

Minute of the meeting of the National Joint Negotiating Committee (NJNC) – Central Committee held on Thursday 7 December 2023 (1400-1630), via Video Conference.

In Attendance	
Angus Campbell	Management Side (Chair)
Anne Campbell	“ “
Angela Cox	“ “
Sue Clyne	“ “
Susan Elston	“ “
Debbie Kerr	“ “
Alan Ritchie	“ “
Collette Bradley	Staff Side
Donny Gluckstein	“ “
Chris Greenshields	“ “
Annemarie Harley	“ “
Eileen Imlah	“ “
Alison MacLean	“ “
Laura McLean	“ “
Charlie Montgomery	“ “
Gavin Donoghue	Management Side Secretary (Acting)
Heather Stevenson	Management Side Secretary (Support)
David Belsey	Staff Side Secretary (Acting)
Janet Stewart	Support Staff Side Secretary
Michael Boyd	HR Policy Officer College Employers Scotland
Jillian Cheape	Secretariat
Anne Davidson	Note Taker
Louis Martin	Zoom Administrator

10/23 Welcome and Apologies

The Management Side was in the chair and welcomed everyone to the meeting. Apologies were noted from David Watt, Chris O’Neil and Gail Dunn, Management Side.

11/23 Minutes of Previous Meetings and Any Matters Arising

The minutes of the meetings held on Thursday 23 March 2023 and Thursday 28 September 2023 were not agreed. The Staff Side confirmed there are a number of points it has concerns with relating to the minutes, including comments on the Policy Working Group – Workstreams and the Equality Impact Assessment, however, it was agreed that this would be discussed separately by the Joint Secretaries.

The Staff Side raised concerns in relation to the presence of observers in NJNC meetings. It was agreed that the specific protocols around the attendance of observers was to be referred to the Joint Secretaries to bring a future paper to the Committee.

The Staff Side raised concerns around communications and stated its view that communications around disputed matters should be made jointly. It was agreed that this be referred to the Joint Secretaries in the first instance as opposed to raising a dispute.

12/23 Revised Covid Circular

The Management Side shared the legal advice previously shared with the sector on the status of *Circular 01/20 – COVID-19 – Guidance on Paid Leave for Lecturing and Support Staff* and the latest government guidance on this area. It requested a discussion on the draft revised Circular.

The Staff Side position is that as COVID has not gone away, the current Circular still applies and there is still a duty of care to staff with respect to COVID. The Staff Side stated that in its view, some colleges are breaching the Circular.

The Management Side advised that the COVID Circular was drafted at a time when the country was going through a pandemic crisis, and as this is no longer the case, the current Circular is out of date. It stated that as personnel are no longer testing, there is no way to know when an individual has COVID. It further stated that the Circular refers to closures, working from home etc and these measures are no longer relevant, which renders the Circular unimplementable. The Management Side view is that a revised Circular is required to be drafted to replace Circular 01/20 as the current Circular no longer reflects current government guidance.

The Staff Side was in agreement that there are areas within Circular 01/20 that are no longer suitable, and which do require re-negotiation. However, it noted that the parts of the Circular that were not out of date should be enacted. It suggested a small working group be created to re-draft the Circular. It was agreed that this review and re-negotiation would take place over an expedited timeframe as part of a Short Life Working Group and that the outstanding covid referrals would be addressed urgently using the current circular.

13/23 Health and Safety

The Staff Side referred to its paper which repeated its request to establish a National Health and Safety forum where Health and Safety matters can be discussed strategically and asked for a response from the Management Side.

The Management Side expressed its view that Health and Safety matters need to be managed locally. It stated that there is no single national policy in place as each college manages policy based on the respective risks faced. It stated that in respect of sharing good practice, this sits with the College Development Network (CDN), which has not shown an appetite to extend this forum to include national Staff Side representatives. It was noted this group is made up of sector Health and Safety Managers.

The Staff Side stated that it does not understand this and stated its view is that the machinery of National Bargaining should be used to apply best practice. It stated its view that this approach excludes the “employee voice.”

The Management Side reiterated its view that legal duty sits with individual colleges and that this includes the Staff Side voice. The Staff Side stated its belief that a central national forum, including the Staff Side, would be of benefit. The Staff Side view is that excluding the Staff Side in this way is contrary to the principles of Fair Work.

The Management Side again stated its view is that Health and Safety matters are managed at a local level and the Staff Side contribute to this. It stated again that the CDN group had expressed that it had no appetite to invite national trade union representatives into the group. Furthermore, the Management Side representative reported that some members of the CDN group believed that national trade union representatives would not help to make the group a ‘safe space’ for discussions.

The Staff Side raised significant concerns about the views reported and expressed its view that to exclude the Staff Side from the CDN forum on this basis is unacceptable and asked the Management Side to disassociate itself from these remarks. The Management Side requested an adjournment.

Adjournment

Following an adjournment, the Management Side reiterated that Health and Safety is a matter that is taken very seriously at local level. It stated that it does not believe it is a matter for the NJNC and, as such, it is not suitable for National Bargaining forums.

The Management Side advised that it recognised the value of trade unions and understands the importance the Staff Side places on a National Health and Safety Best Practice forum. Furthermore, it reiterated that it was reporting a view expressed by CDN members and did not hold that view itself. The Management Side invited the Staff Side to draft a paper setting out its expectations for the forum for further discussion.

The Staff Side agreed to bring forward a paper but sought reassurance that it would not be dismissed and would be given due recognition by the Management Side.

The Management Side stated it is open to considering the Staff Side paper on the value of creating a national forum and reassured the Staff Side that it does not seek to dismiss the trade union voice.

