

Agreed Minute of the Meeting of the National Joint Negotiating Committee (NJNC) – Side Table (Support), on Wednesday 6 December 2023 at 1000-1200, via Video Conference

In Attendance	
Angus Campbell	Management Side
Liz Connolly	“ “
Susan Elston	“ “
Debbie Kerr	“ “
David Watt	“ “ (Chair)
Collette Bradley	Staff Side
Martin Clark	“ “
Chris Greenshields	“ “
Laura McLean	“ “
Alison MacLean	“ “
Heather Stevenson	Management Side Joint Secretary
Michael Boyd	Policy Officer
Jillian Cheape	Secretariat
Gavin Donoghue	Director of College Employers Scotland (CES)
Anne Davidson	Note Taker
Louis Martin	Zoom Administrator

12/23 Welcome and Apologies

The Management Side was in the Chair for this meeting. The Chair welcomed all to the meeting and noted thanks and well wishes to John Mooney as he moves on from his role as Staff Side Joint Secretary. Apologies were received from Gail Dunn, Management Side and Janet Stewart and John Slaven, Staff Side.

The Staff Side raised an objection in relation to the Management Side having an observer in attendance at today’s meeting, as in its view, observers attending without mutual agreement sets a dangerous precedent and that continuing to do so could lead to the Staff Side raising a formal dispute. It also requested this was minuted for the purposes of the record as its view is that this is contrary to usual practice and that the observer should withdraw.

The Management Side’s advised it had discussed the Director of College Employers Scotland (CES) attending and that in its view it is appropriate for the Director to attend.

The Staff Side stated that allowing the Director of CES to attend could impact on how the Staff Side do business moving forward and urged the Management Side to rethink their position.

The Staff Side asked if it was the Management Sides position that observers can attend future meetings without mutual agreement? The Management Side responded that it did not object to observers attending the meeting.

The Management Side stated it did not agree with the Staff Side request and stated its position is that in the absence of any substantial reason for such an objection, it insists that the observer remains in attendance given that part of their duty is to oversee the machinery of National Bargaining and liaise with the Scottish Government. The Management stated that this has been the accepted practice historically.

The Staff Side advised that having looked through previous minutes of NJNC – Side Table (Support) meetings, they did not show that the Director of CES, the Chief Executive of Colleges Scotland regularly attended these meetings and therefore it is not normal practice.

The Staff Side also wanted it noted that an observer at a meeting should not be involved in issuing comms at a later date. The Management Side confirmed that all comms are issued under the jurisdiction of the Chair of CES.

It was agreed that this matter should be discussed within the forum of the Central Committee meeting and to move on to the agenda items for the Side Table meeting.

13/23 Minutes of Previous Meetings and Any Matters Arising

The Management Side noted that three sets of outstanding minutes have been agreed by the Joint Secretaries and there are a further four sets waiting to be agreed pending further discussions. The Management Side wished to note the previous meeting minute dated 13 September 2023, in which the Staff Side accepted responsibility for the delays in responding to minutes.

The Staff Side stated that in its view the Joint Secretary role in the machinery was not working and requested that all minutes be looked at collectively as a full set of outstanding minutes to ensure accurate representation. The Management Side preference is to record the agreed minutes as being Joint Secretary agreed to allow these to be put onto the NJNC website, but stated it was willing to work together to agree the remaining outstanding four sets of minutes. The Staff Side did not agree this is how minutes should be agreed.

The Staff Side acknowledged the delay from the Staff Side and due to the changeover of the Staff Side Joint Secretary asked for additional time to review the minutes and stated it is not in a position to agree any of the outstanding minutes. The Management Side view is that three sets of minutes are agreed and that minutes may need to be deemed as “Not Agreed” to allow progress.

14/23 Pay and Terms and Conditions Claims

The Management Side requested confirmation on whether the full and final offer issued to the Support Staff Side on Monday 27 November 2023, has been shared with UNISON and Unite members following confirmation from GMB that it would be balloting its members. UNISON stated that it would consult its members on the latest full and final offer in its own way and requested the employers ensure all colleges principals and chairs are advised of UNISON’s counter proposals to resolve this dispute. Unite confirmed that it had communicated the offer in full to its members.

The Staff Side view is that there has not been a significant change to the offer and that the Management Side has moved to full and final offer without giving due consideration to points raised by the Staff Side or commencing work on a National Policy on the Avoidance of Redundancy. The Staff Side stated there is no incentive for accepting a three-year deal and advised it was only willing to look at a three-year deal if there were concessions around job security.

The Staff Side also repeated its request to de-couple year one to get £2000 into their members’ pockets to then allow for discussions on a National Policy on Avoidance of Redundancy. It also requested a joint approach to the government to secure additional funding which could be ringfenced to cover financial hardship and voluntary severance pay.

