

Not Agreed Minute of the Meeting of the National Joint Negotiating Committee (NJNC) – Side Table (Support), on Wednesday 7 December 2022 at 1000-1200, via video conference

In Attendance	
Angela Cox	Management Side
Frances Harrower	“ “
Debbie Kerr	“ “
Sarah Louise Nandadasa	“ “
David Watt	“ “ (Chair)
Collette Bradley	Staff Side
Martin Clark	“ “
Chris Greenshields	“ “
Laura McLean	“ “
Evan Williams	Management Side Joint Secretary
Lorcan Mullen	Staff Side Joint Secretary
Gavin Donoghue	Director of College Employers Scotland
Jillian Cheape	Secretariat
Anne Davidson	Note Taker
Catherine McCreath	Zoom Administrator

10/22 Welcome and Apologies

The Management Side was in the Chair for this meeting. David Watt welcomed all to the meeting and introduced himself as the new Chair of College Employers Scotland (CES) and for the Management Side at NJNC meetings. The Chair also introduced Evan Williams as Interim National Bargaining Lead and Angela Cox as Principal of Ayrshire College.

Apologies were noted from Liz Connolly, Derek Smeall and Heather Stevenson, Management Side and Alison MacLean, John Slaven and Jane Edwards, Staff Side.

11/22 Minute of Previous Meeting

The minute of the meeting held on Wednesday 9 March 2022 was agreed.

Matters Arising

Living Wage Accreditation

The Staff Side queried whether there was intent to pursue colleges that are not a part of the National Recognition and Procedures Agreement (NRPA) with a view for those colleges to shadow the Real Living Wage.

The Management Side confirmed that it would be happy to provide an update on the current position of non-NRPA colleges outwith this meeting.

Scottish Funding Council (SFC) Role

The Staff Side requested clarity on the role of SFC in verifying costings.

The Management Side advised there are ongoing changes in personnel at SFC and this matter is currently in progress.

Update on £400 payment

The Staff Side advised they are still awaiting an update regarding the £400 one-off payment for lecturers and sought information around the number of lecturers who received this payment and the overall costings.

The Management Side advised that this payment was a direct payment from the Scottish Government and not from colleges. The Management Side reminded the Staff Side that an email on this matter was previously shared with John Gallacher and advised it will look for this correspondence and re-share it with the Support Staff Secretary.

Long Covid

The Staff Side requested an update in relation to Long Covid and stated that it was suggested, at the last NJNC – Side Table (Support) meeting to, to issue a joint letter to find out what it currently happening in colleges in terms of Long Covid.

The Management Side advised Long Covid was due to be raised at the scheduled Central Committee meeting in September 2022, however, this meeting was postponed therefore this matter will be picked up by the Joint Secretaries and a date has been issued for this discussion to take place.

The Staff Side view was there seemed to be a disconnect between the Central Committee and Side Table (Support) and sought to improve communications between these groups.

12/22 Pay Claim 22/23

The Management Side provided an update on the current position in relation to the pay claim, advising that a verbal conditional offer of 2% had been made, and that this was based on the current funding available, and was based on both sides making a joint approach to the Scottish Government with the aim of reaching a more acceptable offer. The Management side acknowledged that this was rejected by the Staff Side and that a further meeting is to be scheduled in due course.

The Staff Side queried if the 2% was a baseline offer or if this was contingent on joint lobbying. The Management Side confirmed that the 2% is the current offer that has and the joint approach was in order to improve on this offer.

The Staff Side stated it was still seeking a formal response on the 16 items noted in their pay claim. The Staff Side also expressed concern that the offer was now on percentage basis and not on the basis of flat cash offer as they had previously been expecting. The Staff Side asked why the Management Side have dispensed with the flat cash offer.

The Management Side advised that this was the outcome as discussed at the CES meeting.

13/22 Job Evaluation Dispute

The Management Side provided an update on the current position of the Job Evaluation dispute. It noted that the Job Evaluation dispute is still live, and the first dispute meeting was held on Tuesday 31 May 2022 and that a second dispute meeting will be scheduled early in the new year. The second dispute meeting will cover issues around new and evolved roles, project infrastructure and the employers' position regarding the development of pay and grading structures.

The Management Side advised that this position had already been shared with the Staff Side in a letter dated 26 September 2022 and that it was awaiting a **formal** response from the Staff Side, as no other further discussions has taken place on this matter.

The Staff Side stated it was keen to progress and resolve the dispute as soon as possible as there are concerns coming from college staff—. The Staff Side wished to refer the pay and grading element to the Joint Secretaries for further discussion and advised it did not agree with the employers position.

