	12 weeks

For the most part teachers and authorities do regard periods of notice as working weeks because it is in the interests of all concerned that vacancies be filled timeously otherwise the burden caused by the vacancy falls on the teaching staff.

Where notice in working weeks is not possible, the authority should be informed as soon as possible. Where the teacher knows for certain that he/she is leaving, the longest notice possible should be given.

SICKNESS ALLOWANCES

Employees must accrue a total of 18 weeks continuous qualifying council service to be entitled to sickness allowance (also referred to as occupational sick pay). Employees with less than 18 weeks continuous service may be entitled to Statutory Sick Pay.

An employee absent from duty due to sickness or injury will receive, in any one period of 12 months, sickness allowance as set out below:

Service at commencement of Absence from Duty	Full salary for a period of	Half salary for a period of
Less than 18 weeks	nil	nil
18 weeks but less than 1 year	1 month	1 month
1 year but less than 2 years	2 months	2 months
2 years but less than 3 years	4 months	4 months
3 years but less than 5 years	5 months	5 months
5 years or more	6 months	6 months

A week's qualifying service comprises any week, regardless of the number of hours worked, in which an employee is employed by a council. This includes periods of annual leave, public holidays, sickness absence, maternity leave or other special leave.

STATUTORY SICK PAY

Statutory Sick Pay (SSP) is payable by an employing authority to all teachers. Where SSP is not paid, the employing authority must give written reasons. The teacher may still be entitled to Employment and Support Allowance payable by the Benefits Agency.

SSP is paid in respect of qualifying days. There is a waiting period of three qualifying days at the beginning of each period of illness before SSP is payable from the fourth unless the latest period of illness is linked to a previous illness not more than 8 weeks earlier in respect of which a waiting period of 3 qualifying days was served.

SSP is payable for 28 weeks in one spell of sickness. Thereafter a teacher may receive Employment and Support Allowance.

It is essential that the employing authority be notified of the first qualifying day of a period of illness so that SSP may be claimed and paid if the period of illness extends to four days or more (a PIW or "period of incapacity for work"). The standard rate of SSP is currently £85.55 per week from April 2012.

OCCUPATIONAL SICK PAY

For teachers who qualify for occupational sick pay, salary during periods of illness is unchanged. Full pay is granted but it is composed of SSP and the balance of normal pay. A teacher earning £400 per week will be paid £314.45 by the authority plus £85.55 SSP through the employer.

After 22 weeks of SSP an employee should be notified by their employer of the need in the 29th week to transfer to Employment and Support Allowance payable by the Benefits Agency. This will be in addition to half pay entitlement you receive from your employer. (This would not, however, exceed your normal rate of pay.)

SSP is payable during holiday periods in the UK and within the European Community. SSP continues during strikes at the workplace provided the period of illness began before the strike or continues after the strike has ended. If an employee is not absent through illness when a strike begins, SSP is not payable unless it can be shown that the employee has no direct interest in the strike.

While there are agreed local arrangements for the intimation of the onset of a period of illness, an employer cannot insist on self-diagnosis or prognosis. Notification of illness may be given to the place of work by anyone on behalf of an employee to be followed by written confirmation within the first seven days of illness by the employee.

NOTIFICATION AND CERTIFICATION

You should notify the school as soon as is practicable of the onset of a period of illness. If you cannot do this personally some other person should do this on your behalf. You should try to indicate the possible date of return. When the absence extends to a fourth day you should again notify the school.

When the absence covers a period of between 4 and 7 days you will complete a self-certification form on return to work. If the absence extends beyond 7 days you will also be required to submit a medical certificate to cover the absence beyond 7 days.

ABSENCE DUE TO WORK RELATED INJURY/ILLNESS

Where an employee is absent due to sickness as a result of a work related injury or illness a separate allowance is payable. It is calculated in the same way as sickness allowance but does not count against a teacher's entitlement to sickness allowance.

An injury caused by an accident at work will only qualify for payment if the accident book (Form BI 510) has been completed.

All other cases of illness/injury that are work related must be confirmed by both the employee's GP and the council's medical adviser.

FAMILY LEAVE

Provisions for Family Leave are set out in Section 7 of the SNCT Handbook.

The following leaflets are also available on our website, www.eis.org.uk or from the Employment Relations Department at Headquarters:-

- Maternity Leave and Rights;
- Adoption Leave and Rights;
- Keeping in touch Days;
- Maternity and Adoption Support Leave (including Statutory Paternity Leave);
- Flexible Working.

MATERNITY LEAVE AND PAY

Maternity Leave.- An employee is entitled to 52 weeks maternity leave made up of 26 weeks' ordinary maternity leave and 26 weeks' additional maternity leave, regardless of length of service.

Maternity Pay₂ – An employee with at least 26 weeks' continuous service at the beginning of the 15th week before the expected week of childbirth will be entitled to 13 weeks normal salary followed by 26 weeks statutory maternity pay. Earnings must be greater than the lower earnings limit for NI contributions.

ADOPTION LEAVE AND PAY

The provisions for adoption leave mirror, as closely as possible, the provisions for maternity leave and the provisions include:

- (i) ordinary and additional adoption leave is available to all employees who satisfy the qualifying period or 26 weeks of continuous service ending with the matching week
- (ii) ordinary adoption leave is for a period of 26 weeks commencing either with the date on which the child is placed with the adopter or a date not more than 14 days before the expected date of placement. Additional adoption leave is for an additional period of 26 weeks starting with the last day of ordinary adoption leave but there is no additional qualifying period other than the 26 weeks before the matching week as described in (i) above
- (iii) entitlement to Statutory Adoption Pay is dependent on the employee: having a child placed for adoption under UK law, have 26 weeks of continuous service prior to the matching week and matches the payments for statutory maternity pay.

LEAVE ACCRUAL DURING MATERNITY AND ADOPTION LEAVE

During periods of maternity leave and adoption leave paid contractual leave will accrue. 28 days must be taken as leave. The balance can be taken as leave or as payment in lieu of leave which may be directed into days of school closure. Any leave due can be carried forward.

KEEPING IN TOUCH DAYS

During both Maternity Leave and Adoption Leave the employee is allowed to work for up to 10 days with normal pay. These days can only be taken following agreement with the employer. Appendix 2.10 of the SNCT Handbook sets out this topic in more detail.

MATERNITY AND ADOPTION SUPPORT LEAVE AND PAY

Support leave of one week with normal pay will be granted to the spouse or partner or nominated carer of an expectant mother or of someone taking adoption leave.

PATERNITY LEAVE AND PAY

Any employee (male or female) is entitled to paternity leave as long as he/she has 26 weeks of continuous service by the end of the 15th week before the EWC and will not be restricted to the biological father of the child. Leave entitlement is for a period of two weeks and must be taken within 56 days of either the birth of the child or the first day of EWC. Leave to permit an employee to be with the mother during labour is already covered by Section 57A of the Employment Rights Act 1996. Entitlement to Statutory Paternity Pay (SPP) mirrors the qualifications required to be entitled to leave.

Maternity Support Leave and Paternity Leave must be taken at the same time and must be taken as a single two week block.

PARENTAL LEAVE

Parental leave is a right for all employees who are parents to take unpaid time off work to look after or make arrangements for their child's welfare. You must have 1 year's continuous service to qualify.

Employees are entitled to 13 weeks in total for each child. This increases to 18 weeks if the child is disabled. Parental leave must be taken before the child's 5th birthday or 18th if the child is disabled.

The leave must be taken in one week blocks or multiples of one week. Parents of disabled children can take the blocks in multiples of one day.

Up to 4 week's parental leave can be taken in a calendar year.

22. CONTRACTUAL AND GENERAL

EIS Transfer Policy Covering Maingrade and Chartered Teachers

1. The majority of teachers are appointed to the service of an authority and are subject to transfer in the light of the exigencies of the service. Compulsory transfer, nevertheless, must be applied reasonably and fairly. EIS policy on transfers is that there should be a balance between the teacher's interests and those of the authority. Too little regard is often given to the inconvenience, the cost, the alienation of staff compulsorily transferred. These are the broad principles on which the following policy is based.
2. Where there is a need to transfer a teacher from a school, because of a falling roll or for some other legitimate reason (eg merger, closure, curricular change, promotion into school etc), the education authority should explore every possibility of obtaining agreement on a voluntary transfer. Compulsory transfer should only be contemplated where it has proved impossible to obtain agreement on a voluntary transfer.
3. Compulsory transfer is only acceptable to the Institute where there is evidence that the school will be able to cope with its workload, after the transfer has taken place, without breaches to teachers' conditions of service and where the teacher is being moved to fill a genuine and appropriate vacancy.
4. A teacher should be selected for compulsory transfer on the basis of "last-in, first-out", with reference to total continuous service with the education authority and, where appropriate, its predecessor. (Continuity of the service will not be construed as having been broken by periods of maternity leave – see paragraph 11).
5. The "last-in, first-out" principle should be applied in the context of a department of the school where the staffing complement dictates that a reduction in staffing should be made, or in the context of the whole school as appropriate in the circumstances.
6. Written notice of the intended compulsory transfer should be given to the teacher concerned at least four working weeks before the effective date of the transfer. In all cases individuals should be given a choice of schools to which to transfer where such a choice exists.
7. Teachers who are compulsorily transferred should be protected from further compulsory transfer for a period of three years. The "last-in, first-out" principle should be modified to the extent necessary to allow this other principle to be applied.

