

Minute of the meeting of the National Joint Negotiating Committee (NJNC) – Central Committee held on Thursday 28 September 2023 (1000-1200), via Video Conference.

In Attendance	
Collette Bradley	Staff Side
Lynn Davis	“ “
Donny Gluckstein	“ “
Chris Greenshields	“ “
Annemarie Harley	“ “ (Chair)
Eileen Imlah	“ “
Laura McLean	“ “
Charlie Montgomery	“ “
John Mooney	“ “
Garry Ross	“ “
Alasdair Barron	Management Side
Angus Campbell	“ “
Anne Campbell	“ “
Sue Clyne	“ “
Liz Connolly	“ “
Susan Elston	“ “
Debbie Kerr	“ “
Chris O’Neil	“ “
David Watt	“ “
Katrina Daly	Management Side Secretary (Lecturing)
Stuart Brown	Staff Side Joint Secretary
Michael Boyd	HR Policy Officer College Employers Scotland
Jillian Cheape	Secretariat
Gavin Donoghue	Director of College Employers Scotland
Anne Davidson	Note Taker
Louis Martin	Zoom Administrator

01/23 Welcome and Apologies

The Staff Side chaired the meeting and welcomed everyone. Apologies were noted from Heather Stevenson, Management Side and Alison McLean, Staff Side.

The Staff Side queried the presence of observers at the Central Committee meeting. The Management Side confirmed that Gavin Donoghue was attending in place of Heather Stevenson, National Bargaining Lead, and that Michael Boyd was in attendance in his capacity as potentially joining the National Joint Negotiating Committee, (NJNC) in Secretariat role.

The Staff Side wished to note, that in its view, observers are not permitted to act upon information gained in a meeting of this body and requested that observers be excluded from the Central Committee meetings going forward. It was agreed that the Joint Secretaries would have a separate discussion to address the matter of personnel in attendance at NJNC meetings.

02/23 Minutes of Previous Meetings and Any Matters Arising

The minute of the meeting held on Thursday 23 March 2023 was not agreed. The Staff Side confirmed there are three points it has concerns relating to the minute; however, it was agreed that this would be discussed separately by the Joint Secretaries.

03/23 Fair Work Working Group Update

The Management Side advised that due to competing priorities and meeting cancellations, it has not been possible to have a meeting of the Fair Work Working Group (FWWG) to review the Staff Side list of requests prior to the end of the academic year. There was a meeting in August 2023, which had been productive, but the action points have still to be agreed. However, there is a meeting scheduled for next week, which will include a schedule of meetings for the FWWG for the forthcoming academic year.

The Staff Side stated that in its view the reason for lack of progress with the FWWG is due to industrial action undertaken as a result of non-resolution of two ongoing national disputes related to the 2022/23 and 2023/24 pay cycles.

The Staff Side raised a query regarding the location of meetings always being at College Employers Scotland (CES) Offices and stated that meetings should be held in a cycle at venues including Glasgow and Edinburgh. The Management side suggested that meeting attendees should jointly decide on the most appropriate location to hold a meeting. It was agreed that the Joint Secretaries should look at the option of alternative venues.

The Staff Side stated its view that its list of proposals could have been dealt with by correspondence out with meetings, that there has been limited progress with Fair Work and that significant issues still need to be addressed. However, this view was not held by the Joint Secretaries who believed that it would be better to continue discussions either online or face-to-face.

04/23 Policy Working Group Update

The Management Side confirmed that the wider group has now agreed a draft Disciplinary Policy, and the intention was then to move on to progress the draft Model Procedure, although this has been subject to delay. The Management Side confirmed that a meeting has now been arranged for next week that will enable progress to be made.

The Staff Side noted that this group has also failed to meet because of the impact of industrial action and expressed concern about this as there had been some constructive progress made within this group.

The Staff Side raised a query on process, in particular, as to who will undertake an Equality Impact Assessment (EIA) and asked for an update on the status of the policies for Dignity and Respect and Avoidance of Stress.

The Management Side confirmed that an EIA would be required on the Disciplinary Policy and Model Procedure and the sub-group will take this work forward, which would be shared with the wider working group and with CES lawyers for sign off.

The Management Side reassured the Staff Side that all policies will return to the wider Policy Working Group for consideration and to the Central Committee for final sign off. It further confirmed that the Policy Working Group had agreed that the focus would be on the policies that are detailed in the National Recognition and Procedures Agreement initially and other policies, such as Dignity at Work, would be added to the list for future development.

The Staff Side asked for clarity as to the status of the Grievance Policy. The Management Side confirmed that the Policy Working Group has agreed to look at Disciplinary Policy and Model Procedure initially and that the Grievance Policy would be the next Policy and Model Procedure for development.

The Staff Side requested an anticipated timescale be brought to the next meeting.

