

Agreed Minute of the Meeting of the National Joint Negotiating Committee (NJNC) – Side Table (Support), on Wednesday 9 March 2022 at 1000-1200, via video conference

In Attendance	
Martin Clark	Staff Side
Chris Greenshields	“ “ (Chair)
Alison MacLean	“ “
Laura McLean	“ “
Lorcan Mullen	“ “
Jackie Galbraith	Management Side
Debbie Kerr	“ “
Frances Harrower	“ “
Alex Linkston	“ “
Ross Martin	“ “
Paul McGowan	“ “
Alan Ritchie	“ “
Derek Smeall	“ “
David Watt	“ “
John Gallacher	Staff Side Secretary
Zelda Franklin-Hills	Interim Management Side Secretary
Jillian Cheape	Secretariat
Catherine McCreath	Zoom Administrator

41/21 Welcome and Apologies

The Staff Side was in the Chair for this meeting. The Chair welcomed all to the meeting. Apologies were noted from Collette Bradley and John Slaven, Staff Side.

42/21 Minutes of Previous Meeting

The minute of the meeting held on Wednesday 8 December 2021 was agreed.

The minute of the meeting held on Wednesday 26 January 2022 was agreed.

Matters Arising

Living Wage Accreditation

The Staff Side requested an update with regards to the Living Wage Accreditation for Argyll College UHI, Newbattle Abbey College and West Highland College UHI.

The Management Side confirmed all colleges are now fully accredited.

Scottish Funding Council (SFC) Role

The Staff Side requested an update with regards to the Management Side seeking clarity from SFC on its role in verifying costings.

The Management Side advised discussions with SFC are still ongoing and this has taken longer due to the change in personnel at SFC. It stated an update will be provided as soon as there is clarity from SFC on this matter.

Scope

The Staff Side requested an update on what actions have taken place relating to roles out of scope.

The Management Side advised discussions have taken place with the Employers' Association, however, no firm conclusion has been reached and an update will be provided once further discussion have taken place.

The Staff Side wished to seek clarity with regards to how NJNC negotiations and agreements would affect employees out of scope.

The Management Side stated it did not have clarity on this and there is no national process in the machinery that states that employees out of scope are automatically included in agreements within this process. It stated it would seek further information on this matter as part of the ongoing discussions of scope.

Update on £400 payment

The Staff Side requested an update with regards to the £400 one-off payment for lecturers and if the Scottish Government intends to publish full details on this matter.

The Management Side advised that it had no update on this matter and agreed to take this as an action.

43/21 Pay and Terms and Conditions Claim 2021-22

The Staff Side advised it was seeking movement on the offer, including the one-off recognition award of £150 which is deemed derisory to its members and an increase of the consolidated element of £850. The Staff Side felt there was still room for negotiation and there are elements within the offer that have not been addressed following discussions that took place at the dedicated day meeting held on Wednesday 27 October 2021. It stated all three unions are proceeding to Consultative Ballots as a precursor of Statutory Ballots and are in discussions on an industrial action timeframe which may be early May 2022.

The Management Side reiterated its position that, due to the college sector's level of funding, there was no movement on the final offer. It stated the college sector cannot afford an increased offer and that the offer has already stretched far beyond affordability.

The Staff Side stated it did not have the full financial details with regards to affordability and how damaging it is to the sector. It stated it was meeting with Audit Scotland, who are about to perform a review on the sector, and stated it was yet to be convinced that the level of the final offer is not affordable to the sector as a whole.

The Management Side stated a group of Finance Directors across the sector are currently balancing the books for next year and beyond. They are working within the stringent cuts to funding whilst trying to protect jobs. It stated a flat cash settlement that includes the unconsolidated figure will put a significant strain on colleges and that a number of colleges are now moving to deficit situations. The Management Side stated it was anticipating an SFC 2021 accounts review and would welcome discussions with the Staff Side on this review once it becomes available.

The Staff Side stated it was unaware of any proposals to flatten or condense senior pay in order to protect jobs and stated the rate of inflation is at historically high levels and there should be consideration from the Management Side to look at improving the offer.

The Management Side stated senior and middle management costs are addressed before moving to any other levels of staff and that principals are conscious about that balance.

As there was no movement, the Staff Side confirmed it did not have any other alternative but to go to dispute and stated a face to face meeting would be preferable.

The Management Side stated it would need to confirm availability from its members to attend a face to face meeting.

44/21 Facilities Time Review Update

The Staff Side tabled a paper seeking an interim increase to the current National Facilities Time of 1.5 FTE. The Staff Side stated it was seeking an increase by 21 hours and requested the paper is reviewed urgently to address workload pressures of its Branch Officers.