The Staff Side advised its intention to make contact with the CDN group and asked whether the Joint Secretaries would raise this with CDN.

It was agreed to do so and for an offline discussion between the Joint Secretaries to progress a communication to the CDN.

14/23 Policy Creation in Colleges – National Agreements

The Staff Side raised a concern regarding breach of governance and noted instances of colleges implementing policies locally which they believe are within the jurisdiction of National Policies.

It was agreed by both parties that local policies be amended if they did not align with current legislation and case law.

The Joint Secretaries agreed to look at any joint referrals on the topic.

15/23 Matters Outstanding from Previous Meeting:

Distant Island Allowance

The Staff Side advised the previous agreement had been to hold offline discussion with the UHI Network in relation to the Distant Island Allowance. The Management Side were in agreement with continuing this proposal.

Staff Side Request for the Supply of Information for National Bargaining

The Staff Side stated its view that the Management Side are not responding to requests for information from the Staff Side and expressed dissatisfaction with information flow. The Staff Side also made reference to ACAS guidelines on the disclosure of information for the purposes of collective bargaining and referenced Lessons Learned identifying disclosure of information including SFC costings.

The Management Side did not agree and gave its view that there are legitimate reasons that some of the information requested cannot be provided. Its view is that it has given responses to all requests for information. The Management Side confirmed it has previously given detailed information on the national financial position, and that the recent Audit Scotland report and the Public Audit Committee session backs up the financial position of the sector. The Management Side expressed its willingness to answer queries but confirmed it will be on the basis of national and not local figures.

16/23 Fair Work Working Group Update

The Management Side noted that at the most recent Fair Work Working Group meeting, there had been discussion over the Management Side responses in relation to zero hours contracts. It confirmed there had been more positive discussion in relation to a proposal from the Staff Side on a National Redeployment Pool. The Management Side agreed to explore practices of other organisations to support staff facing job losses. It also confirmed that Staff Development and Wellbeing Days are being taken forward as part of the Terms and Conditions Working Group.

The Staff Side stated that in its view, progress of this group to date has been poor. It also stated it does not agree with the Management Side statement on being a Fair Work Employer.

The Staff Side raised an issue with Paper 6 querying the statement that meetings did not go ahead due to Staff Side availability.

Following lengthy discussion, the Central Committee agreed to strongly encourage the Fair Work Working Group to progress the matters before them in a timely manner.

17/23 Policy Working Group Update

It was noted that a meeting had taken place this morning where some small amendments to the National Disciplinary Policy were remitted back to the Policy Working Group – Subgroup for further discussion, and that there was a general agreement to look at streamlining the procedure for ease of use.

18/23 Central Committee and Working Groups

The Schedule of Meetings for 2023/24 was agreed. The Management Side requested that adequate notice be given in future if meetings are being altered from in person to virtual, to avoid the occurrence of unnecessary expenditure of time and travel costs for attendees.

19/23 Lessons Learned

The Management Side requested confirmation from the Staff Side on whether all written submissions have been sent to the Scottish Government, and if these can be shared with all parties. The Staff side agreed to confirm whether all their submissions have been sent into the Scottish Government. It was agreed that after this was confirmed, and all responses are shared, that a meeting will be arranged to follow up on previous discussions.

20/23 Date of Next Meeting

The date of next meeting is **Thursday 28 March 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 31 March 2022				
Item	Action	Owner	Completion Date	Status
19.21	Consider a National Dignity and Respect policy at the Policy Work Group.	JS	April 2022	Complete
19.21	Discuss Health and Safety matters at the next Central Committee meeting.	SS	Tbc	Complete
21.21	Discuss the Disciplinary and Grievance Policies at the Policy Working Group.	JS	April 2022	Complete
23.21	Consider and provide a response to the Staff Side's paper on Long Covid.	MS/JS	May 2022	Complete
Thursday 23 March 2023				
Item	Action	Owner	Completion Date	Status
03.22	An earlier meeting of the Fair Work Working Group to be scheduled to consider the Staff Side's 16 items.	JS	April 2023	Complete
04.22	Consider developing a National Dignity and Respect Policy at the Policy Working Group.	JS	Tbc	Complete
04.22	Review the escalation of Work-related Stress Policy at the Policy Working Group.	JS	Tbc	Complete
05.22	A meeting comprising of a smaller group from the Central Committee to be convened to review and consider the Lessons Learned report.	JS	Tbc	Complete
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
07.22	Refer the matter around Staff Governance Standard to the Good Governance Steering Group for further consideration.	JE Project Manager	March 2023	Complete
08.22	Central Committee to convene more frequently, provided that there are substantial items on the agenda. Note – Now scheduled every 3 months.	JS	Tbc	Complete
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
03.23	Joint Secretaries to look at a cycle of using alternative meeting venues.	JS	October 2023	Complete
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
06.23	Joint Secretaries to draft a communication to colleges in relation to adherence with the Covid circular and continue to develop a new Circular.	JS	October 2023	Complete
07.23	Staff Side to provide a written paper to clarify the issue(s) for discussion on Health and Safety at the next Central Committee meeting.	SS	December 2023	Complete
10.23	Reconvene prior to the next scheduled meeting on Thursday 7 December 2023 to conclude the adjourned agenda items.	JS	November 2023	Complete/ Overtaken
Thursday 7 December 2023				
Item	Action	Owner	Completion Date	Status
11.23	Staff Side to raise by points on outstanding minutes so they 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 01/20 over an expedited timeframe.	MS/SS	January 2023	Ongoing
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