Action in the Event of Breaches of EIS Policy

8. Where an EIS member is threatened with compulsory transfer in circumstances which breach one or more of the guidelines set out above, and where the member wishes to resist the compulsory transfer, the following action should be taken:
 - (a) The member should immediately notify the school representative that he/she has a grievance over the proposed transfer and that he/she wishes the matter to be dealt with under official grievance procedure. Where the school representative considers that the grievance falls within the ambit of this policy, relevant parts of the Council's grievance procedure should be operated forthwith.
 - (b) The school EIS representative shall inform the local association secretary of the circumstances surrounding the case. The local association will arrange for the member to be assisted in processing at Directorate level and beyond and

will advise headquarters who will take such other action as is appropriate in the circumstances.

9. In carrying out this policy it is important that representatives should inform their local association secretaries of all threats of compulsory transfer of members at the earliest possible moment. In each case the representative should supply the following information:
- (a) name of member
 - (b) length of continuous service in the school (NB for this purpose periods of illness and/or maternity leave are not regarded as interrupting the continuity of service)
 - (c) whether or not the member is the “last-in” to the school or department
 - (d) level of promotion of the member
 - (e) total length of service with the authority or any of its constituent predecessors
 - (f) whether or not the proposed transfer is acceptable to the member
 - (g) the effect of the proposed transfer on the overall staffing position in the school.
10. EIS Recommendations on Calculation of Service for the Purpose of Determining Transfers.

“A teacher shall be selected for compulsory transfer on the basis of “last in, first out”. Service for this purpose shall be calculated as follows:

- (a) Maternity leave shall count as teaching service in full, provided the teacher returns to service by the end of the period when the statutory right of return applies.
- (b) Where for any reason the teacher has a break in service the maximum allowable period of that break shall be seven years. Teaching service which occurred before a break of seven years or less shall count in full. Where the break is more than seven years no previous service shall be allowed.
- (c) Where for any reason the teacher has more than one break in service, these breaks in service shall be aggregated. The maximum allowable aggregate shall be seven years. Provided the aggregate of breaks in service is less than seven years, all periods of intervening teaching service shall count in full. Where the breaks in service amount to more than seven years, only the service accumulated between the breaks totalling not more than seven years in the period immediately preceding the return shall be credited.
- (d) The aggregate of teaching service arrived at under (b) or (c) above shall be used in the determination of the teacher eligible for compulsory transfer under the “last in, first out” principle.

Job Sharing

1. Good Practice Guidance and Job Share Agreements

- 1.1 The following “good practice guidelines” have been Institute policy for a number of years.

Definition.- “Job-Sharing” should involve the sharing of the duties and responsibilities of one full-time post between two people. In principle, the post should remain essentially one job, capable of reverting to one full-time post if required. Provided the job is treated as a whole, this principle would not prevent a multi-disciplinary job-share in secondary schools (eg English/French). However, it would not be acceptable as a job sharing arrangement for one partner to work as a promoted teacher while the other partner is employed as an unpromoted teacher.

- 1.2 Voluntary Principle.- A job-share arrangement should always be entered voluntarily, by application on the part of the teacher. An authority should neither pressure nor compel a teacher to become a job-sharer.
- 1.3 Eligibility.- Agreement should be reached that all jobs as defined in 1.1 above, including promoted posts are eligible for sharing arrangements. This principle would maximise the equal opportunities benefits of the scheme.
- 1.4 Hours.- Normally a post should be shared on the basis of time, rather than duties/responsibilities. Prospective job-sharers should be informed that, unless they already have “acquired employment protection rights”, entering a job share arrangement could require a further period of continuous service in order to acquire these rights. However, any move to a job-share position would not break continuity of employment.
- 1.5 Communications Between Partners.- Opportunities, where possible, should be provided for liaison between sharers and this is most readily achieved by building in an overlap period for sharers. This overlap period should be arranged within the sharers’ contractual time.
- 1.6 Configuration of Working Week.- An agreement among the sharers and head of establishment on the pattern of work should be made prior to implementation of a job sharing arrangement. Thereafter, there should be stability of timetables for sharers, subject to an annual review prior to the start of a new session. Proposals to alter the arrangement should be the subject of consultation, be implemented at the start of a session, and be subject to an agreed period of notice.
- 1.7 New Job-Sharers.- While a request from an existing employee to share his/her substantive post should normally be granted, it may be appropriate to specify a period of notice for submitting such a request and to have fixed starting points (eg beginning of each term). Where an authority is unable to find a partner, the request may have to be held in suspense.
- 1.8 Where a Partner Leaves.- If an existing partner leaves, the remaining partner should be offered the post on a full-time basis. Where a new partner is required, appointment should be in accordance with normal procedures for filling vacancies. If a placement cannot be found, the remaining partner should be redeployed to another post by agreement.

- 1.9 Salary.- Job-sharers should be paid a *pro rata* element of their salary entitlement, with incremental progression determined in accordance with the provisions of the SNCT Handbook.
 - 1.10 Pension.- Prospective job-sharers should be advised to seek guidance on the effect of job-sharing on their superannuation entitlements.
 - 1.11 Conditions of Service.- Conditions of service of job-sharers should be as for permanent full-time or part-time teachers, as appropriate.
 - 1.12 Class Contact.- Class contact should be on a *pro rata* basis. On a 50:50 arrangement, maximum class contact is 11.25 hours.
 - 1.13 Additional Hours.- Job-sharers should undertake collegiate activities in accordance with Part 2, Appendix 2.7 of the SNCT Handbook on a *pro rata* basis. This would not require a job sharer to return to school on days when he/she does not work.
 - 1.14 Transfer Arrangements.- Where a post is in surplus, and the “last in, first out” principle is operative, a mechanism is required for assessing the service of each of the sharers. Both voluntary and compulsory transfers should only be effected on the basis of a calculation of service of each job-sharer.
 - 1.15 Holidays.- Normal holidays should apply. Public/casual holidays would be received when the sharer works on the relevant day (see paragraph 2.7 below).
 - 1.16 Training.- Job-sharers should have the same access to training and professional development opportunities as full-time teachers.
 - 1.17 Termination.- Job-sharers should be able to resign subject to the normal conditions of service. Where a job-sharer seeks to assume full-time working, this should be by application for a full-time post in the normal way (see paragraph 2.6 below).
 - 1.18 Publicity.- It is desirable that explanatory leaflets for staff are prepared, setting out the details of the scheme and the procedures for requesting to job-share. Advertisements for posts should make clear that applications on a job-sharing basis will receive equal consideration.
 - 1.19 Appeals Procedure.- An accelerated appeals procedure should be established for teachers who feel their request to job-share has been unreasonably refused.
2. Addressing Specific Problems Associated with Job-Sharing Contracts
 - 2.1 Calculating Length of Service for Transfer Purposes.- An Employment Tribunal decision in 1997 *Hislop v Glasgow City Council* [S/101761/97] established that the practice of averaging the respective lengths of service of two job-sharers is a breach of the Sex Discrimination Act and, accordingly, most of the former Strathclyde authorities have now revised the relevant terms of the previous standard Circular 54. For transfer purposes, therefore, the actual aggregated service of each job-share partner should be calculated (including mechanisms for including broken service) and used as the basis for any decisions with regard to liability for compulsory transfer.
 - 2.2 Dealing with Changes in Circumstances of one or both Job-Share Partners.- If one job-share partner leaves, the full-time post should first be offered to the

remaining partner. Thereafter, if the existing partner were to decline the offer of the full-time post, a new partner should be appointed in line with the Council's appointments procedures. Should it not be possible to fill the remaining part of the job-share, the remaining partner should be offered either a permanent part-time post or redeployed to a permanent part-time or full-time contract. It is likely that, during the course of a job-share contract, the circumstances of one or both partners may change and it should be open, at any time, for the job-share partners to seek agreement with the employer to an alternative configuration of hours within the job-share total. If agreement cannot be reached, the job-share partners and the head of establishment should review the arrangements in time for the start of the following term or session. Should agreement still not be possible, both partners should be offered appropriate and suitable permanent part-time appointments.