The Management Side was unable to respond to the paper due to the lateness of receiving it and stated it will consider the paper offline and respond to the Staff Side.

The Staff Side stated there were a number of colleges that do not have Health and Safety representatives and where Branch Officers step in, however, struggle to do so due to lack of Facilities Time.

The Management Side stated it was looking to conclude an agreement on the draft Terms of Reference, which was currently with the Staff Side for consideration, in order to move this forward and to allow an independent review to take place on the level of facilities time offered to UNISON.

Referring to the Health and Safety issue, the Management Side stated it welcomed further offline discussion between the Joint Secretaries.

45/21 Implementation of Circular 02/21 Dispute Update

The Staff Side stated it was still hopeful of reaching an agreement with the EIS-FELA with regards to the implementation of Circular 02/21. It stated it had previously raised its concerns on this issue, during the negotiations between the EIS-FELA and Management Side, however stated its concerns were ignored. The Staff Side stated it has triggered a dispute procedure in the event that it cannot reach an agreement with the EIS-FELA in order to seek resolution on this matter with the Management Side.

The Management Side noted this position.

46/21 Jubilee Holiday 2022

The Management Side advised it did not recommend an increase of two fixed public holidays. As set out in Paper 3, all colleges have given one additional bank holiday for the Jubilee with some moving the May holiday to allow two days off for the Jubilee. Three colleges have granted an additional two days off for this year as well as its 12 public holidays. The Management Side stated this was about the needs of individual colleges with regard to what their local council and region is doing.

The Staff Side maintained its position that as public holidays are included as part of a National Agreement then all colleges should receive the same number of public holidays. Therefore, if there are colleges giving two additional days, which in the Staff Side's view, was a breach of National Agreement, then all colleges should receive the same amount of days.

The Management Side stated there is a difference between fixed days, public holidays and closure days for certain colleges. It acknowledged the Staff Side's request to have national consistency, however, did not agree there was a breach of National Agreement as it states 45 days inclusive of a minimum of 12 days. The Management Side stated there is an agreement to commit to 13 days with the one additional day, as a one off, however, the second additional day should be dealt at a local level.

The Staff Side stated this was about equality and fairness for support staff and that it tabled a national claim to this machinery because holidays and public holidays were in the scope of National Agreements. The Staff Side advised it considered this a failure to agree and as such would reflect and have further offline discussions with the Management Side Joint Secretary before any final position was shared.

47/21 Long Covid

Responding to the Management Side paper, the Staff Side did not agree with the management statement that NHS policies are not relevant to the college sector. It stated colleges operated throughout the pandemic because of support staff efforts to open and clean the buildings, ensuring covid mitigations are in place, and also offer support to students who were on campus. It stated it did not request Long Covid to be treated the same way in the NHS but presented a proposed Circular for the college sector in order that Long Covid can be treated similarly to how it is treated in the NHS.

The Staff Side did not agree to the Management Side's suggestion of referring this matter to the HR Strategic Group and proposed a subgroup be created in order to review the evidence the Staff Side had provided in terms of Long Covid.

The Management Side advised it could not agree to the request and given the current trajectory of Covid moving from one of restrictions and limitations to living with it, the timing of a Circular for Long Covid was not seen as beneficial.

The Staff Side asked for evidence that shows individuals diagnosed with Long Covid are not being subject to local sickness management procedures and that no employee has used annual leave due to Long Covid. It stated this was a Fair Work issue and that it was seeking to provide an element of protection to staff and to avoid inconsistent treatment in the sector.

The Management Side stated this situation would continue to be monitored and suggested that, via the HR Strategic Group, all colleges would be urged to ensure they continue to treat staff with Long Covid with sensitivity, compassion and flexibility to meet the individual's needs. It stated any findings from both sides can be discussed by the Joint Secretaries. The Management Side also welcomed a joint letter to find out what is currently happening in colleges in terms of Long Covid.

The Staff Side did not agree to the proposal of continuing the matter with the HR Strategic Group but welcomed further discussions with regard to the idea of joint work going forward.

48/21 Terms and Conditions Working Group

Action Note of Previous Meeting

The Action Notes of the Working Group Meeting was noted.

Annual Leave Policy

The draft Annual Leave Policy was presented to this meeting as an output of the Terms and Conditions Working Group with some areas outstanding.

The Staff Side was asked for its definition of “*embargo*”, as it was not a word the Management Side recognised in a college setting.

The Staff Side explained the term embargo was where an employer would tell a member of staff that they cannot take annual leave at certain periods of time. The Staff Side accepted that some periods of time are busier than others, however, stated that this should not impact support staff’s right to take annual leave.