The Management Side did not agree that it has not made significant changes to its offer. Its position is that it has changed the wording on job security to give as much assurance as possible around compulsory redundancy, it has also removed the caveat from year three of the offer that it is dependent on additional government funding.

The Staff Side asked that Joint Secretaries look again at creating a National Policy on Avoidance of Redundancy as a matter of urgency and have further meetings specifically on compulsory redundancy in advance of the next Side Table meeting scheduled for 20 March 2024. The Management Side stated its willingness to meet but confirmed there is no further financial flexibility in the sector.

Following a request from the Staff Side, the Management Side advised it can provide information on the cost of the offer nationally to the sector and noted that comparing this with the cost of the Staff Side Claim would enable the gap to be identified which could be taken to the Scottish Government for discussions around the shortfall.

The Management Side expressed its willingness to go jointly to discuss their positions with the Scottish Government and ask for further funding. The Staff Side again asked why the Management Side would not provide information on which colleges are at risk financially, so much so, that there is potential for Compulsory Redundancies. The Management Side advised it did not have this information.

The Staff Side requested an adjournment.

Adjournment

Following an adjournment, the Management Side agreed to the Staff Side request for a joint meeting with the Minister and asked for written clarity from the Staff Side on the issues it wishes to raise and confirmed that it had already provided national figures to Staff Side as to how its national offer is arrived at.

The Staff Side asked that a joint meeting with the Scottish Government be arranged for January 2024 with another Side Table meeting arranged in advance of the meeting with Scottish Government. The Staff Side advised it was looking to avoid Industrial Action in 2024 but reminded the Management Side of UNISON's renewed mandate from its members for Industrial Action. It was also agreed that whilst awaiting a meeting date, work would take place offline between the Joint Secretaries on agreeing a suggested agenda for the meeting from the Staff Side in order to highlight to the Minister areas where there is an impasse.

The Staff Side requested, as a gesture of goodwill from the Management Side, that a payment be paid to the support staff before Christmas as it is the second Christmas in a row that staff have not had a pay increase as no deal has been reached and it would suspend industrial action in advance of the meeting with the Minister, as a show of goodwill. The Management Side asked in return that the Staff Side take its full and final offer to its members for ballot.

The Staff Side queried the request to take the full and final offer to its members when negotiations were ongoing. The Management Side again stated that there is no more money in the sector and that the meeting with the Scottish Government is to discuss the shortfall and request funding to allow for ringfenced funds to make up the difference.

The Management Side queried the Staff Side request to make an interim payment to the Staff and asked that this request be provided in writing from the Staff Side for clarity for CES members in relation to any terms or conditions associated with this request. The Management Side also requested the Staff Side to confirm in writing what it expected from the meeting with Scottish Government.

The Staff Side asked that work on a National Policy on Compulsory Redundancy also form part of its written request to the Management Side in relation to an interim payment.

15/23 Facilities Time – National Release Agreement

The Management Side advised that a number of areas remain outstanding and that the subgroup working on the Release Agreement are meeting on Wednesday 13 December 2023 to finalise all areas outstanding, with the exception the liability insurance section which remains outstanding whilst responses are awaited from the Staff Side and further advice being provided by insurers.

The Management Side noted mechanisms must be in place that ensure that all staff are adequately covered when carrying out work on behalf of another organisation.

The Unite Officer advised it was not aware that the Management Side had written to the General Secretary and therefore had not been able to follow this up and requested sight of the correspondence. The Management Side agreed to forward the letter for the Staff Side for information.

The Staff Side also requested sight of the communication from the insurers. The Staff Side noted that the current paper provided to the Side Table states that advice on liability insurance was obtained from a college insurer however in a previous minute, a paper refers to advice at that time the Management Side had received was legal advice. The Staff Side requested sight of the legal advice and advice from a college insurer as they are different. The Management Side confirmed this will be taken forward in the working group.

The Staff Side queried whether the concern regarding liability insurance affects other members of staff beyond those on release through Facilities Time. The Management Side confirmed this will be looked at by all colleges to ensure all staff are adequately covered when carrying out work for another agency.

The Management Side offered to take an action to look into this as part of the HR Strategic Group.

16/23 Terms and Conditions Working Group Update

The Management Side stated that the remits for subgroups looking at Miscellaneous Leave, Working from Home and Mental Health/Wellbeing days are outstanding with the Staff Side and the Management Side is keen to commence these areas of work.

UNISON advised it is in dispute with several colleges, over matters regarding consultation and therefore there should be an urgency to have a National Consultation Framework and that without the framework this may lead to a dispute. The Staff Side was reminded that CES HR Policy Officer has offered to pick up this area of work, but the Staff Side has not yet confirmed it is in agreement with this proposal.