- 2.3 Delays in Filling Vacant Job-Share Partners Posts.- It has been reported on a number of occasions that there are, often, significant delays in filling one or other of the job-share portions. On this basis, time limits should be included in local job-share agreements in order that, if another partner for the share cannot be found, the procedures for dealing with the situation as a permanent vacancy should be initiated.
- 2.4 Liaison Time.- Arrangements should be put in place which allows for a period of overlap during normal working hours in order to permit the sharers time to consult with each other on matters related to curricular, pastoral and other issues associated with their working commitments. It is suggested that class contact remission of at least two hours per week is provided for the purposes of liaison.
- 2.5 Incremental Progression.- Will be as outlined in Part 2, Section 1 of the SNCT Handbook.
- 2.6 Reversion to Full-Time Working.- Again, it is well established within the Employment Tribunal system and the Courts, that failure to permit part-time or job-share working (particularly in relation to a return from maternity leave) is indirectly discriminatory. Requests for a reversion to full-time work from staff who had previously been permitted to work on a job-share or part-time basis will not be granted automatically but all such requests should be considered both seriously and timeously. It may also be helpful to introduce an accelerated appeals mechanism for staff who have been refused a reversion to full-time working in order that final decisions can be arrived at as quickly as possible. Once a decision has been taken to permit a return to full-time work, this should be implemented from the start of the following term or session whichever is the earlier.
- 2.7 Leave Arrangements and Public Holidays.- Under existing national agreements all job-share and part-time staff are treated (albeit on a *pro rata* basis) in the same way as permanent full-time staff as far as leave accrual, salary payment and other conditions of service matters are concerned. However, a number of local associations and Area Officers have reported problems in relation to the allocation of public holidays between job-share partners. It is common practice for one partner to work at the beginning of a week (i.e. up to Wednesday lunch time) and for the other partner to complete the remainder of the week. However, with the preponderance of public holidays falling on a Monday, it is possible that one partner in a 50:50 job-share will actually receive less in terms of leave entitlement than the other. There are no straightforward solutions to this problem which keep intact important *pro rata* elements of existing national agreements covering salary and leave accrual rights. There are, however, two potential solutions to this problem which would require the

agreement of the job-share partners, school management and the local authority.

- (a) Agreement could be reached at the commencement of each session which would allow for an even or *pro rata* allocation of public holidays between the partners. In other words one partner would be required to “cover” for the other partner on a relatively small number of days during the course of a year to establish a proper balance.
- (b) In a 50:50 job-share situation the actual fraction of annual salary entitlement paid to each job-sharer could be amended slightly to accommodate the small difference in working days (or hours) during the course of that salary year.

2.8 Absence Cover.- Where one job-share partner is absent from work (for whatever reason) the other partner should be offered the opportunity of covering for his/her partner. If the offer is accepted the covering partner should be paid for this additional work on the appropriate daily or hourly rate for temporary staff.

23. PENSIONS AND SUPERANNUATION – The Pensions section of this handbook is currently being reviewed. This information was last updated in JUNE 2010

Note: The information contained in this section is intended purely as a guideline to the terms and conditions of the Scottish Teachers' Superannuation Scheme. Nothing contained therein can override the provisions of the legislation governing the terms and conditions of the Scheme.

Each individual should investigate his or her entitlement to benefits.

GENERAL

Employees must be members of a pension scheme. There are 3 elements to the UK pension system, state pensions, occupational pensions or private personal or stakeholder pensions.

The following leaflets can be downloaded from the EIS website – www.eis.org.uk or can be obtained from the Employment Relations Department at Headquarters.

Early Retirement Schemes – sets out early retirement options for members of the STSS and includes sections on Premature Retirement, Actuarially Reduced Pensions and Ill Health Retirement

Family Benefits – sets out entitlements of a teacher's family in the event of his/her death

Winding Down Scheme – sets out the qualifying criteria to enable teachers to work part time whilst protecting superannuation benefits.

State Pensions

State pensions include the flat-rate basic pension which everyone is entitled to, providing they have paid the requisite national insurance contributions throughout their working life.

If you are not a member of the State Earnings Related Pension Scheme (SERPS) or the State Second Pension (S2P), which came into being in 2002, then you must be in an occupational, personal or stakeholder pension. Individuals can contract out of SERPS/S2P through a personal or stakeholder pension. Most occupational schemes are also contracted out. In effect, these schemes promise to pay at least the equivalent of the state schemes.

Occupational Pensions

Most occupational pension schemes are defined contribution (money purchase) but many larger schemes, and particularly those covering public services are defined benefit schemes.

Defined benefit schemes base the pension on earnings at or near retirement (final salary schemes) or on earnings averaged over the employee's length of membership (average salary schemes).

Defined contribution schemes set the level of employer and employee contribution and the pension paid at retirement is based on the size of the fund built up. This is then used to buy an annuity.

The Scottish Teachers' Superannuation Scheme (STSS) is a defined benefit (final salary) scheme.

Personal and Stakeholder Pensions

These are basically defined contribution schemes set up for individuals rather than run as workplace based schemes.

SCOTTISH TEACHERS' SUPERANNUATION SCHEME

The Scottish Teachers' Superannuation Scheme (STSS) is administered by the Scottish Public Pensions Agency (SPPA), 7 Tweedside Park, Tweedbank, Galashiels TD1 3TE. The Agency maintains all records relating to members' pensionable service and is responsible for the calculation and payment of all benefits.

Requests for information relating to pensionable employment and for application forms for benefits should always be addressed to the Chief Executive of the Agency, quoting the teacher's superannuation number. Once payment of a pension begins the Agency becomes in effect the employer of the pensioner and therefore when first retiring, the teacher should send Income Tax form P45 to the Agency to ensure that there is not an over deduction of tax from the pension during the first few months of its payment.

Various forms and leaflets can be downloaded from the SPPA's website, www.sppa.gov.uk

For its part, the Institute is prepared to offer members advice and guidance on matters relating to the superannuation scheme. Members wishing advice should write to the General Secretary, 46 Moray Place, Edinburgh, EH3 6BH, quoting their superannuation number, date of birth and, if considering retirement, the likely date of such retirement and current rate of salary.

Teachers who were in service prior to 1 April 2007 have a normal pension age of 60. The retirement age of teachers coming into the profession on or after the 1 April 2007 is 65. Pre-2007 teachers currently not working but who re-enter within a 5 year period will retain NPA 60.

The following information applies to members who have a normal pension age of 60 in the STSS.

RETIREMENT OF TEACHERS

The Employment Equality (Age) Regulations which came into effect on 1 October 2006 set a default retirement age of 65. This does not preclude an authority from re-employing any retired teacher on either a full-time or part-time basis after this age.

As from 1 October 2001 should you return to teaching service you will automatically contribute once again to the Scheme unless you were to opt out in favour of an alternative pension arrangement. Once you have aggregated one year's pensionable service you will be entitled to retirement benefits calculated on this additional period of service which will be paid in addition to your normal pension. If you have not aggregated one year's pensionable service then your contributions including interest will be refunded.

PERSONAL BENEFITS

Personal benefits, consisting of a pension and a *tax free* lump sum, are payable on retirement because of age provided the teacher has reached age 60.

There are 4 different situations where benefits may be payable before age 60:

- ill-health retirement;

- either in the interests of the efficiency of the employer's functions or because of redundancy under the terms of The Teachers' (Compensation for Premature Retirement)(Scotland) Regulations 1996, as amended;
- Actuarially Reduced Pension. Available to teachers between the ages of 55 to 59 who volunteer to retire and receive immediate payment of actuarially reduced benefits;
- Phased Retirement. Scheme members over the age of 55 can receive part of their accrued benefits whilst continuing to teach on reduced hours.

COST OF PENSION SCHEME

The STSS is funded by contributions paid by teachers and their employers. Teachers' contributions are set by legislation at 6.4 % of contributable salary (from 1 April 2007) with the balance of the cost of the scheme being met by the employers, their share currently being 13.5%. From 1 April 2009 the employers share was increased to 14.9%.

Tax relief is given on contributions paid by teachers. Relief is also granted on additional contributions paid by them to improve their pension benefits to a maximum of 100% of salary in any tax year. Teachers may therefore pay additional contributions of up to 93.6% of their salary in any tax year to improve their pension benefits.

PAYMENT OF PENSIONS

Teachers' pensions are payable monthly in arrears by the Scottish Public Pensions Agency, 7 Tweedside Park, Tweedbank, Galashiels TD1 3TE. Payment is made direct to the bank or building society account nominated by a teacher and tax is deducted at source under the Pay As You Earn (PAYE) arrangements on the basis of the teacher's PAYE Code Number.

Any queries about the Code Number in use by SPPA should be addressed to HM Inspector of Taxes, Centre 1, East Kilbride, Glasgow, G79 1AA, quoting the teacher's National Insurance Number.

