

Approved Minute of the meeting of the National Joint Negotiating Committee – Side Table Lecturers held on Thursday 9 June at 10:30 hrs in Colleges Scotland Stirling.

In Attendance

Charlie Montgomery	Staff Side (Chair)
John Kelly	“ “
Penny Gower	“ “
Pam Currie	“ “
Donnie Gluckstein	“ “
Ian McKay	Management Side (Chair)
Liz McIntyre	“ “
John Gribben	Management Side Secretary
David Belsey	Staff Side Secretary

13/16 Welcome and Apologies

The Management Side Chair welcomed all to the meeting.

Apologies were noted from, Jim O’Donovan, Margaret Cook.

14/16 Minutes

Joint Secretaries confirmed a draft minutes had been prepared, and these would be presented at the next NJNC Side Table Lecturers for consideration.

It was agreed that the meeting should be considered as a continuation of the previous NJNC Side Table Lecturers meetings.

15/16 Roadmap & Pay Scales

It was confirmed that three papers had been presented to this NJNC for consideration:

From the EIS:

- A proposed lecturing staff national terms and conditions of employment
- A rationale for a two point pay scale
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From the Management Side

- A discussion paper on pay scales and roadmap.
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The EIS responded to the Management Side Paper setting out its belief that the paper;

- Appeared different and harder to previously expressed Management positions
- That the Management were now offering a seven point pay scale rather than the six point pay scale offered at the last NJNC meeting
- That the Management Side are now stating that the Pay deal is effectively linear with progress dependant on “component parts” needing agreement before “placement on pay scales”.
- Implies that Promoted posts are outwith the scope of the NJNC
- Was a direct breach of the Agreement made in March 2016
- That the EIS see the roadmap as consisting of separate and independent work streams
- That a degree of sophistry from the Management Side is becoming apparent
- That the Management Side are presenting unacceptable positions which they have already been advised that are contrary to EIS policy

- That the Management Side are proposing to replace serviced based pay with performance related pay for the sector
- That the Management Side are proposing to introduce a qualification bar to become a lecturer and to progress to the top of the lecturer pay scale
- That it is the NRPA which sets out matters for negotiation
- That lecturers are qualified to undertake the role immediately on appointment, there is no qualification required to give lecturer status.
- Progression on pay scales is currently based on service not performance
- All unpromoted lecturers should progress along the pay scale and in due course be paid £40k in line with the March Agreement.
- The Pay Agreement is made up of more than Section 5, and includes specified implementation dates.
- That contrary to Management's Paper the EIS believes that staff will expect cost of living pay rises for 2016-17 and following years, and that the EIS will lodge these claims
- That the EIS will look at the content of Management's "Workforce for the Future – Lecturer Terms & Conditions" against its own paper and return with feedback in a future meeting
- That the EIS stated that agreement came at 2am on the Pay Agreement with both sides agreeing that delivering the pay scales were separate to the conditions and this was why they had different implementation dates. (The Management Side Chair agreed with this recollection).

The Management Side considered the response and set out its belief that;

- Exchanging comprehensive papers is useful as it allows each Side to set out its position to move the discussion forward.
- That section 5 of the March Agreement is holistic to develop a workforce for the future
- The starting point of the development is not simply a move to more pay
- The discussion and negotiation required for the workforce for the future is not just harmonisation to the top of the scale
- Given the holistic nature of section 5, nothing can be ruled out
- Both Sides have signed up to section 5, this will require a wider discussion that may result in a change to the National Recognition and Procedure Agreement (NRPA)
- There is a broad understating that some aspects of the Management Sides roadmap may be contrary to EIS policy, therefore it would help if the EIS policy position could be provided.
- Some assumptions made by the EIS on migration is more than is actually contained within the Agreement.
- It is accepted there are parallel work streams, but not accepted that these are separate or independent, or one is concluded before the other
- There has been no mention of performance related pay as claimed by the EIS, there is however reference to performance appraisal and evaluation which is a given in any work environment
- Qualifications are included to provide scope to support professional achievement and accommodate professional standards
- In relation to migration and financial sustainability the EIS may wish to consider its position on future cost of living claims.
- Delivering pay scales and agreeing terms of conditions were agreed as parallel process, not uniquely separate as now claimed by the EIS, they inextricably linked
- There is no breach on the Agreement from the Management Side, and there is a need to move on from such unhelpful accusations.