05/23 Lessons Learned

The Management Side confirmed it had met with the Staff Side on Thursday 24 August 2023 to discuss the Lessons Learned report and recommendations with a view to considering how matters could be moved forward.

It was agreed to schedule a further meeting of the group that met on 24th August 2023 to progress discussions, once a written submission was received from the Support Staff Side.

06/23 Draft Covid Circular

The Staff Side expressed concern in relation to the Draft Covid Circular and stated that, in its view, a number of colleges are currently breaching Circular 01/20 COVID-19 – Guidance on Paid Leave for Lecturing and Support Staff, by counting covid absence as normal sickness absence and towards trigger points. The Staff Side also advised that it is bringing this concern in order to discuss and reach a resolution, requesting that communication be made to remind colleges of their responsibilities based on the agreed extant circular.

The Management Side referred to the latest government guidance and advised that colleges are operating in light of these changes and noted that when personnel are absent through Covid, this is now treated as normal sick leave in terms of leave and pay etc. It further noted that the circular has not kept up to date with current government guidance.

The Management Side confirmed that a new Circular has been drafted and one section remains outstanding as the support staff indicated that the new draft circular is in breach of the guidance according to the Scottish Government website wording below:

“The Scottish Government and the Scottish Trades Union Congress (STUC) made a joint statement on fair work expectations at the start of the pandemic, which still applies now: it said that no worker should be financially penalised by their employer for following medical advice, and any absence from work relating to COVID-19 should not affect future sick pay entitlement, result in disciplinary action or count towards any future sickness absence related action.”

The Management Side noted that this page has a banner along the top advising:

You are viewing an archived web page captured at 22:23:50 Mar 4, 2022, which is part of the National Records of Scotland Web Archive. The information on this web page may be out of date.

The Management Side advised that it is currently seeking clarification on the status of this statement from the Scottish Government.

The Staff Side stated that a communication should be issued to all colleges to remind them that the current Circular 01/20 remains extant and should continue to be followed until such times as a new Circular is agreed.

The Management Side requested an adjournment.

Adjournment

Following a brief adjournment, the Management Side requested that in the first instance, concerns around breaching of the Covid Circular be raised with the respective individual colleges and any issues then are referred to the Joint Secretaries and if required referred to the Central Committee. It further confirmed that it will be seeking resolution from the Scottish Government in relation to the existing circular.

The Staff Side reiterated its request that, in view of the circular not having changed, that colleges be reminded of this by the Joint Secretaries.

It was agreed that the Joint Secretaries would draft a communication to colleges and continue to develop a new Circular.

07/23 Health and Safety

The Staff Side reiterated its request to establish a National Health and Safety Committee. The Management Side indicated that this is a local issue and is not a matter for negotiation. However, the Management Side advised that it would be willing to look at any issues that the Staff Side consider are national. In the absence of a Staff Side paper, the Management Side requested a written paper from the Staff Side to clarify the issue(s) for discussion at the next Central Committee meeting.

08/23 Strike Action – Picket Lines

It was agreed to withdraw this item from the agenda.

09/23 Facilities Time and Insurance

The Staff Side raised concern that a letter had been sent to the respective trade union's General Secretaries regarding insurance for representatives undertaking activities in relation to Facilities Time. It stated its position that this undermines collective bargaining and should have been referred to each side table; where Facilities Time arrangements are agreed.

The Management Side sought clarification as to what element of National Bargaining has been undermined and advised that the initial query had come about in an effort to clarify the legal position as to the insurance cover for individuals undertaking trade union activities involving travelling between venues, as, at this point, they would not be covered by the college's insurance. The Management Side confirmed that the query was raised purely in relation to a Duty of Care for personnel undertaking duties on behalf of Trade Unions.

The Staff Side acknowledged that the intention may have been well meaning but again stated their view that the correct process was not followed and reiterated that any concerns, involving any part of existing collective agreements, should always be brought to the side table from which those agreements have been reached.

The Staff Side requested an adjournment.

Adjournment

Following a brief adjournment, the Staff Side requested that the Central Committee be adjourned for the day and rescheduled as soon as possible to discuss the remaining matters.

This was agreed to allow for the scheduled lecturing side table pay dispute meeting to go ahead.

The following items were adjourned for discussion at the next Central Committee meeting:

- **Distant Island Allowance**
- **Supply of Information for National Bargaining**
- **Central Committee Schedule of Meetings for 2023/24**

10/23 Date of Next Meeting

The date of next meeting is **Thursday 7 December 2023** although it was agreed to reconvene in advance of this date to conclude the adjourned agenda items.

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
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	Ongoing
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	Complete
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	Ongoing
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	In Progress
10.23	Reconvene prior to the next scheduled meeting on Thursday 7 December 2023 to conclude the adjourned agenda items.	JS	November 2023	Complete – agreed to add to 7/12/23 agenda