THE BEST DATE TO RETIRE

It is generally considered to be to a teacher's advantage financially to retire at the end of a holiday period as salary will be received for that period and the whole of it will count for pension purposes.

PENSIONS INCREASES

The STSS is fully inflation-proofed. Pensions are increased annually in line with the retail price index (RPI). The Government plans to change this to the Consumer Price Index (CPI) from April 2011. The increases are paid annually with effect from a date in April, the same date as increases in state social security benefits become effective. In the first year of a teacher's retirement, the teacher is entitled to a proportion of the full increase for the year based on the number of completed months between the date of retirement and the date from which the increase is payable. Any odd period in excess of a complete number of months will count as a further complete month if it amounts to 16 days or more. Generally a teacher retiring from the end of the summer holidays will receive an increase from the following April of eight-twelfths of the full increase payable from that April.

RETIREMENT ON AGE GROUNDS

WHAT DO I DO?

No later than four months before you intend to retire, you should notify your employers of your intention in order that they may initiate the process of claiming retirement benefits from the Scottish Public Pensions Agency (SPPA). You will be sent form STSS (RET) Part 1 which should be completed and returned to your employer as soon as possible. Your employer should complete form STSS (RET) Part 2 and both completed forms should be returned to the SPPA. Only when both forms are processed by the Agency will your retirement benefits be put into payment. Your lump sum will normally be paid shortly after your date of retirement. The pension is payable monthly in arrears and you should receive the first payment at the end of the month in which you retire or at the end of the following month if you retire at or near the end of the month.

WHEN SHOULD I RETIRE?

If you are age 60 or over you may retire at any time provided that you give the required notice to your employers. (Generally this is 4 weeks excluding holiday periods but 8 weeks for those in promoted posts.) If you are considering retirement at the end of the school session you should retire from the last day of the summer holidays. This means you will be paid for the holiday period and it will be recorded as pensionable service for pension purposes.

If you are not yet aged 65, you should also consider applying to your employing authority for release under the Teachers' (Compensation for Premature Retirement) (Scotland) Regulations 1996. Release under these regulations could result in some compensation from your employer for retiring before age 65. Release under this scheme and the amount of compensation, if any, would be entirely at the discretion of your employer. The prospect of some additional payment from your employer nevertheless would indicate that it could be worthwhile raising the matter with them before deciding to retire.

WHAT BENEFITS CAN I EXPECT?

If you are age 60 or over, you will be entitled to personal pension benefits consisting of a pension and tax-free lump sum providing that you:

- (i) have been employed in pensionable employment on 6 April 1988 and have been employed in such service, whether before or after that date, for at least 2 years; or
- (ii) have been employed in pensionable employment after 5 April 1988 for at least 2 years; or
- (iii) served in pensionable employment before 6 April 1988 and have been employed for at least 5 years in pensionable employment.

HOW ARE THESE PERSONAL BENEFITS CALCULATED?

The pension and tax-free lump sum are calculated as follows:

PENSION

This will be calculated at the rate of 1/80th of your pensionable salary for each year of pensionable employment (and proportionately (expressed in days) for each part-year of service). The maximum service which can count for pension purposes is 45 years at age 75.

For example, if you have 35 years of pensionable employment and your pensionable salary is £32,500 your pension will be:

$$35 \times 1/80 \times \text{£}32,500 = \text{£}14,218.75 \text{ per year}$$

LUMP SUM

This will be calculated at the rate of 3/80ths of your pensionable salary for each year of pensionable employment. Any part of a year is calculated proportionately at the appropriate rate for a year.

For example, if you have 35 years of pensionable employment and your pensionable salary is £32,500 your lump sum will be:

$$35 \times 3/80 \times \text{£}32,500 = \text{£}42,656.25$$

COMMUTATION OF PENSION

Teachers who have been in service after 1 April 2007 can now give up part of their pension in return for a larger tax free lump sum. The commutation factor is 1:12. (For every £1 you give up you receive an additional £12.) The maximum amount you can give up is 19.64% of the pension payable by the SPPA.

In this example you can give up £2,792 in return for an additional £33,504.

Financial advice should be sought before agreeing whether commutation might be right for you as all your financial and personal circumstances should be considered.

PENSIONABLE SALARY

This is currently calculated in one of two ways the higher amount being used to calculate benefits.

- (i) the pensionable salary received in the last 12 months before retirement;
- (ii) the salaries in the last 10 years are increased to current day values using the RPI. The average of the best consecutive 3 years re-valued salaries in those 10 years is used.

As from 15 April 1998 the pensionable salary for a part-time teacher will be calculated in the same way as it would have been had the teacher been in full-time service during the relevant period.

TO WHAT BENEFITS WOULD MY SPOUSE BE ENTITLED IF I DIE FIRST?

If you pre-decease your spouse after your retirement, he/she will be entitled to a short-term pension at the rate of your pension for three months, followed by a long-term pension of up to one-half of the rate of your pension at death. However the one-half pension entitlement is conditional on all of your pensionable employment counting for family benefits. In the case of a man, all service after 1 April 1972 automatically counts for family benefits purposes but in the case of a woman, only service from 6 April 1988 automatically counts for such benefits. For service prior to either of these dates to count for family benefit purposes, the teacher would have had to pay additional contributions to the STSS. If the whole of your pensionable service does not count for these benefits, the long-term pension to which your spouse would be entitled would be proportionately less.

WHAT WILL BE MY POSITION REGARDING INCOME TAX?

On retirement, SPPA will become your employer for tax purposes and you should, therefore, send Form P45, which you will receive from your previous employer, to the agency as soon as possible in order to avoid any over-deduction of Income Tax from your pension. Both the teacher's pension and any state retirement pension to which you are entitled are subject to income tax as earned income and, for the purposes of Pay As You Earn (PAYE), any personal allowances to which you are entitled will be first set against your State pension and only the balance, if any, will be set against your teacher's pension.

The lump sum is tax-free, but any interest that is earned on it subsequently will be subject to Income Tax.

You should inform HM Inspector of Taxes, Centre 1, East Kilbride, of your retirement, giving them an estimate of your income from your teacher's pension and State retirement pension between the date of your retirement and the following 5 April. This will enable HM Inspector of Taxes to make any necessary adjustment to your Tax Code Number and avoid any under-payment of tax in your first year of retirement.

EARLY RETIREMENT SCHEMES

There are currently 3 schemes under which teachers may be eligible to retire early:

- Premature Retirement;
- Actuarially Reduced Pension;
- Ill Health Retirement.

There are eligibility criteria for each of these and further information on each of these options is contained in our Early Retirement Schemes leaflet available on the Institute's website www.eis.org.uk or by contacting the Employment Relations Department at Headquarters.

There are also now two options to consider if you wish to work part-time in the lead up to retirement. These are the Winding Down Scheme and Phased Retirement. A leaflet setting out the Winding Down Scheme is also available from the Employment Relations Department.

A further option was introduced in April 2007 which allows teachers to access part of their pension and lump sum whilst cutting their hours. This is known as Phased Retirement. You must be aged 55 or over, you need to reduce your pay by at least 20% and you can access up to 75% of your accrued benefits. Any benefits payable before your normal pension age will be actuarially reduced.

OPTIONS ON WITHDRAWAL FROM SERVICE

There are 4 options available to you on leaving teaching service providing you meet the criteria:

- Refund of contributions;
- Preserve your benefits in the STSS;
- Transfer your benefits to another occupational scheme or to an individual pension arrangement;
- Actuarially Reduced Pension.

These first 3 options are explained in further detail below. Details of the Actuarially Reduced Pension facility are set out in the Early Retirement Schemes leaflet. You are advised to seek independent financial advice before agreeing to one of these options:

Refund of Contributions

If you have less than 2 years membership you can receive a refund of the contributions made less statutory deductions. The deductions are your share of the contributions equivalent premium required to buy back your rights in SERPS/S2P which you would have built up but for your membership of the STSS and income tax on the balance, in lieu of tax relief given when paying your pension contribution.

Preserved Benefits

If you have two or more years of pensionable service you will be eligible for preserved benefits in the form of a pension and a lump sum retiring allowance. There are contingent benefits for widows or widowers and for adult dependants. Contingent children's pensions are also payable depending on circumstances.

Preserved benefits are payable from the age of 60 having been protected against inflation by being increased in line with the RPI. (Benefits may be paid before age 60 in the event of permanent ill health or if you decide to take an actuarially reduced pension.)

Transfer of Benefits

You can transfer your benefits to another occupational scheme or certain types of individual pension arrangement.

