

Minute of the meeting of the National Joint Negotiating Committee (NJNC) – Side Table (Lecturing) held on Thursday 14 December 2023 at 1400 hours, EIS Edinburgh, Moray Place, Edinburgh.

In Attendance	
Lynn Davis	Staff Side
Donny Gluckstein	“ “
Anne-Marie Harley	“ “ (Chair)
Eileen Imlah	“ “
Garry Ross	“ “
Anne Campbell (VC)	Management Side
Sue Clyne	“ “
Chris O’Neil	“ “
David Watt	“ “
Stuart Brown	Staff Side Joint Secretary
Gavin Donoghue	Management Side Joint Secretary
Jillian Cheape	Secretariat
Catherine McCreath	Note Taker

06/23 Welcome and Apologies

The Staff Side was in the Chair for this meeting. The Chair welcomed all to the meeting. There were no apologies advised at the meeting.

07/23 Minutes of Previous Meetings

The minute of the meeting held on Thursday 21 September 2023 was agreed.

The minute of the meeting held on Thursday 28 September 2023 was agreed.

08/23 Pay Claim 2022/23

The Staff Side asked the Management Side to confirm its position on the pay offer.

The Management Side confirmed its offer was full and final. It advised it had considered Staff Side concerns but was not in a position to increase the offer. However, it stated it has moved on the wording on job security and also removed the line in year three – *subject to discussions with the Scottish Government regarding funding*.

The Staff Side stated its disappointment that the Management Side was not in a position to negotiate further and stated that, if the full and final offer was retracted, then it would move on its claim.

The Management Side asked whether the Staff Side’s willingness to move on its claim would apply only to the third year of the offer or to any of the proposed years.

The Staff Side clarified that it was open to negotiating on any monetary amount.

The Management Side reiterated the financial constraints of the sector, stating it has no capacity to move on the monetary amounts.

The Staff Side stated it could not accept the offer and that the monetary amount was insufficient, and that staff felt undervalued. It stated its ballot for Industrial Action would close on Tuesday 16 January 2024.

09/23 Transfer to Permanency

The Management Side referred to Paper 2, containing a revised draft Circular and Guidance document, and noted that discussions on this matter began in December 2022 at a NJNC – Side Table (Lecturing) meeting where it was agreed that the Joint Secretaries would draft a guidance note to complement the existing circular. Following legal advice sought by the Management Side, it recommended the creation of a new Circular with additional guidance. While no agreement was reached at the last meeting in September 2023, it was agreed to continue discussions.

The Management Side provided examples of objective justification in scenarios like temporary cover for maternity leave, where permanency could lead to overstaffing and necessitate organisational changes. It sought the Staff Side's view on this matter.

The Staff Side position was that it was not seeking a revised Circular and only additional guidance to support the current Circulars. It reiterated the agreement from the December 2022 meeting and expressed concerns about colleges not adhering to the Circulars. The Staff Side felt clarity was needed for colleges to correctly implement the policy where staff employed continuously for two years should transition to permanent contracts. It requested more clarity on terms like "*temporary, fixed terms, or other non-permanent contracts*" within the implementation note, as some colleges interpret these differently. The Staff Side view was the Circular was clear that all non-permanent contracts were covered. It expressed concerns that colleges were issuing contracts with a variety of different names in an attempt to circumvent the circular. The Staff Side argued for the need to balance staff security and college flexibility, asserting that the existing agreements adequately addresses both.

The Management Side acknowledged that there might be exceptional cases, such as the maternity leave example, where assigning a permanent role for a non-existent or unfunded position could be challenging. It stated the reason for objective clarification was to manage such rare, but complex, scenarios in the sector.

The Staff Side considered these instances niche and stated that existing employer processes on staffing would apply.

The Staff Side also pointed out that, where an individual has been given some degree of permanency and they have received additional contracts to work additional hours continuously over a two-year period, they would be entitled to an average of the hours worked to be made permanent under our agreement. The Staff Side view is that, the exceptions claimed by the Management Side are a breach of the agreement and that this is borne out by the legal advice the Management Side received and they explained as to accommodate them would require a new agreement. The Staff Side position is that the essence of the agreement is that whatever the circumstances, all additional hours count towards permanisation and that at the time of the original agreement, all of these cases for exceptions were discussed and rejected.

Following lengthy discussions, it was remitted to the Joint Secretaries to discuss and prepare a communication to the sector that provides additional guidance that captured the need for colleges to implement the circular as intended – for all non-permanent work.

10/23 Hybrid Working & Learning Practices

Update

It was acknowledged the progress of the Hybrid Working and Learning Practices (HWLP) working group to date, with meetings held on three occasions between February and May 2023. It was noted that positive discussions have taken place around Hybrid Working Contract and Non-Contract Time and that the HWLP working group will reconvene in the New Year to continue to progress work on this matter.

The Staff Side suggested reviewing work conducted by the College Development Network (CDN) on this topic. It also noted the importance of considering equality issues, especially those affecting women, in hybrid working arrangements.

The Management Side agreed with the value of examining existing sector-related documents to guide the HWLP working group.

The Management Side noted that the newly appointed HR Policy Officer of College Employer Scotland (CES) would aid in progressing this work.

11/23 AOCB

The Management Side informed that CES has appointed a new Head of National Bargaining, and that it would share further details with the Staff Side as soon as possible.

Both sides extended best wishes to Stuart Brown for his new role and thanked him for his support over the years.

12/23 Date of Next Scheduled Meeting

The next scheduled meeting is **Thursday 28 March 2024**.

Action Monitoring Log

Thursday 16 June 2022			
Action	Owner	Completion Date	
Continue discussions on Draft Circular STL 01/22.	Joint Secretaries		Complete
Thursday 30 March 2022			
Action	Owner	Completion Date	Status
A response to circular 02/21 to be provided at a later date out with the meeting.	Staff Side	tbc	tbc
Continue discussions on multi-year pay offer.	Management Side & Staff Side	April 2023	Complete/Overtaken
Further consideration on Transfer to Permanency Paper and any changes referred back for discussion at the next Side Table (Lecturing) meeting.	Joint Secretaries	June 2023	Complete/Overtaken
Thursday 8 June 2023			
Action	Owner	Completion Date	Status
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	September 2023	Complete/Overtaken
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	September 2023	Complete
Thursday 21 September 2023			
Action	Owner	Completion Date	Status
Continue discussions on Transfer to Permanency offline and consider the feedback given.	Joint Secretaries	December 2023	Complete/Overtaken
Continue discussions on the pay claim and consider a three-year option.	Management Side & Staff Side	October/ November	Complete
Thursday 14 December 2023			
Action	Owner	Completion Date	Status
Revisit the guidance around Transfer to Permanency and issue a communication to the sector.	Joint Secretaries	January 2024	In Progress
Schedule a meeting of the Hybrid Working and Learning Practices Working Group.	Joint Secretaries	January 2024	Complete