The Management Side requested the EIS set out what it considers to be the breach of the agreement, the EIS responded:

- A failure to develop pay scales by end of May
- That the Management Side had not proposed any pay scale for promoted staff
- By saying other elements with later implementation dates have to be agreed before pay scales
- By putting forward proposals that are a detriment in pay for lecturers

The Management Side responded that:

- It is not accepted there is any breach of the Agreement
- The Management Side put forward its roadmap in May
- Both sides put forward proposals on pay scales in May, both sides have been unable to reach agreement on their respective proposals
- There is no express terms of the agreement to develop promoted lecture pay scales
- Section 5e of the Agreement is not being sought before 5d, they are parallel, but for the EIS to suggest they are unrelated is perverse.
- There is no rationale to suggest that the Management Side pay scale proposals provide any detriment in pay for lecturers as suggested by the EIS

Adjournment

Management Side reasserted its position that section 5 of the agreement is holistic, a total package and not independent. With 5e, nothing is off the table, there are no no-go areas, and the agreement is about developing a harmonised workforce for the future.

EIS agreed that the pay agreement is holistic but that it is made up of parallel workstreams. With regard to the roadmap the EIS advised that there are some aspects presented by Management Side that they have clear policy not to discuss, and suggested that the Management Side have added them to be provocative.

The EIS remained concerned that no scale had ever been provided by the Management Side for promoted lecturers, and this is likely to cause real difficulty in asking employees to take on additional responsibility.

The Management Side referred to the express terms of the agreement and stated to the EIS that it refers to unprompted lecturers only, and only the top of the scale had been agreed.

The EIS set out its position that the use of the plural “scales” several occasions within the Agreement reflects that the Agreement refers to a pay scale for unprompted staff and a pay scale for promoted lecturers, and again set out its position of a breach of the Agreement due to:

- There being no scale for promoted lecturers
- That the NRPA covers the pay of promoted lecturers in most colleges
- A scale greater than two points does not provide for the expressly stated Agreement of the principle no detriment on pay
- As no reason had been provided for the rejection of the EIS proposed pay scale the migration date of August will be missed

The EIS stated that it had made submitted pay scales for unprompted and promoted staff, migration and harmonisation models, a full roadmap and a full set of national terms and conditions of employment. The EIS considered the Management Side were operating in bad faith, and considered that it had done little since the March Agreement to deliver the pay deal and the Management Side would have to answer to Government for that.

The EIS believes the Agreement applies to promoted lecturers, and if this has been miss-sold by the EIS someone needs to inform them

The Management Side again set out its position that;

- There had been no breach of the Agreement
- Its paper sets out its rational for its proposed pay scales, both sides have collectively failed to agree to each other’s proposals on pay scales.
- To suggest pay scales can be dealt in isolation to developing the workforce for the future, the holistic agreement at section 5, is perverse.
- That the job is not complete until all component parts are complete
- Once the workforce for the future is agreed, we will jointly need to secure funding.
- We have received the EIS position on terms and conditions, we will provide our proposals on the workforce for the future in September – again complying with the timescales set in the agreement.
- Section D of the Agreement refers exclusively to unprompted, section E of the Agreement applies to all teaching staff

The EIS stated that its proposed roadmap was based on the words of the Pay Agreement, both in terms of content and in terms of dates. The EIS asked the Employers if there were any amendments to the roadmap that could make it acceptable.

Adjournment

The following principles were proposed:

- Using the working documents provided by both Sides the EIS roadmap would be amended and be exchanged hoping for a final agreement by the next NJNC.
- The changes for the EIS roadmap would be to remove the third workstream, to add an overarching heading for both remaining workstreams of 'Review of Future Workforce Requirements' and the insertion of the development of colleges roles into both remaining workstreams.
- That the current list of activity within the roadmap was not exhaustive, and its inclusion on the roadmap does not infer any agreement on those matters being the subject of future negotiation
- That Colleges Scotland would model two sets of unpromoted lecturers' Pay Scales – the Management proposed 10 point scale and the EIS proposed 2 point scale as there is no agreement on the final pay scales to be adopted
- That the pay scales will cover all teaching staff under the auspices of the workforce for the future

Adjournment

The principles above were agreed.

Management Side stated that a failure to reach agreement on component parts of the March Agreement does not necessarily constitute a breach of the Agreement.

Next Meeting, 16 June 2016 – PM Venue TBC