The STSS would provide you with a cash transfer value with which you would approach your new scheme. You need to consider:

- what benefits the transfer would buy in the new scheme;
- whether those benefits will increase before retirement at a rate at least corresponding with increases in the STSS;
- what extent the pension element would be protected against cost of living increases after retirement;
- what the new scheme would provide by way of a transfer value or preserved benefits on leaving.

As far as individual pension arrangements are concerned you may transfer your STSS benefits to a buy out policy with a UK approved assurance company or a personal pension plan with an insurance company, bank, building society, unit trust or other financial institution. You should obtain as much information as possible before deciding whether to proceed with this option.

You should also consider the benefits which would be provided to your survivors if you were to transfer your benefits from the STSS to an insurance company arrangement when compared to those which would be provided by the STSS under the preserved benefit arrangement and the likelihood of a future return to teaching.

IMPROVING YOUR RETIREMENT BENEFITS

The Scottish Teachers' Superannuation Scheme (STSS) provides generous personal retirement benefits and also provides a comprehensive range of other benefits, including death benefits, children's pensions, and ill-health benefits.

Members of an occupational pension scheme, such as the STSS, may pay additional voluntary contributions to an outside provider, such as a life office or building society, under free-standing contracts (FSAVCs) and also by means of an arrangement such as that concluded specifically for teachers throughout the United Kingdom with Prudential Pension Fund Services (STSS AVCs).

The Institute is of the view that teachers who will not be able to retire at age 60 on full benefits (that is with 40 or more years of service) should give serious consideration as early as possible in their careers to improving their retirement benefits by making additional pension arrangements. Before coming to a decision as to which course of action to follow you should seek financial advice.

To provide such advice, the Institute has formed a company in conjunction with a firm of insurance brokers. Members are urged to make arrangements through them to discuss the whole matter of pension provision. EIS Financial Services can be contacted on 0141 332 8004 or at 6 Clairmont Gardens, Glasgow, G3 7LW or e-mail enquiries@eisfs.co.uk. You can also discuss this matter with any independent financial adviser of your choice.

Can I improve my retirement benefits?

Yes, you have a choice of four ways of topping up your retirement benefits:

1. purchase of Additional Pension Benefits (APB) in the STSS;
2. payment of AVCs to Prudential under the special AVC arrangements for teachers;
3. payment of FSAVCs to a provider of such contracts;
4. payment into a Stakeholder Pension Plan.

What are the advantages of an AVC contract?

An AVC contract (either with an outside provider or with the Prudential) offers flexibility in that although it is principally for the purpose of improving personal retirement benefits, part of the contribution may be diverted to provide additional cover for your dependants, should you die in service, either by way of a lump sum and/or pension benefit. AVC contracts also offer the flexibility of varying the contributions paid as you may increase, decrease or even discontinue them as your circumstances change. These contributions also attract tax relief and the funds in which they are invested under the AVC contract are also free of all UK income and capital gains taxes.

There is, however, the disadvantage that benefits arising from AVC contracts are not guaranteed but are instead dependent on the success of the investment medium chosen and interest rates at the time of retirement. The accumulated funds must be converted into a taxable annual benefit by the purchase of an annuity. An AVC contract cannot, therefore, provide a tax-free lump sum on retirement although you can now receive 25% of the fund value as a tax-free lump sum. Over recent years, real returns have, however, been obtained on investments, and while past performance is not necessarily a good guide to the future, this makes an AVC contract an attractive option for those teachers relatively close to retirement.

What is the difference between an FSAVC contract and an STSS AVC contract with the Prudential?

Essentially the contracts are the same in that they are both money purchase contracts with benefits dependent on investment returns up to retirement and annuity rates at retirement. Contributions under both contracts attract income tax relief and can be varied according to your circumstances.

One difference between the contracts is the greater flexibility of the FSAVC contract in allowing benefits to be drawn before benefits are drawn from the STSS provided that the teacher is aged at least 50 and is no longer contributing to the STSS. Benefits from an STSS AVC contract with the Prudential can, however, only be drawn from the date from which benefits are drawn from the STSS.

The contracts also differ in the method of payment of contributions. Under an FSAVC contract, these will be paid by Direct Debit to the provider whereas contributions under an STSS AVC contract will be paid by deduction from salary with bulk remittances by employers to the Prudential. Full income tax relief on contributions under an STSS AVC contract will be granted automatically in the same way as tax relief is granted on main scheme superannuation contributions. Contributions under an FSAVC contract will only attract income tax relief at the basic rate of tax. Higher rate income tax relief, where appropriate, has to be claimed from the Inland Revenue and generally granted through the individual's PAYE code number.

If I enter a contract to improve my retirement benefits, what happens if I give up teaching before the end of the contract?

If you enter an APB contract with SPPA, you will be credited with the contributions paid up to the time you give up teaching. You will, however, have the option of completing the contract by payment of a lump sum and so being credited with the full benefit which was to have been bought in under the contract. In some cases because of the amount of the lump sum required to complete the contract or because an employer is offering premature retirement with enhancement, it would not be to your advantage financially to opt to complete the contract. If you enter an FSAVC contract or STSS AVC contract with the Prudential, your contributions would cease but the accumulated funds from your contributions would continue to be invested and continue to share in any gains made by the investment medium you had chosen.

If you were to take up other employment, there would be the option of a transfer value representing the value of your benefits in the STSS or the value of your STSS AVC accumulated fund being transferred to your new employer's pension scheme. If you had less than 2 years service you might be entitled to a refund of your superannuation and STSS AVC contributions, subject to statutory deductions for income tax and contributions equivalent premium. In the case of an FSAVC contract, you would be able to continue to contribute to it provided that you joined your new employer's pension scheme.

If I enter a contract to improve my retirement benefits what happens if I have to retire because of ill-health or if I die in service?

If you enter an APB contract with SPPA you must certify that your health should not prevent you fulfilling the contract. If subsequently you retire because of ill-health or die within 12 months of entering the contract, the contract will be revoked and your contributions returned. If retirement or death in service occurs after the first year of the contract, it will be deemed to have been completed.

If you enter an AVC contract, the accumulated funds from your contributions would be available to provide pension benefits taxable as earned income for you or, in the event of death, for your dependants.

Can I have an APB contract and an AVC contract?

Yes, it is possible to have both types of contract in force at the same time. You can receive tax relief on contributions up to 100% of your salary.

I have an AVC contract. Do I have to wait to age 60 before I can draw any benefit?

No, if you have an FSAVC contract you can receive your benefits on retirement at any time from age 50 onwards. If however you have an STSS AVC contract with the Prudential, you can only draw your benefits when your STSS benefits become payable. That is at age 60, unless you retire earlier because of ill-health or as a result of premature retirement.

I am considering an AVC contract. How flexible is the contract and can I improve my death in service benefits?

An AVC contract offers you the possibility of varying the level of your contributions from year to year and even of discontinuing your contributions. It also allows you to choose the type of investment you consider appropriate, for example, a with profits fund, unit-linked funds or cash deposit funds. You may also switch all or part of your investment between funds and redirect your future contributions to different funds. Additionally, you may if you wish, apply part or all of your contributions to provide additional life cover and/or an additional dependant's pension and, because the necessary life premiums will be paid through your contributions under the AVC contract, you will receive income tax relief on the premiums. If you decide you no longer need life cover, you can discontinue the payment of those premiums.

You will see, therefore, that an AVC contract is extremely flexible and offers a wide range of options.

I am considering an AVC contract. What criteria should I consider when selecting the fund into which to pay my contributions?

Firstly, it is not necessary to restrict your investment in an AVC contract to only one of the funds available from the provider.

The decision, however, about which fund or funds to invest in largely depends on your attitude to risk. Generally, the larger the potential gain from an investment the greater the risk and within the range of funds available from a provider the "safest" investment will be a Cash Deposit Fund, with a With-Profits Fund being "safe" and Unit-Linked Funds being "riskier".

A Cash Deposit Fund operates like a building society account with interest at a rate in line with those of leading building societies accruing on a daily basis.

A With-Profits Fund invests in a broad spread of assets, primarily in the UK but with an element of overseas investment also. The objective is to secure the highest possible returns for the investor consistent with security and reliability. The returns are added to your contributions by way of a bonus system (annual and terminal) which is designed to smooth out the fluctuations of the investment market.

The return from Unit-Linked Funds is directly dependent on the investment performance achieved. As the value of the underlying investments can go down as well as up, there is clearly more risk attached to such an investment and, consequently, they are for those members who wish to make investment selection decisions themselves. Within the range of Unit-Linked Funds there will be a number of specialist funds which invest in individual markets and a Fund which invests across a spread of those markets and there is, therefore, even within this range, varying levels of risk. If, however, you consider the greater risk is worth taking for the possibility over the long term of a better investment return, you could reduce that risk and protect your gains by switching out of Unit-Linked Funds some years before retirement subject to any special terms imposed by the provider. Alternatively, you could switch from the Unit-Linked Funds to the Cash Deposit Fund.

