



Agreed Minute of the meeting of the National Joint Negotiating Committee (NJNC) – Side Table (Lecturing) held on Thursday 28 March 2024 at 1000 hours, via Video Conference.

In Attendance	
Anne Campbell	Management Side
Sue Clyne	“ “
Liz Connolly	“ “
Susan Elston	“ “
David Watt	“ “ (Chair)
Lynn Davis	Staff Side
Anne-Marie Harley	“ “
Eileen Imlah	“ “
Charlie Montgomery	“ “
John Anderson	Management Side Joint Secretary
Garry Ross	Staff Side Joint Secretary
Michael Boyd	CES Working Group Officer
Jillian Cheape	Secretariat
Louis Martin	Zoom Administrator
Catherine McCreath	Note Taker

16/23 Welcome and Apologies

The Management Side was in the Chair for this meeting. The Chair welcomed all to the meeting.

Apologies were noted from Alan Ritchie, Management Side and Donny Gluckstein, Staff Side.

17/23 Minute of Previous Meetings

It was noted that a number of minutes were outstanding. The Joint Secretaries agreed that minutes from all dispute meetings would be consolidated into a global minute once the dispute is resolved.

It was further noted that the minute from the Side Table (Lecturing) meeting on Thursday 14 December 2023 remains the only one outstanding.

18/23 Notice of Formal Dispute – First Dispute Meeting

The Staff Side referred to its formal National Dispute notice which it submitted on Friday 22 March 2024, on the intention of colleges to deduct EIS-FELA members pay for participating in a resulting boycott.

The Staff Side stated, within the dispute notification, that the formal dispute can be resolved when College Employers Scotland (CES) formally request colleges withdraw their intention to deduct EIS-FELA members pay for participating in Action Short of Strike (ASOS) and; all colleges action the request from CES by withdrawing their intention to deduct EIS-FELA members pay for participating in ASOS, acknowledging the Fair Work Framework principles or; there is a resolution to the current national pay dispute, whichever occurs first.

The Management Side acknowledged receipt of the Staff Side's formal dispute notification and noted that these concerns were previously raised at a Side Table (Lecturing) meeting on Thursday 14 March 2024.

It reiterated its position that CES met as a forum for its members to discuss this issue, and that it was clear during discussions that it was a local college matter as it was related to individual contracts of employment, and that colleges should seek their own specific legal advice. It advised that as this dispute centres on local pay deduction decisions taken by individual colleges, it did not believe this is a matter covered by the National Recognition and Procedures Agreement (NRPA) and therefore, did not believe it was a competent dispute. It suggested the Staff Side should raise this matter locally with individual colleges, which is in accord with the stated position of the EIS-FELA in its own Guidance on Deeming.

The Staff Side stated that it was not for the Management Side to decide if this was a competent dispute or not and reaffirmed its position that this was a dispute, and it should be recognised and actioned as such. It believed this matter should be dealt with both locally and nationally and believed there was a collective agreement from CES that resulted in the expectation of colleges to carry out deductions of pay. It requested that the Management Side continue the dispute process and that a resolution to the dispute could be achieved by agreeing that the Side Table (Lecturing) write to colleges asking them to withdraw their letters on deductions.

The Management Side confirmed that general guidance was issued to colleges but that it was a matter for individual colleges to decide what to do and to determine their next steps. Therefore, the Notice of Formal Dispute issued to CES could not proceed as it concerned a matter not covered by the NRPA and, therefore, could not be dealt with within the NJNC Dispute Procedure. The Management Side stated it would not ask colleges to withdraw their letters as this was not a role that falls with CES.

The Staff Side expressed the lack of information regarding the CES meeting and suggested that CES may have overstepped its authority.

The Management Side asked the Staff Side what information it was seeking.

The Staff Side stated that it was the minutes of the CES meeting.

The Management Side explained that the minutes are currently draft but are due to be reviewed and approved by CES in May 2024 and might then become accessible under the Freedom of Information Act. It reiterated that CES did not impose any directives during the meeting rather, the discussions were exploratory, with colleges encouraged to consult with their HR departments and get independent legal advice to help form their own decisions.

The Staff Side believed the meeting aimed to coordinate a national strategy for a national dispute. It requested the Management Side to write to colleges, as a NJNC, with a request to withdraw their letters which could then resolve the dispute.

The Staff Side requested an adjournment requesting both sides consider the points raised.

Adjournment

Following an adjournment, the Management Side again advised it did not believe this was a competent dispute and did not agree to write to colleges.

The Staff Side advised it expected a second dispute meeting to be scheduled in line with the NJNC Dispute Procedure.