It was agreed the Joint Secretaries will have further discussions on this matter.

14/22 Circular 02/21 Dispute

The Management Side requested a timeline from the Staff Side on its discussions with the EIS-FELA around the implementation of Circular 02/21.

The Staff Side stated it was not in a position to provide a timeline due to the type of discussions it was having with the EIS-FELA. The Staff Side stated it was keen to progress matters and noted it had received communication from the Management Side Joint Secretary on this issue and advised it was currently in the process of providing a written response. The Staff Side requested the Management Side recognise the dispute's status quo and to make it clear with the college sector the current position on this matter.

The Management Side welcomed further discussions on this matter at the Central Committee in order to involve both unions. The Management Side stated it had received legal advice on this issue, in terms of how it should operate, and noted that the Staff Side's ongoing discussion with the EIS-FELA is crucial when taking this matter to the Central Committee.

The Staff Side maintained its position that Circular 02/21 should not have been drawn up without its involvement in the negotiations and wished for this to be recognised.

The Staff Side position was noted, and the Management Side advised it was still awaiting a response from the Staff Side on the request for further discussions at the Central Committee.

15/22 Facilities Time

The Management Side gave a verbal update on the current position on Facilities Time and confirmed that a meeting had been held between Heather Stevenson, Ross Martin and UNISON representatives on 30 November 2022 where UNISON was asked to submit a position paper with a timeframe for implementation so that the matter would be considered again at a CES meeting in January 2023.

The Management Side reminded the Staff Side that it was still awaiting a paper from the Staff Side which it would share with the wider CES for consideration.

The Staff Side reinforced the urgency of getting the Facilities Time quantum finalised now that the quantum is agreed in principle.

The Management Side confirmed this will be discussed at the upcoming CES meeting in January 2023.

16/22 Scope

The Management Side confirmed its position as set out in Paper3, that there is no appetite to review those in scope within the National Recognition and Procedures Agreement (NRPA) at this moment in time.

The Staff Side advised it will issue a response to the Management Side paper.

The Staff Side requested the Management Side provide a report on the roles included within the NRPA Scope.

17/22 Procurement

The Staff Side advised it was seeking a response from the Management Side to its paper on Procurement matters.

The Management Side suggested this matter be referred to the Fair Work Working Group for discussion.

The Staff Side did not agree that this matter be referred to the Fair Work Working Group as, in its view, the EIS-FELA would not agree it would be a matter that would affect them and would perhaps want to focus on other priorities.

Following discussions, it was agreed the Management Side will draft a response to the Staff Side with its recommendations including the prospect of moving the matter to the Fair Work Working Group.

18/22 Staff Governance Standard

The Staff Side advised it was seeking a national approach of the Staff Governance Standard in the college sector, as part of Fair Work.

The Management Side advised that this particular standard has been in place since 2011 and has been adopted and adhered to by the sector and is currently linked to the code of compliance which all college boards must adhere to. The Management Side advised that the infrastructure is already in place and that all colleges are aware of, and adhere to, the Staff Governance Standard. The Management Side advised that this matter would include all staff groups and its recommendation was that the review of this matter should take place within the Good Governance Steering Group (Steering Group) which has a wide representation from all parties including the Scottish Government, trade unions, chairs and principals.

The Staff Side's view was that the Steering Group is not part of the National Bargaining machinery and therefore it would be counterintuitive to refer this matter to that forum, and that Staff Governance should be referred to the Central Committee. The Staff Side believe that the standard is not being widely used by all colleges and that there are several colleges where it is not discussed at all. It also agreed this matter may affect the Lecturing Staff Side and therefore requested this should be referred to the Central Committee.

The Management Side advised that the standard is a requirement which all colleges must adhere to, and that college funding is conditional of this requirement. All effectiveness reviews of colleges are benchmarked against compliance with these standards, therefore, the Management Side maintained its view to refer this matter to the Steering Group.

The Staff Side suggested referring this matter to both Good Governance Steering Group and the Central Committee to ensure the issue is being dealt with.

The Management Side agreed this was a suitable way forward.

The Staff Side requested an adjournment to consider the points raised.

Adjournment

Following the adjournment, the Staff Side maintained its position that the Staff Governance Standard be referred to both the Steering Group and Central Committee, however, wished to note it did not want to renegotiate the contents of the Standard but are interested in how it is being followed by colleges.

It was agreed this matter be taken forward by the secretariat to agree a paper that will be shared with the Steering Group for consideration.

Both sides agreed that, due to time constraints, the Management Side would now provide written responses to agenda items 10, 11 and 12.

19/22 LRPA/Template LRPA for the Sector

It was agreed the Management Side would provide a written response, outwith the meeting on this matter.

