



The Educational
Institute of Scotland

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LF/KN/COSLA 050520
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By email

Dear Sally

I write on behalf of all the teacher unions represented on the Teachers' Side of the SNCT to raise a number of concerns regarding how COSLA has responded to the COVID 19 crisis.

I should acknowledge, of course, that this is a difficult time for all of us, and mistakes and missteps are inevitable as we strive to meet the myriad challenges we face, both immediately and also longer term. It is in recognition of this latter aspect, that I write in order that we might reset as required working arrangements.

COSLA initially responded, on 11 March 2020, by establishing a "Workforce Issues Advisory Group" (WIG). This group involves COSLA officials, HR advisers and the trade unions, and was designed "to provide a platform to discuss and agree appropriate and consistent approaches across Councils on workforce issues arising as a consequence of the spread of coronavirus COVID-19."

This is a particular area of concern. In our collective view the premise behind this group was fundamentally flawed. Throughout the process, COSLA has attempted to adopt a "One Workforce Approach" but in so doing there have been several instances where the concerns of the teaching workforce has been marginalised, with its representatives engaging in conference calls on issues which were not germane to the education workforce. One recent example of this relates to the work being undertaken with education unions through the WIG to create urgently needed, specific COVID-19 guidance and FAQs relating to hubs and education settings. It had been anticipated that this would have been completed last week; however, matters seem to have

ground to a halt. At the same time, it proved to be increasingly difficult to actually hold discussions through the SNCT, which seemed to be afforded a low status by COSLA, despite it being the national bargaining framework for teachers.

This latter point is particularly pertinent. Given that the work of the WIG group was advisory only, ultimately, it was for each council to make decisions based on local circumstances and national advice as matters develop. This approach cut across the practice of national collective bargaining established through the SNCT, and locally through the LNCTs, making national SNCT agreements difficult. The result, effectively, was a 64 workforces' approach – SNCT and SJC Unions working across 32 Councils.

Associated with this is a second area of difficulty – the apparent inability of COSLA to move nimbly given its complex multi-faceted internal sign off processes. Throughout this entire period representatives from SOLACE and SPDS have been slow to come to the negotiating table to facilitate SNCT unions achieving any form of a collective agreement which deviated from that offered to the SJC unions – despite obvious workplace differences.

COSLA's actions, if not its intent, have damaged the SNCT collective bargaining machinery.

An example of the difficulties that COSLA's stance has created can be illustrated by the discussions which took place on the publication of an agreement from the SNCT on coronavirus arrangements in schools. The Joint Secretaries and Joint Chairs had been working on a revision of Circular SNCT 09/15 Swine Flu Pandemic to accommodate the specific circumstances of COVID-19.

On 12 March a final draft of the text was sent to COSLA for sign off, having been agreed by all Joint Secretaries and Joint Chairs.

Late in the day on Friday 13 March, COSLA responded saying that "...upon reflection and taking into account professional advice from our HR advisers, COSLA politicians supported the view that we should not add our name to the SNCT 20/74." (This was despite the fact that it was simply updating an extant agreement.)

The email continued: "We feel that the wording in places sets a divisive tone when compared with other bargaining groups in what are unique, unchartered and fast changing circumstances."

Intense activity at ridiculously high levels in local and national government, resulted in the revised Circular SNCT 20/74 being issued on Monday 16 March.

A further example of unnecessary difficulty came with the issue of workplace closures, working from home and "no detriment to pay". On 18 March, COSLA published an agreement it had reached on "Working from Home" with the SJC unions as outlined in Circular SJC/61.

Since the SNCT unions were excluded from this, the Joint Secretaries began drafting an SNCT circular for teachers and associated professionals using SJC/61 as a template. COSLA challenged the need for a circular for teachers and had to be reminded although the SJC had an agreement with COSLA that "Employers should avoid detriments in pay and conditions for the period of any temporary changes that are introduced," the SNCT unions had no such national agreement.

Eventually, on 26 March, Circular SNCT 20/75 SNCT School Closures CORONAVIRUS (COVID-19) was agreed.

A particular area of difficulty was in formulating the agreement JS/20/78 Supply Teachers Job Retention Scheme. We argued repeatedly at meetings of the WIG group that this issue had to be addressed not only for supply teachers, but also for seasonal and casual workers recruited by the SJC unions. It was agreed that the SNCT would consider the issue of payment for supply teachers not currently in contract.

Although we did eventually achieve agreement on JS/20/78 Supply Teachers Job Retention Scheme, there were unreasonable delays in decision making, with COSLA failing to attend some key meetings. There remains no national framework to ensure consistent implementation of this agreement, which we understand the Scottish Government is underwriting. It is a matter of regret that, once again, COSLA has decided to implement a national agreement without national guidance on local implementation procedures.

The constituent organisations of the Teachers' Side of the SNCT believe that the pressure of the past few weeks has revealed significant fault lines in COSLA's relationship with the SNCT framework. If COSLA prizes its role in relation to Education, it should address the deficit created, as there remain significant challenges ahead.

In conclusion, we would ask that COSLA reaffirms a commitment to working with all Teacher Unions through the mechanism of the SNCT (and locally through LNCTs); that COSLA ensures that SNCT related meetings are supported by relevant staff; and that SNCT agreements are honoured and delivered across all 32 Councils.

I am happy, of course, to discuss all of the above further.

Best wishes



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Voice