The Management Side referred to the original dispute notification that has three points to it, and asked for clarification on the Staff Side suggestion to resolve it as it is now requesting the NJNC write to colleges which differs to the original dispute notification.

The Staff Side repeated that this action would conclude the dispute if such a request was made.

The Staff Side asked the Joint Secretaries to schedule a second dispute meeting, taking into account the Easter Holiday and upcoming annual leave in April 2024.

19/23 Pay Claim

The Management Side confirmed there has been no change to the overall funding available and that the current full and final offer of £2,000 for Academic Year (AY) 2022/23 and £1,500 in AY 2023/24 with the third year AY 2024/25 offer of £1,500 on all lecturing scale points, remains in place.

The Staff Side clarified its position has not changed either and that the Joint Secretaries have been unable to find any movement.

It was agreed that further discussions would take place offline between the Joint Secretaries in an attempt to break the current impasse and that both sides continue to ask the Scottish Government for sector funding.

20/23 Transfer to Permanency

The Management Side noted that this matter is an ongoing issue and that a revised draft Circular and Guidance document, was presented for discussion with the Staff Side at a Side Table (Lecturing) meeting in December 2023. It was noted that, at that time, the Staff Side position was that it was not seeking a revised Circular and only additional guidance to support the current Circulars, and following lengthy discussions, it was agreed to revisit the guidance only with the Chair of the Strategic HR Group assisting with this and liaising with Strategic HR members. It was then agreed that after that, the Joint Secretaries would issue additional guidance to the sector.

It was noted at that due to a change in personnel at the EIS, this matter has not progressed and will now be picked up with the new Joint Secretaries.

21/23 Hybrid Working and Learning Practices Working Group

The Management Side noted that the working group has met three times formally, between February and May 2023. The working group last met on Wednesday 31 May 2023 where focus was on the Staff Side's draft document on Hybrid Working Contact and Non-Contact Time. Positive discussions took place around the paper and both sides provided constructive feedback and wording suggestions, all of which were agreed. At the meeting, the Staff Side volunteered to do further work on the document and that an updated version would be considered at the next meeting.

Due to a change of working group member from the EIS-FELA, the working group has not yet met.

The Staff Side stated that Eileen Imlah would be taking over Anne-Marie Harley's role within the working group and would be looking to reconvene the working group after the Easter Holidays.

It was agreed a series of meetings should be scheduled between Michael Boyd and Eileen Imlah to progress this area of work.

22/23 Date of Next Meeting

The next scheduled meeting is **Thursday 13 June 2024.**

Action Monitoring Log

Thursday 16 June 2022		
Action	Owner	Completion Date
Continue discussions on Draft Circular STL 01/22.	Joint Secretaries	
Thursday 30 March 2022		
Action	Owner	Completion Date
A response to circular 02/21 to be provided at a later date out with the meeting.	Staff Side	tbc
Continue discussions on multi-year pay offer.	Management Side & Staff Side	April 2023
Further consideration on Transfer to Permanency Paper and any changes referred back for discussion at the next Side Table (Lecturing) meeting.	Joint Secretaries	Complete
Thursday 8 June 2023		
Action	Owner	Completion Date
Continue discussions on Transfer to Permanency and bring redrafted document for sign off at the National Joint Negotiating Committee (NJNC) Side Table (Lecturing) meeting in September 2023.	Joint Secretaries	Complete
Provide feedback to the Joint Secretaries as to what items should be worked on jointly to bring to the Side Table meetings in the next academic year.	Joint Secretaries	Overtaken/Complete
Thursday 21 September 2023		
Action	Owner	Completion Date
Continue discussions on Transfer to Permanency offline and consider the feedback given.	Joint Secretaries	Complete
Continue discussions on the pay claim and consider a three-year option.	Management Side & Staff Side	Complete
Thursday 14 December 2023		
Action	Owner	Completion Date
Revisit the guidance around Transfer to Permanency and issue a communication to the sector.	Joint Secretaries	January 2024
Schedule a meeting of the Hybrid Working and Learning Practices Working Group.	Joint Secretaries	January 2024
Thursday 28 March 2024		
Action	Owner	Completion Date
The Joint Secretaries to discuss and agree on a second dispute meeting on Deeming to take place after the Easter holidays.	Joint Secretaries	April 2024

Further discussions on the Pay Claim to take place offline between the Joint Secretaries in an attempt to break current impasse.	Joint Secretaries	Ongoing
The new Joint Secretaries to pick up and revisit the matter around Transfer to Permanency.	Joint Secretaries	Ongoing
A schedule of meetings be set up for the Hybrid Working and Learning Practices Working Group.	Michael Boyd/Eileen Imlah	April 2024