20/22 Calculation of Part-Time Pay

It was agreed the Management Side would provide a written response, outwith the meeting on this matter.

21/22 Holiday Rights for Part-Time Staff

It was agreed the Management Side would provide a written response, outwith the meeting on this matter.

22/22 Terms and Conditions Working Group

The Management Side advised that the Terms and Conditions Working Group met on Monday 5 December 2022. This meeting focused on the Sectoral Approach to Consultation under Fair Work for Support Staff, which has been reviewed and discussed by both sides outwith the working group. It was noted that the Management Side will be giving comment on the latest paper submitted by the Staff Side by Friday 9 December 2022. The Terms and Conditions Working Group meeting also discussed the NJNC – Side Table (Support) Work Plan and Home and Hybrid Working. The Management Side advised it was still awaiting the full list of Staff Side priorities.

Referring to the Sectoral Approach to Consultation under Fair Work, the Staff Side stated it is now awaiting Management Side response on the latest paper and if it was something that cannot be agreed by both sides it will be in a position where it will register a failure to agree. The Staff Side requested Home and Hybrid Working to be discussed by the Joint Secretaries and raised at a further Side Table meeting.

It was noted discussions are ongoing and these matters will be picked up by the Joint Secretaries and will be raised at the next Terms and Conditions Working Group meeting.

23/22 Job Evaluation Working Group

The Management Side advised that work on the final Quality Assurance checks, as part of Stage Two (evaluation of roles), has been progressing well over the past few months and the aim is all 22 college HR departments will receive Rank Orders for feedback ahead of the festive break. The next steps will be for the project team to consider this feedback and finalise the outcomes from the evaluation process ready for ratification from the NJNC Job Evaluation Working Group and subsequently to the full NJNC in early 2023 and therefore, conclude this stage of the project. The Management Side further noted that the Scottish Funding Council agreed to extend the project to the end of January 2023.

This update was noted.

24/22 Pay Working Group

Action Notes of Previous Meeting – Tuesday 8 February 2022 and Tuesday 8 March 2022

The Action Notes of the previous Working Group Meetings were noted.

Update

It was noted the last Pay Working Group meeting was held on Tuesday 26 April 2022.

25/22 Indicative Schedule of Meetings

The Indicative Schedule of Meetings for Academic Year 2022/23 was agreed by both sides.

The Staff Side wished to seek an in-person meeting in March 2023.

26/22 Date of Next Scheduled Meeting

The next scheduled meeting of the Side Table (Support) is **Wednesday 15 March 2023**, although it was noted a meeting on pay and a second dispute meeting on Job Evaluation will be scheduled in advance of this meeting.

Action Monitoring Log

Wednesday 8 December 2021		
Action	Owner	Completion Date
Continue discussions on Job Evaluation Post 2018 Roles.	Joint Secretaries	In Progress
Wednesday 9 March 2022		
Action	Owner	Completion Date
Provide an update on SFC's role in verifying costs.	Management Side	In Progress
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
Continue discussions on Long Covid with regards to joint work as a way forward.	Joint Secretaries	Ongoing
Wednesday 26 October 2022		
Action	Owner	Completion Date
Continue discussions on Facilities Time to form a basis for consideration at the next meeting.	Joint Secretaries	Complete
Wednesday 2 November 2022		
Action	Owner	Completion Date
Continue discussions on Facilities Time.	Joint Secretaries	In Progress
Wednesday 7 December 2022		
Action	Owner	Completion Date
Re-share Scottish Government guidance on the £400 payment to teachers with the Staff Side.	Management Side	In Progress
Continue discussions on Long Covid.	Joint Secretaries	In Progress
Continue discussions on the Pay and Grading element of the Job Evaluation Dispute.	Joint Secretaries	Ongoing
Consider referring the implementation of Circular 02/21 to the Central Committee for full discussion.	Joint Secretaries	March 2023
Respond to the Staff Side on matters around Facilities Time, following a wider CES meeting in January 2023.	Management Side	Ongoing
Provide a response to the Management Side on Scope.	Staff Side	Ongoing
Provide a response to the Staff Side on Procurement matters.	Management Side	Complete
Refer the Staff Governance Standard to the Good Governance Steering Group.	Joint Secretaries	Ongoing
Provide a written response to the Staff Side's request for the adoption of a single Local Recognition and Procedures Agreement for the sector.	Management Side	Complete
Provide a written response to the Staff Side's requests a sector-wide review of the calculation of part-time pay.	Management Side	Complete

Provide a written response to the Staff Side around holiday rights for part-time staff.	Management Side	Complete
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