

Minute of the meeting of the National Joint Negotiating Committee (NJNC) – Central Committee held on Thursday 12 September 2024 (1400-1600), via Video Conference.

In Attendance	
Fiona Blain	Staff Side
Chris Boyce	“ “
Collette Bradley (arrived at 1410)	“ “
Martin Clark	“ “
Paula Dixon	“ “
Chris Greenshields	“ “
Annemarie Harley	“ “
Eileen Imlah	“ “
Alison MacLean	“ “
Charlie Montgomery	“ “ (Chair)
Sue Clyne	Management Side
Susan Elston	“ “
Angela Cox	“ “
Ian Deed	“ “
Debbie Kerr	“ “
Chris O’Neil	“ “
David Watt	Management Side
Gavin Donoghue	Interim Management Side Joint Secretary
David Belsey	Interim Staff Side Joint Secretary
Michael Boyd	Working Groups Officer
Jillian Cheape	Secretariat
Catherine McCreath	Note Taker/Zoom Administrator

01/24 Welcome and Apologies

The Staff Side was in the chair and welcomed everyone to the meeting.

Apologies were noted from Alan Ritchie and Angus Campbell, Management Side, and Collette Bradley, Laura MacLean, Sean Bailey and Karen Mackay, Staff Side.

02/24 Minutes of Previous Meetings and Any Matters Arising

The following minutes were noted as unagreed:

- Thursday 23 March 2023
- Thursday 28 September 2023

It was also noted that the minute from Thursday, 7 December 2023, is still outstanding and will be presented at the December 2024 meeting.

It was agreed that all the unagreed minutes would be reviewed by the Joint Secretaries for submission at the next Central Table.

Matters Arising

It was agreed to sort out agreed minutes before dealing with matters arising from the minutes not otherwise covered on the agenda.

03/24 Covid Circular

It was noted that it was agreed, at the December 2023 Central Committee, to review Circular 01/20 through an expedited process within a Short Life Working Group (SLWG). However, it was noted that this had not progressed due to industrial action, and other priorities. Paper 3 outlines the draft Terms of Reference for the SLWG, and the Management Side welcomed feedback.

The Management Side's view was that Circular 01/20, created in good faith during the global pandemic, is now outdated. It stated that the Scottish Government has withdrawn related guidance and suggested that reasonable practices are already in place within colleges. Recognising the current workload of 15 working/sub groups, the Management Side proposed rescinding the Circular to prioritise other pressing matters.

The Staff Side did not agree to suspending the Circular, stating that it remains in effect, and colleges not adhering to it would be in breach of a National Agreement. It acknowledged that the SLWG might ultimately recommend either withdrawing or heavily amending the Circular but highlighted the need to retain some aspects due to Long Covid and ill health.

The Management Side advised that the Terms of Reference, as set out in Paper 3, would allow the SLWG to address the future of the Circular, pending agreement.

The Staff Side raised concerns about ambiguity in the Terms of Reference regarding SLWG membership, asking whether the Staff Side would have two or four members.

The EIS-FELA suggested limiting membership to two members per side to expedite the review.

Unite stressed the importance of recognising all support staff unions, including Unite, UNISON, and GMB.

The Staff Side proposed adjusting the Terms of Reference to state "up to four members" to allow flexibility.

This was agreed.

04/24 Policy Working Group

The Management Side provided an update on the Policy Working Group, noting that the group met in December 2023 and April 2024 focusing on a draft Disciplinary Policy and Procedure. The working group was scheduled to meet in June 2024 however this was cancelled at UNISON's request due to concerns raised on the agenda and direction of the group. It was noted that the Disciplinary Procedure remains outstanding as there are significant areas of feedback from UNISON to be discussed, and that the working group will return to this in due course.

The Support Staff Side expressed concern, noting that UNISON had asked for the paper to be withdrawn after raising issues with the Joint Secretaries. It also stated that sharing the Equality Impact Assessment for the Disciplinary Policy only breached the group's Terms of Reference.

The Management Side stated that while the policy portion of the Disciplinary Policy and Procedure has been agreed, feedback on the procedure was still under review, and it therefore proceeded with issuing the agreed policy, and is looking to finalise and issue the procedure once it is agreed. The Management Side further clarified that the policy was considered agreed and that the Equality Impact Assessment only applied to the policy.