A With-Profits Fund operates in a manner similar to that of an endowment life assurance policy with the provider declaring annual bonuses which are added to the contributions which you have invested in the fund and adding a terminal bonus at retirement. Clearly there are no guarantees about investment returns but the bonus system does smooth out the fluctuations of the investment market.

Having considered the criteria to be used in selecting the fund for my AVC contract I intend to put part of my contributions into a With-Profits Fund and part into a Managed Fund. Is this reasonable?

Yes, this could be very sensible because you are choosing to rely on the professional investment expertise of the provider while at the same time keeping the degree of risk at an acceptable level.

If you had chosen a specialist Unit-Linked Fund, you would have had to monitor on a regular basis the level of the markets you were investing in and to have exercised some degree of investment expertise if and when you decided to switch your investment to another fund or to begin contributing to a different fund. These funds will tend to appeal to members who wish to have more control over their pension investment decisions.

As regards the differences between a With-Profits Fund and a Managed Fund, generally the younger you are the more you may wish to consider allocating your contributions to the Managed Fund. Whether you wish to make use of the Managed Fund will depend largely on your attitude to risk, with the With-Profits Fund being "safe" and the unit-linked Managed Fund being "riskier".

You should consider carefully which form of investment is most suitable to you in your present circumstances. You are advised to seek professional financial advice before you make any decision.

I withdrew the superannuation contributions I had paid when I gave up teaching some time ago. How can I again have that period count for pension benefits?

If you withdrew your contributions before 1 June 1973 you can repay those contributions with interest at 3.5% per year. The cost of such a repayment is so small, when compared with the increased benefits that will be received, as to make it very worthwhile financially to make the repayment. If made over a period of 5 years or more tax relief can be obtained on the repayments.

If you withdrew your contributions on 1 June 1973 or later, you may not now repay them and your only course of action would be to start an APB contract.

STAKEHOLDER PENSIONS

In April 2001 the Government introduced a new form of pension scheme, namely Stakeholder Pensions. The main aim of Stakeholder Pensions is to target those who do not have access to an occupational pension scheme, e.g. Scottish Teachers' Superannuation Scheme (STSS), or those without a regular income.

The attraction of this type of scheme for some teachers is that anyone who earns less than £30,000 per annum can make additional contributions to a Stakeholder Pension. If you earn more than £30,000 you may be able to set up a pension for a non-working spouse or your children.

This form of pension provision is in addition to the other forms of voluntary contribution which have previously and are still available to teachers namely, Prudential Additional Voluntary Contributions (AVCs), Past Added Years (PAY) and Free Standing Additional Voluntary Contributions (FSAVCs).

In association with the 'Prudential', the teaching unions and the TUC have arranged to offer a Teachers National Stakeholder Pension Scheme. The main benefits of the scheme are:

- Contributions are flexible from a minimum of £10 per month. (Other plans require a minimum contribution of £20);
- You can stop and start contributions when you want;

- Annual management charges are restricted to 0.85% of the value of the scheme. (The regulatory maximum for stakeholder pensions is 1%);
- You will receive tax relief on contributions, e.g. if you invest £50 per month then £64 will be added to your fund;
- You can make contributions to a stakeholder pension for children;
- Pension paid through an annuity. You do not need to buy the annuity with your stakeholder provider. You can shop around to see what other companies offer;
- Optional life cover. The cost is dependant on how much you choose to buy, your gender, age, and health when you start the cover;
- You can buy your annuity anytime between your 50th and 75th birthdays;
- 25% can be paid on retirement as a tax free lump sum. (This option is not available on an AVC unless it was started pre-April 1987.)

Schemes are regulated by the Financial Services Authority (FSA) and Occupational Pension Regulatory Authority (OPRA). The FSA makes sure information is fair, clear and not misleading. OPRA make sure that the scheme you choose meets stakeholder pension standards and is well run.

For further information on Stakeholder Pensions please contact the TUC Stakeholder Pension Helpline on 0845 070 6666 or visit the website at www.pru-stakeholder.co.uk/tuc. You can also find out further information on stakeholder pensions from the following organisations, the Department of Work and Pensions (www.dwp.gov.uk) and the Financial Services Authority (www.fsa.gov.uk).

Frequently Asked Questions

I am already a member of the Scottish Teachers' Superannuation Scheme. Can I start a stakeholder pension as well?

As long as your total earnings in at least one of the tax years since 6 April 2000 has not been greater than £30,000 per annum you can start a fund to top up the benefits from the STS scheme.

What happens if my earnings go above £30,000?

You must certify your earnings to the Inland Revenue from time to time. You can select a year when you earned less than £30,000 and for the 5 years following you can continue to contribute into the scheme. After this period you may have to stop paying into your stakeholder pension. You do not have to certify every 5 years, you can choose a shorter period if you think it might benefit you, e.g. if you think in year 3 that your salary will go above £30,000 the following year you can recertify and then get another 5 year period.

I am a member of the Scottish Teachers' Superannuation Scheme. Should I leave the scheme and start a stakeholder pension?

It is usually best to stay in the STSS. Your benefits are guaranteed and linked to your final salary. Your STSS pension is not subject to the fluctuations of the investment market in the same way as AVCs, personal and stakeholder pensions. Your employer also makes a significant contribution to your occupational pension.

What benefits will I get?

As with other types of money purchase schemes you purchase an annuity at the end of the contract term. This will be converted into an annual pension but with the option to take 25% of the fund as a lump sum. Your dependants will receive benefits on your death.

How much does it cost to start a stakeholder pension?

You can make regular or irregular payments of as little as £10.

What is the maximum I can contribute?

As a general rule, you can contribute up to £3,600 each financial year. (In real terms you would only need to pay around £2,800 to take account of tax relief.) Depending on your age you may be able to contribute more. The older you are the higher percentage of net earnings you can contribute to your plan.

I already pay Additional Voluntary Contributions, can I start a stakeholder scheme as well.

Even if you pay the maximum possible into the STS Scheme - 15% of pensionable earnings - you can still pay up to £3,600 into a stakeholder pension scheme.

What charges will I have to pay?

Stakeholder schemes are designed to be low cost, value for money schemes. The most you can be charged each year by your fund manager is 1% of its value. The Prudential Teachers' scheme charges 0.85% per annum of the fund value.

I am thinking of leaving teaching for other employment. Can I continue contributing to my stakeholder pension?

A stakeholder pension is completely flexible. You can take it from job to job. You will still need to be aware of the £30,000 earnings ceiling.

I am thinking about a career break. What will happen to my fund?

You can contribute to your fund even if you are not working, or you can choose to take a break from contributing.

Will the stakeholder pension affect my state pension?

No. The stakeholder pension would be on top of any state pensions you are entitled to.

Can I choose where my contributions are invested?

Yes. In the same way as you can choose where your AVC/FSAVC is invested, you can decide which type of fund you wish to invest in. Depending on your own circumstances and your attitude to risk you have the option to change your investment plan.

How will I know how my plan is doing?

You will be sent a yearly statement to show how your plan is performing. You can also get an up-to-date valuation by contacting the Stakeholder Pension helpline.

The above information is not exhaustive and before deciding to start a Stakeholder Pension you should seek guidance from a professional financial adviser.

GLOSSARY

The following terms, relating to the Scottish Teachers Superannuation Scheme (STSS), and pensions in general, are used within this pack.

Annuity and Annuity Rates An annuity is a contract to pay regular pension payments. An AVC/FSAVC scheme builds up a fund which is used at retirement to buy an annuity and the annuity rate is the rate at which the capital sum is converted into regular pension payments which usually continue until the pensioner dies.

Award of Benefits Benefits from the STSS are awarded by SPPA following receipt of a claim on the appropriate form. Forms can be downloaded from the SPPA website www.sppa.gov.uk

Child A child, to be eligible for benefits in terms of the STSS, must be dependent on the teacher and, at the time of the death of the teacher, must be:

- (i) under age 17 or continuing in full-time education until age 23;
- (ii) under age 19 and not engaged in full-time work or in receipt of Income Support; or
- (iii) a person who is unable to earn his or her living for health reasons.

Contracting Out Most occupational pension schemes are contracted out of SERPS or S2P. This means you pay a lower national insurance contribution but pay into an occupational or private pension plan.

Defined Benefit Scheme Another name for a salary related scheme where the benefits are set as a proportion of pay at or near retirement.

Defined Contribution Scheme Another name for a money purchase scheme, where no guarantees are made of the level of benefits at retirement, which will depend on the level of contributions, investment returns and other factors.

Final Salary Pension Scheme A defined benefit scheme where the pension is based on salary at or near retirement.

Money Purchase Pension Scheme See defined contribution scheme.