The Management Side stated it had concerns around managers being unaware of other managers’ decisions in terms of annual leave restrictions.

The Staff Side stated managers are trained every year and did not see a problem in this area, and it was more about informing trade unions.

Following lengthy discussions, compromises were made by both sides and a form of wording was agreed. It was agreed to change “*embargoes*” to “*restrictions*” and to include the wording “*then trade unions, as a courtesy, should be informed by the college*”.

It was agreed that the draft Annual Leave Policy will be updated with the agreed form of wording and will be shared with the Staff Side for its formal agreement.

National Agreement – Terms and Conditions (Support Staff)

Version 11 of the National Agreement – Terms and Conditions (Support Staff) was presented to this meeting as an output of the Terms and Conditions Working Group, with one area outstanding, for agreement.

The area outstanding was agreed by both sides and it was agreed the paper will be amended with the agreed change and will be shared with the Staff Side for its formal agreement.

Update

It was noted that the next Terms and Conditions Working Group meeting is scheduled to take place on Thursday 10 March 2022.

This meeting will discuss the Sectorial Approach to Consultation under Fair Work for Support Staff which has been reviewed and considered in detail by the Management Side. Following discussions at this meeting, a verbal update will be provided to the working group around the Annual Leave Policy and National Agreement – Terms and Conditions (Support Staff).

49/21 Job Evaluation

Action Notes of Previous Meeting – Wednesday 5 May 2021 and Monday 6 December 2021

The Action Notes of the previous Working Group Meeting was noted.

Update

The Management Side provided an update on the Job Evaluation project. It stated while scoring is almost 100% complete, it is still working its way through the quality assurance exercise and it raised with the Job Evaluation Working Group some of the issues it was currently facing with this area of work. It stated both the Management and Staff Side agreed that the quality assurance process should continue as planned but with timescales for completion being April 2022. Unfortunately, the size of work still ahead and even with an extension until April 2022, it was still unlikely to meet these timescales based on the current format.

It was noted the working group agreed it would consider various options and contingencies, alongside available resources, to ensure it can complete to ensure it can complete by the end April 2022. It was further noted confirmation from SFC was received late yesterday in that they will fund the Role Analysts for April 2022 and that the cost for March 2022 can be covered by the current budget.

This update was noted.

50/21 Pay and Grading Working Group Update

Action Notes of Previous Meeting – Tuesday 16 November 2021

The Action Note of the previous Working Group Meeting was noted.

Update

The Management Side stated progress has been hindered on gathering data and discussions are ongoing. It was noted there has been a further two meetings since the meeting of Tuesday 16 November 2021 and discussions will continue.

The Staff Side noted there were also issues with regards to work force payroll and the position of staff in terms of what they have been paid from 2019 onwards. The discussions on new and changed roles are still ongoing.

This was noted.

51/21 Date of Next Scheduled Meeting

Both sides wished to thank John Gallacher for his valuable contribution and support throughout the years and wished him well for the future.

The next scheduled meeting of the Side Table (Support) is **Wednesday 8 June 2022**.

Action Monitoring Log

Wednesday 17 March 2021		
Action	Owner	Completion Date
Short paper to update the Side Table on Scope.	Management Side	June 2021
Wednesday 18 August 2021		
Action	Owner	Completion Date
Provide a paper detailing the financial items discussed.	Management Side	In progress
Wednesday 8 December 2021		
Action	Owner	Completion Date
Provide an update on Scope.	Management Side	March 2022
Continue discussions on Job Evaluation Post 2018 Roles.	Joint Secretaries	In Progress
Wednesday 26 January 2022		
Action	Owner	Completion Date
Update the Management Side on its position on the current Pay and Terms and Conditions offer.	Staff Side	Complete
Wednesday 9 March 2022		
Action	Owner	Completion Date
Provide an update on SFC's role in verifying costs.	Management Side	Ongoing
Provide an update on what actions have taken place relating to roles out of Scope.	Management Side	Ongoing
Seek clarity with regards to how NJNC agreements would affect those out of Scope.	Management Side	Ongoing
Provide an update to the Staff Side on whether the report on £400 payment to lecturers has been published. .	Management Side	Complete
Management Side to respond to Facilities Time request.	Joint Secretaries	Complete
Continue discussions on Jubilee Holidays 2022.	Joint Secretaries	Complete/Overtaken
Continue discussions on Long Covid with regards to joint work as a way forward.	Joint Secretaries	Ongoing
Share updated draft Annual Leave Policy with the Staff Side for formal agreement.	Management Side	Complete
Share updated draft National Agreement – Terms and Conditions (Support Staff) with the Staff Side for formal agreement.	Management Side	Complete