The EIS-FELA supported issuing the agreed policy, stating that some members are currently being disciplined under outdated policies, therefore it was keen for the new policy to be implemented as soon as possible.

The Support Staff Side disagreed and stated its view that the Terms of Reference require both the Policy and Procedure to be sent to the Central Committee for ratification before conducting the Equality Impact Assessment.

The Staff Side requested an adjournment to discuss the points raised.

Adjournment

Following an adjournment, the Staff Side advised it would convene a full Staff Side meeting outside of the NJNC to clarify its position, and that it would respond to the working group on its position on issuing the Policy, with the model procedure to follow at a later date.

This was agreed.

05/24 Fair Work Working Group

The Management Side provided an update, advising that five of six scheduled meetings had been cancelled. It was noted that the next meeting is scheduled for Thursday 10 October 2024, with key topics including the use of Zero Hours Contracts and support for staff facing job losses. Given the limited progress and cancelled meetings, the Management Side asked the Staff Side to confirm whether it wished to continue with this working group.

The Staff Side expressed concerns, stating that the sector is not a Fair Work employer due to the lack of local college policies and procedures.

The Management Side did not agree with this position and urged the Staff Side to review the Scottish Funding Council (SFC) audit on Fair Work in the sector as there are many examples of fair work and evidence was presented to SFC as part of the audit.

The Staff Side Joint Secretary stated that the SFC define colleges as Fair Work employers but complained that the trade unions' had not been involved in the audits required to sign them off as Fair Work Employers – which would seem to be a breach of Fair Work funding regulations as trade unions need to be involved.

It was agreed that the Fair Work Working Group should continue as soon as possible and that joint work including joint research and surveys should be carried out to get evidence and solve problems perceived to exist.

06/24 Health and Safety

The Staff Side referred to the December 2023 meeting, where it was asked to submit a paper outlining expectations for the College Development Network (CDN) forum. It asked whether the Management Side still required this paper, noting that it had already submitted a document expressing concerns.

The Management Side stated it would be open to considering a paper but was still of the view that this matter is outside of National Bargaining.

The Staff Side agreed to submit a paper, which would be sent to the Joint Secretaries ahead of the next meeting in December 2024.

07/24 Lessons Learned

The Management Side provided an update, stating that two meetings with the Minister had taken place. One action point involved sharing a paper on the job specifications for an Independent Chair, and another was for the Scottish Government to involve ACAS in facilitating dialogue between both sides.

The Staff Side raised concerns about the process, particularly the delays in receiving outputs from the Strathesk "Lessons Learned" report. The Staff Side expressed reservations about appointing an Independent Chair, stressing that all parties must agree on the Chair's role.

The Staff Side raised meeting (to discuss Lessons Learnt) as employers and trade unions only, without government involvement. The Management Side explained that this was still an outstanding action, but they were awaiting written submissions from UNISON.

It acknowledged the need for improvements in the current NJNC procedures.

Unite noted it was unaware that the lack of a written submission would be an issue or a condition for moving forward on an employer and trade unions meeting and stated that it would rely on attending meetings to progress matter as opposed making a written submission.

It was agreed that the Joint Secretaries would take this matter forward and that the Central Committee would discuss improving NJNC processes.

08/24 NJNC Protocol/Processes

The Central Committee was advised that the Joint Secretaries have agreed to revisit the current NJNC protocol that has been in place since 2014. They have also drafted a Referrals Process for the Joint Secretaries to ensure all referrals follow the same process.

This update was noted and that the work is ongoing.

09/24 Recent Far Right Race Riots

The Staff Side noted that this item was requested by UNISON and it had requested a statement be jointly issued on the recent far right race riots.

The Management Side advised that it has shared correspondence directly with UNISON on this matter and that this was not a matter for CES or the NJNC. As all policy and advocacy matters are dealt with by Colleges Scotland, the Management Side suggested to pass the trade unions' request to them.

This was agreed.

10/24 NJNC Website

The Central Committee was reminded of the resources contained on the NJNC website where all agreed minutes and National Agreements can be found.