Nomination Nomination is the process whereby a teacher indicates to SPPA that he or she wishes, following his or her death:

- (i) to provide pension benefits to a certain close relative who is financially dependent on him or her; and/or
- (ii) to have the death in service lump sum paid to a particular person.

Separate nominations are required, one for pension benefits to a close relative and another for the death in service lump sum. The relevant forms are available from SPPA or EIS Headquarters.

Pensionable Employment Pensionable employment is any employment, under whatever type of contract, during which superannuation contributions have been paid to the STSS.

Qualification for Benefits A teacher will be entitled to pension benefits consisting of a pension and tax-free lump sum provided that he or she:

- (i) was employed in pensionable employment on 6 April 1988 and has been employed in such service, whether before or after that date, for at least 2 years; or

- (ii) has been employed in pensionable employment after 5 April 1988 for at least 2 years; or
- (iii) served in pensionable employment before 6 April 1988 and has been employed for at least 5 years in pensionable employment.

State Basic Pension You need to have paid national insurance contributions for most of your working life to qualify for a full basic pension. The current rate for a man or woman with a full contributions record is £97.65. A wife qualifying on her husband's contributions is entitled to £58.50, making a couple's pension of £156.15 a week. The pension increases each April in line with the higher of RPI, CPI, average earnings or 2.5%.

SERPS The state earnings related pension scheme which ran from 1978 to 2002 and pays a pension based on revalued career earnings.

State Second Pension (S2P) Introduced from 6 April 2002 to replace SERPS. Delivers a better pension for the lower paid and for carers who were previously unable to build up SERPS entitlement.

Transfer Value A calculation of an early leaver's pension entitlement which should allow you to buy pension rights in your new employer's scheme or a personal pension.

24. THE LAW AND THE TEACHER

LEGAL ADVICE

The Institute's Employment Relations Committee has powers to provide legal assistance to members. The test applied to all requests for advice, representation, legal fees etc, is whether the case has arisen directly from the member's pursuit of teaching as a profession. This dictum excludes consideration of litigation arising from family, domestic or other causes external to the member's work. However, the Institute does provide a free legal helpline which provides advice to members on all matters which are unrelated to the member's employment – see page 7.

THE INSTITUTE WILL NOT PAY THE FEES OF SOLICITORS AND OTHERS WHERE THEY HAVE BEEN INSTRUCTED WITHOUT EIS KNOWLEDGE AND CONSENT.

AUTHORITY LIABILITY

Responsibility for accidents to pupils, teachers or others in education establishments normally lies with the education authority who, of course, are insured against successful claims. Where a pupil is injured, it is unlikely that a teacher could be held liable unless gross negligence, malice or intent were established. If, however, a teacher has negligently failed to carry out the authority's instructions, the teacher could be the subject of disciplinary proceedings.

ACCIDENTS TO TEACHERS

Where the injury is to the teacher a successful claim must show negligence on the authority's part and any contribution to the accident by the teacher may be reflected in the amount of damages awarded. Members injured at work should contact their local association secretary for advice on making a claim for compensation. They should ensure that the accident is recorded in accordance with the authority's procedures.

ASSAULTS

The headteacher should be informed immediately of any assault on a teacher and the incident should be reported to the police. It is for the police to investigate the complaint and on their report for the procurator fiscal to take such action as is appropriate.

Teachers have **no** right subsequently to refuse to teach a pupil found guilty of assault or suspended. However, a risk assessment should be carried out before a decision is taken on returning the pupil to the school/class. The local association secretary should be contacted for advice on this matter. In certain cases pressure may be brought to bear on the authority by the concerted action of teachers within the school. Such action should not be undertaken without the knowledge of EIS headquarters.

CHARGES

Alleged assaults by teachers should be reported immediately to the Employment Relations Department at EIS Headquarters. Normally teachers are advised to co-operate with police - or other investigators - though not to the point of self-incrimination. A teacher asked to attend a police station "to help with inquiries" may exceptionally and, according to the nature of the possible charge, be accompanied by a solicitor appointed by the EIS. If a teacher is arrested and/or detained, (the police may now detain a person without legal representation for up to six hours), the teacher is advised to make no statement and more importantly to sign no statement until a solicitor has provided advice.

GENERAL TEACHING COUNCIL SCOTLAND (GTCS)

All convictions of teachers are reported by the Crown Office to the GTCS Registrar and subsequently to the Chair of the General Teaching Council Scotland. If the conviction is such as to raise the question of a teacher's suitability to continue teaching, the offence is considered by the Investigating Committee, to which written submission on the member's behalf may be made. If it is decided that there is a case to answer that matter will be referred to the Disciplinary Committee before which the teacher will appear and is entitled to representation. The Disciplinary Committee has power to instruct the Registrar to remove the teacher's name from the register either immediately or at a specified date should there be any repetition of the offence. A teacher whose name has been removed from the GTCS register may not teach in a state school in Scotland.

WARNING TO TEACHERS

It is all too easy for a teacher, in the vain hope of avoiding publicity, to plead guilty at trial in the Sheriff or District Court. Members are advised to consult a solicitor who is aware of the GTCS' locus in the convictions of teachers and the professional consequences of a guilty plea. Where the charge is connected with theft, sexual offences, alcohol, perverting the course of justice (eg giving false name), virement or misuse of monies, the advice of the EIS should be sought.

PARENT COUNCILS

Questions have arisen as to the right of a Parent Council to discuss the professionalism/conduct of a member of the teaching staff. The Parent Council has no power in law to discuss such matters.

OVERPAYMENT OF SALARY

Where an authority makes an error in payment of salary, it has the right of recovery as long as in doing so the recovery is just and equitable in the circumstances. If, for example, an age allowance is not halved or having been informed that a teacher is an ordinary graduate the teacher is paid as an honours graduate, then recovery of overpayment is possible.

If, at the request of the teacher or at the authority's instigation, the service of the teacher is recalculated at any time, no recovery of overpayment is possible and the new assessment is effective from the next full pay month. Where, for any reason, a mistake in salary has been made, the authority is required to correct the error as soon as it is discovered.

Where recovery of payment is sought by an authority on the grounds of clerical error, a clear description of the error should be provided and the agreement of the teacher obtained as to the rate of repayment. This should never be less than the rate at which the overpayment accumulated.

DEFAMATION

Slander or libel occurs when an untrue and damaging statement is spoken or written and thereby communicated to others. Truth is a defence against accusations of either. Matters of public interest, privileged exchanges, genuine ignorance of the implication of the defamation, offers to make amends, e.g. public retraction, can all affect the outcome of defamation proceedings.

With regard to teachers it is accepted that non-malicious allegations by parents, based on reports of pupils are unlikely to be actionable, otherwise complaints against teachers would be inhibited to an unacceptable degree. Once, however, a complaint has been investigated and found to be groundless, further repetition of the same or similar allegations could give rise to court proceedings.

Teachers are properly vigilant of their professional reputation. Unfortunately, and too often, the least effective means of defending a reputation is a court action for defamation due to the publicity should action attracts.

EMPLOYMENT RELATIONS COMMITTEE: SERVICING OF MEMBERS

The Employment Relations Committee consists of serving teachers with experience of most of the difficulties with which their colleagues are presented. The Committee is informed of the conduct of every case involving legal assistance and of all other cases that have implications for the generality of teachers. Under the EIS Constitution, the decisions of the Employment Relations Committee are final. Members can be certain that all aspects of cases before the Committee are treated with the greatest care.

The Committee is serviced by the Employment Relations Department. At the disposal of the Committee are our advising solicitors who specialise in particular aspects of the law which affect teachers.

The Committee reports its work to Council in the most general terms but maintains full confidentiality in respect of individual cases.

EIS AND THE WIDER COMMUNITY

25. POLITICAL RELATIONS AFFECTING EDUCATION IN SCOTLAND

The principal vehicle for external educational and political relations for the Institute is through the Scottish Parliament.

The Institute was a long-time supporter of the establishment of the Parliament and we remain committed to working with that body. The Parliament has meant an enormous step forward in relations with government in Scotland. The Institute meets regularly with the Cabinet Secretaries responsible for education, lifelong learning, local government and equal opportunities. Relations with civil servants within the Scottish Government are also good and the Institute is a regular contributor to consultations and discussions with officials in areas of interest to our members.

The EIS is also very involved with the Committee structure of the Parliament. The main committees dealing with matters relating to the interests of our members are the Education, Lifelong Learning and Culture Committee and the Local Government and Communities Committee. We meet regularly with the Conveners of Committees and the EIS has provided evidence to a number of Committee inquiries and related matters. The EIS has also promoted amendments to Bills during their consideration by Parliament and provides briefings on educational and related matters to MSPs. Regular meetings take place with the EIS group of MSPs, which is the largest trade union group at Holyrood.

