

**Agreed Minute of the meeting of the National Joint Negotiating Committee (NJNC) – Side Table (Lecturers) held on Thursday 12 December 2019 at 1000 hours at EIS Area Offices, Glasgow.**

<b>In Attendance</b>	
Jillian Cheape	Management Side
Margaret Cook	“ “
Alex Linkston	“ “
Alan Ritchie	“ “
John Kelly	Staff Side
Charlie Montgomery	“ “
Jim O'Donovan	“ “
Garry Ross	“ “
Heather Stevenson	Management Side Secretary
Anne Keenan	Staff Side Secretary

**09/19 Welcome and Apologies**

The Management Side Chair welcomed all to the meeting. There were apologies from Sue Clyne and Ross Martin, Management Side and Pam Currie, Staff Side.

**10/19 Minutes of Previous Meetings**

The Staff Side requested the addition of wording it believed should have been included in the minute of Thursday 19 September 2019. The Staff Side agreed to provide a form of words for the Joint Secretaries to consider for inclusion.

**11/19 Matters Arising and Any Exceptional Items**

Equality Impact Assessment

The Management Side advised that the Equality Impact Assessments on the May 2019 NJNC Agreement (Pay) and May 2019 NJNC Agreement (Terms and Conditions) were outstanding. It was noted that the Joint Secretaries are considering options to progress this.

Professional Registration

The Staff Side provided an update to the Side Table on this significant area of work. It advised that a positive induction meeting had been held on Thursday 5 December 2019 with all representatives of the two sub-groups from the College Lecturer Registration Working Group meeting to focus on Registration and Professionalism. It was noted that work will be undertaken by all involved in the period between meetings and a portal for sharing ongoing areas of work has been established. The Staff Side advised that communication with the sector will be important as matters progress and an e-zine will be issued prior to Christmas to report on current developments.

## **12/19 Joint Secretary Queries – Failure to Agree**

### Transfer to Permanence

The Side Table was advised that the Joint Secretaries had received a referral in relation to the application of NJNC Circulars 01/18 and 04/18. The referral focused around whether the Circulars would apply in a situation when a lecturer on a permanent fractional contract works additional hours beyond the contracted working arrangements for a continuous period of two years or more.

The Joint Secretaries have previously issued guidance to the sector that if an individual has two separate and distinct contracts, i.e. one established or permanent and the other temporary, fixed term or non-permanent, then the terms of the agreement should be applied to the separate temporary contract. No agreement had been reached by the Joint Secretaries on this issue and the referral had been remitted to the Side Table for determination.

The Staff Side Secretary provided an overview of the referral and outlined her rationale for the view that the Circulars did apply in these circumstances. The Management Side Secretary then outlined her opposing position. Having listened to these views and following consideration of all documentation, the Staff Side indicated that it believed the Circulars did apply. It referenced the fact that the additional hours were temporary and that as this work had been offered by the college, accepted by the employee with the work then being undertaken and paid for, a contract exists. It highlighted that the permanent fractional contract made no provision for working additional hours under that contract and it could not therefore be argued that the additional hours worked were an extension of this contract. The Staff Side also referred to the fact that the employees were paid for these additional hours through the same mechanism as temporary employees and that Management at the college had stated that this was previously to allow them to apply their local Transfer to Permanence Policy. On this basis, the Staff Side indicated that the Circulars did apply.

The Management Side view was there is no separate or distinct contract and the Circulars did not apply. The Management Side indicated that it was not the role of the NJNC to determine the internal processes of colleges or consider internal arrangements. The Staff Side disagreed with this view and highlighted that it was the role of the Side Table to reach a decision on the referral.

No agreement was reached on this referral and it was agreed by both sides to refer the matter to a future meeting of the Central Committee.

### Incremental Progression

The Side Table was advised of a referral to the Joint Secretaries requesting joint guidance on the interpretation of incremental progression during the pay harmonisation process. No agreement had been reached by the Joint Secretaries on this issue and the referral had been remitted to the NJNC – Side Table (Lecturing) for determination.

The Joint Secretaries set out their respective positions for the consideration of the Side Table. The Staff Side then requested an adjournment.

### **Adjournment**

After considering the position set out in the referral and the relevant Circular in detail, the Staff Side advised that it agreed with the Management Side that there would be no local incremental progression for achievement of the PDA during the period from 1<sup>st</sup> April 2017 to 1<sup>st</sup> April 2019 as a result of the migration and harmonisation process for unpromoted lecturers outlined in NJNC Circular 01/17. The Management Side acknowledged the objective approach adopted by the Staff Side and it was remitted to the Joint Secretaries to write to the college to report the outcome of the referral.

### **13/19 Implementation of the National Working Practices Agreement (NWP)**

The Staff Side advised there are inconsistencies across the sector relating to the implementation of the NWP and highlighted the importance of both Sides taking a critical, non-partisan approach to ensuring that National Agreements are upheld and applied consistently across the sector. It was concerned by the suggestion that matters could be resolved by recourse to law and felt that there was a duty to try to resolve matters through the NJNC, rather than reverting to outside bodies. It wished it to be noted that, where any disagreements are remitted to the NJNC then both Sides should be committed to having them resolved as soon as possible. This was agreed.

### **14/19 Indicative Meeting Schedule**

The Staff Side requested two additional meetings, one in February and one in May 2020 be added to the indicative schedule of meetings. It explained that it would be issuing its pay claim for 2020/21 in late January/February 2020 and requested agreement on the further dates to allow appropriate time for negotiation.

The Management Side's view was that colleges need to have an understanding of their budgets to give a view on affordability before negotiation can take place.

The Staff Side recommended agreement to the additional meetings in order that early discussions can take place to allow a pay settlement to be reached before the next pay implementation date. By building in sufficient time for negotiations, it was hoped that fruitful discussions could take place and industrial action avoided.

The Management Side did not accept the proposed dates, however, committed to meeting out with the schedule where required for urgent business.

### **15/19 Date of Next Meeting**

The next meeting date, as set out in the draft initial indicative schedule is **Thursday 19 March 2020** in Stirling.