An update was provided for all Management and Staff Side representatives that the members area has been updated to include historic papers to aid individuals seeking previous papers. It was noted that the CES Team will contact the Secretaries to confirm Staff Side emails and who should access which pages.

11/24 Central Committee Schedule of Meetings for 2024/25

The meeting schedule for Central Committee matters for Academic Year 2024/25 was agreed.

The Support Staff Side requested that the schedule start on 1st September, as support staff are on leave until the end of August.

12/24 Date of Next Meeting

The date of next meeting is **Thursday 5 December 2024** (Venue TBC).

Action Monitoring Log

Thursday 30 September 2021				
Item	Action	Owner	Completion Date	Status
16.21	Agile/Hybrid/Working/Learning Discussion to be considered at the Side Tables.	JS	December 2021	Complete/Overtaken
Thursday 23 March 2023				
Item	Action	Owner	Completion Date	Status
06.22	Management Side Joint Secretary and Support Staff Side Joint Secretary to discuss and finalise the points outstanding around the COVID Circular.	JS	April 2023	Overtaken
Thursday 28 September 2023				
Item	Action	Owner	Completion Date	Status
01.23	Joint Secretaries to have a separate discussion to address the matter of personnel in attendance at NJNC meetings.	JS	October 2023	Ongoing
02.23	Joint Secretaries to discuss three concerns from the Staff Side in relation to the minute of the meeting Thursday 23 March 23.	JS	October 2023	Ongoing
04.23	The Staff Side requested an anticipated timescale for reviewing the Grievance Policy be brought to the next meeting.	MS	December 2023	Overtaken
05.23	It was agreed to schedule a further meeting of the group that met on 24 th August 2023 to progress discussions on lessons learned, once a written submission is received by the Support Staff Secretary.	MS/SS	October 2023	Ongoing
Thursday 7 December 2023				
Item	Action	Owner	Completion Date	Status
11.23	Staff Side to raise by points on outstanding minutes so it can be discussed separately by the Joint Secretaries.	SS/JS	March 2023	Ongoing
11.23	Joint Secretaries to define the status of observers.	JS	March 2023	Ongoing
11.23	Joint Secretaries to review communications around disputed matters.	JS	March 2023	Ongoing
12.23	Create a Short Life Working Group to renegotiate Circular	MS/SS	January 2023	Complete

	01/20 over an expediated timeframe.			
13.23	Joint Secretaries to discuss letter to CDN on Health and Safety.	JS	December 2023	Ongoing
13.23	Staff Side to draft a paper setting out its expectations for a National Health and Safety forum for further discussion.	SS	March 2023	Ongoing
14.23	Joint Secretaries to look at referrals on local policies.	JS	December 2023	Ongoing
15.23	Continue offline discussions on Distant Island Allowance.	SS/MS	March 2023	Ongoing
16.23	Staff Side to check accuracy of Paper 6 and provide confirmation on whether or not accepted.	SS	December/January 2023	Ongoing
19.23	Schedule a Lessons Learned meeting following receipt of all submissions to Scottish Government.	MS/SS	March 2023	Ongoing

Thursday 12 September 2024

Item	Action	Owner	Completion Date	Status
02.24	Further review the draft minutes of Thursday 23 March 2023 and Thursday 28 September 2023.	JS	December 2024	In progress
03.24	Adjust the draft Terms of Reference for the SLWG to include "up to four members" from the Staff Side.	JS	September 2024	Complete
04.24	Clarify the Staff Side position on issuing the Policy of the draft Disciplinary Policy and Procedure.	SS	December 2024	
05.24	The Fair Work Working Group to continue with joint work including research and surveys.	JS	October 2024	
06.24	Submit a paper on Staff Side expectations on Health and Safety forum within NJNC.	SS	December 2024	
07.24	Progress work on Lessons Learned, and arrange an employers and trade unions only meeting.	JS	December 2024	
07.24	Consider and discuss issues around improving NJNC processes at the next Central Committee meeting.	JS	December 2024	
08.24	Revisit the current NJNC protocol that has been in place since 2014.	JS	December 2024	In progress

08.24	Draft a Referrals Process for the Joint Secretaries.	JS	December 2024	In progress
09.24	Pass the Staff Side's request of a statement on Recent Far Right Race Riots to Colleges Scotland.	MS	September 2024	Complete