The Institute also continues to have a relationship with UK government at Westminster, particularly in matters relating to employment law and other non-devolved areas of work. Meetings take place with the Secretary of State for Scotland, and with political party representatives at Westminster. Meetings have also taken place in the past with the EIS group of MPs at Westminster.

Local Associations should note that relations with the Scottish and UK Parliaments, MSPs and MPs, and the political parties are conducted through EIS Headquarters. Local Associations wishing to contact these bodies should first contact the Organisation Department at EIS Headquarters.

26. SCOTTISH TRADES UNION CONGRESS

The STUC is the voice of the collective trade union movement in Scotland, with 36 trades unions and 20 trades union councils affiliated, representing around 632,253 trade unionists in Scotland (2012 figures). Our relations with some Scottish-level organisations and certain trade union aspects of relations with Government are commonly conducted through the STUC.

The EIS has been affiliated to the STUC since 1974. We are the third largest affiliate and play a major role in events and activities organised by that body. EIS has three representatives on the STUC General Council, and is represented on a number of committees dealing with education and training, the arts, the economy, local government and so on.

The EIS participates in a number of STUC sponsored conferences, demonstrations and other events throughout the year. Principal among these is the Annual Congress of the STUC, where the EIS sends a delegation made up of national and local representatives. Congress agrees resolutions in a number of areas which, though not binding on affiliates, act as a guide for the consensus of trade union opinion on the issues of the day. The STUC General Council acts on these resolutions during the course of the year.

The EIS participates in the Annual Women's Conference of the STUC, again sending a delegation made up of national and local representatives. The Conference agrees resolutions on matters of particular concern to women in Scotland, and is widely recognised as the leading forum for women's issues on the Scottish political scene. Conference also elects a Women's Committee, on which the EIS is represented.

The EIS also participates in the Annual Black Workers' Conference of the STUC. This event elects its own Black Workers' Committee and two members of the General Council. The EIS is represented at all of these levels of organisation.

Local association representatives should note that relations with the STUC are conducted through EIS Headquarters, however, the contact details **for information** are:

Scottish Trades Union Congress House
333 Woodlands Road
GLASGOW
G3 6NG
Tel: 0141 337 8100
Fax: 0141 337 8101

27. TRADES UNION CONGRESS

The TUC represents trades unions on a UK basis, with 55 organisations affiliated, representing around 6,056,861 members (2012 figures).

The EIS has been affiliated to the TUC since 1978. We are the only solely Scottish affiliate, 4th largest in our category of unions and ranking 17th overall. The EIS is not represented on the General Council of the TUC, but participates in certain committees relating to Europe, employment rights and is represented on the Public Services Liaison Group and the Public Sector Forum. In previous years an EIS representative has been elected to the TUC Women's Committee. Relations with some national organisations and certain trade union aspects of relations with government are commonly conducted through the TUC. As the UK national trade union centre, TUC is the conduit for relations with the European TUC and related matters and the EIS is represented on the National European Network dealing with European Directives, Structural Funds and related issues.

The EIS sends a national delegation to the annual TUC Congress and participates in some national seminars and other conferences.

Local association representatives should note that relations with the TUC are conducted through EIS Headquarters, however, the contact details **for information** are:

Trades Union Congress
Congress House
Great Russell Street
LONDON WC1B 3LS
Tel: 0207 636 4030
Web: www.tuc.org.uk

28. OTHER TEACHING UNIONS

In all sectors of Scottish Education, the EIS competes for members with the other teacher trades unions, but holds the policy position to pursue teacher unity wherever possible.

In school education, the largest other union is the **Scottish Secondary Teacher's Association (SSTA)** with around 7000 members. The EIS and SSTA have co-operated on a number of important campaigns in the past, are both affiliated to STUC and EI, and meet regularly to discuss common concerns.

In the University sector, the other main union is the **University and College Union** which has around 7,000 members.

The **National Association of Schoolmasters/Union of Women Teachers (NAS/UWT)** are the only other TUC affiliate and UK union which recruits competitively with EIS in Scotland. NAS/UWT claims a membership of around 7,000, mainly in the West of Scotland.

The other teacher representative organisation in Scotland is **VOICE** (formerly PAT) a “no-strike” association not affiliated to TUC or STUC, with its main focus of activity in England and Wales.

At the UK level, the EIS enjoys good relations with the **National Union of Teachers (NUT)**. Reciprocal membership agreements exist with NUT whereby there is no competitive recruitment and members “crossing the borders” are advised to join and enjoy automatic membership for a short period. EIS also has good relations with the **Association of Teachers and Lecturers (ATL)**, a fellow TUC and EI affiliate.

Regular meetings take place with NUT, UCU and ATL and there is close co-operation at TUC and EI level, where appropriate.

29. EUROPEAN AND INTERNATIONAL AFFAIRS

The EIS conducts a certain amount of its international work through TUC and STUC, but the principal avenue for this is through our affiliation to the teachers' international organisation, Education International (EI).

EI is the largest of the teacher internationals and politically non-aligned. It represents the views of member organisations to international and world bodies such as the ILO, UN, UNESCO, EC and so on. With 30 million members, it is the largest trade union specialist 'voice' in the world.

EI is also the major partner of the teacher internationals who between them provide the membership of the European Trade Union Committee on Education (ETUCE). This is the industrial committee for the education sector of the European TUC, and the main professional body consulted by the European Community in education and training matters. The Maastricht Treaty brought mainstream education under the influence of the EC, and this is an area of interest which continues to expand and is likely to have greater importance in the coming period.

The EIS is a founder member of EI and is represented on the ETUCE Executive. EI organises seminars on topics of current interest, the documents and resolutions of which are discussed at the European Conference. A World Assembly is held every two years.

EI is the principal teachers solidarity organisation, assisting teachers and their families across the world.

More information on the activities of the EI is available on their web site at www.ei-ie.org.

30. DEVELOPMENT CO-OPERATION AND THE THIRD WORLD

EIS is unique among teachers unions in its commitment to spend up to 1% of subscription income in any year in the area of development co-operation and developing world aid.

This aid is disbursed through the Executive Committee.

Projects and activities to be supported are organised through EI, the TUC and the STUC. Recent projects supported include printing presses in Malawi and Bangladesh, trade union training in Chile and Uruguay, humanitarian support in Algeria and Kosovo and support for programmes aimed at increasing trade union capacity in Central Europe.

In addition, EIS donates regularly to the EI Solidarity Fund which offers immediate assistance to teachers and their families in countries struck by national disasters, and supports the attendance of a Developing World Delegate at the Biennial EI World Assembly.

If your members would like to know more about work, or how they can help, please contact the Organisation Department at EIS headquarters.

31. NATIONAL UNION OF STUDENTS

EIS enjoys close relations with the National Union of Students and, in particular, NUS (Scotland). We also support a number of activities, including social activities, of local student unions and SRC's.

At a Scottish level, EIS and NUS meet regularly throughout the year to discuss matters of common concern, and delegations attend each others policy-making conferences.

NUS also has considerable expertise in a number of areas relating to students and young people's rights, student financial support and so on.

Local Association Representatives should note that relations with NUS are conducted through EIS Headquarters, however, the contact details **for information** are:

NUS (Scotland)
29 Forth Street
EDINBURGH
EH1 3LE
Tel: 0131 556 6598
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32. POLITICAL AND PUBLIC AFFAIRS

The EIS is not affiliated to any political party and does not campaign on a party political basis. Annual meetings are held with the Scottish leadership and education spokespersons of the principal political parties to discuss matters of common concern, particularly in education.

Since the establishment of the Scottish Parliament, regular meetings take place with Ministers and Officials of the Scottish Executive, and with the Conveners and Committee members of Committees of the Parliament.

The EIS has a branch consisting of Holyrood MSP's and Westminster MP's who are EIS members, and regular meetings are held with them. EIS HQ also monitors Parliamentary proceedings and Government Bills, proposals and other announcements.

In local government, the EIS works closely with COSLA and with voluntary sector groups.

The EIS Political Fund was established in 1987 after an overwhelming ballot in favour, which was reconfirmed by a ballot of members in 1997 and again in 2007. Government trade union legislation dictates that trade unions cannot campaign to influence matters considered to be "political" unless such a fund exists. As education is in the "political" category, it was very necessary to take this step. Contributions to the fund are voluntary, but members are encouraged to support this vital area of EIS campaigning.

The EIS is currently represented on a large number of important external bodies including:

- Highlands and Islands Educational Trust;
- Scottish Council on Deafness;
- Scottish Accident Prevention Council;
- Scottish Centres;
- WEA Scotland.

If your members would like to know more about EIS activities in these areas of work, or are interested in contributing to such work generally, please contact the Organisation Department at EIS HQ. Local Association Representatives should note that relations with all national organisations are conducted through EIS Headquarters.