17/23 Four-Day Working Week Working Group Update

The Management Side confirmed this working group has met recently to re-commence discussions on this area of work. The working group has committed to exploring whether a college/s would be interested in piloting a four-day week whilst acknowledging that things may have moved on since this agreement was made.

At the meeting it was agreed to draft questions from both Management and Staff Sides to help identify pilot colleges and to look at what a four-day working week could look like for the pilot colleges.

18/23 Date of Next Meeting

The next meeting is currently scheduled for Wednesday 20 March 2024, although an earlier Side Table meeting is to be scheduled in advance of a meeting to be scheduled with Scottish Government in January 2024.

Action Monitoring Log

Wednesday 8 December 2021		
Action	Owner	Status/ Anticipated/ Completion Date
Continue discussions on Job Evaluation Post 2018 Roles.	Joint Secretaries	In Progress
Wednesday 9 March 2022		
Action	Owner	Status/ Anticipated/ 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	Complete – now Central Committee matter
Wednesday 2 November 2022		
Action	Owner	Status/ Anticipated/ Completion Date
Continue discussions on Facilities Time.	Joint Secretaries	In Progress
Wednesday 7 December 2022		
Action	Owner	Status/ Anticipated/ Completion Date
Re-share Scottish Government guidance on the £400 payment to teachers with the Staff Side.	Management Side	Complete
Continue discussions on Long Covid.	Joint Secretaries	Complete – now Central Committee matter
Continue discussions on the Pay and Grading element of the Job Evaluation Dispute.	Joint Secretaries	In Progress
Consider referring the implementation of Circular 02/21 to the Central Committee for full discussion.	Joint Secretaries	Outstanding – request made to Staff Side Secretaries
Respond to the Staff Side on matters around Facilities Time, following a wider CES meeting in January 2023.	Management Side	Complete
Provide a response to the Management Side on Scope.	Staff Side	Outstanding
Refer the Staff Governance Standard to the Good Governance Steering Group.	Joint Secretaries	Complete
Wednesday 25 January 2023		
Action	Owner	Status/ Anticipated/ Completion Date
Arrange a face to face meeting to progress Job Evaluation Stage 2.	Joint Secretaries	Complete
Wednesday 15 March 2023		
Action	Owner	Status/ Anticipated/ Completion Date
Schedule a second pay dispute meeting following the CES and Ministerial meetings.	Joint Secretaries	Complete

Further discussions on the Job Evaluation dispute regarding New and Evolved Roles to continue offline.	Joint Secretaries	Ongoing
Seek to reach an agreement on Facilities Time with CES members and confirm future meetings to finalise the NRA.	Management Side	In Progress
Wednesday 28 June 2023		
Action	Owner	Status/ Anticipated/ Completion Date
Retain and incorporate the wording from both sides in the unagreed minute of Wednesday 7 December 2022 to reflect both positions.	Joint Secretaries	Complete
Develop a format for action points to be created and immediately agreed after each meeting.	Joint Secretaries	Complete
Provide documents/evidence gathered on the local issues regarding job losses to the Joint Secretaries.	Staff Side	Outstanding
Formally respond to the Staff Side paper on Fire and Rehire/Dismiss and Re-engage.	Management Side	Complete
Forward compliance issues to the Joint Secretaries to allow for an assessment of the situation's scope.	Staff Side	Outstanding
Schedule a meeting on Lessons Learned	Joint Secretaries	Complete
Schedule a meeting to focus on Job Evaluation matters.	Joint Secretaries	Complete
Wednesday 13 September 2023		
Action	Owner	Status/ Anticipated/ Completion Date
Present the minutes of the meetings held on Wednesday 28 June 2023; Thursday 17 July 2023; and Monday 21 July 2023 to the next scheduled meeting.	Joint Secretaries	December 2023
Schedule a meeting on Job Evaluation and Pay and Grading.	Joint Secretaries	Ongoing
Hold offline discussions with the UHI Network regarding distant island allowance.	Management Side/Staff Side	Ongoing
Tuesday 5 December 2023		
Action	Action	Action
Seek updated information from colleges on new and evolved roles and costs surrounding Job Evaluation.	Seek updated information from colleges on new and evolved roles and costs surrounding Job Evaluation.	Seek updated information from colleges on new and evolved roles and costs surrounding Job Evaluation.
Wednesday 06 December 2023		
Action	Owner	Status/ Anticipated/ Completion Date
Outstanding minutes be agreed by Joint Secretaries	Joint Secretaries	Ongoing
Staff Side to provide a paper on issues it wishes to raise in a ministerial meeting to be arranged in January 2024.	Staff Side	In progress

Arrange a joint meeting with Scottish Government to discuss further funding.	Staff Side	In Progress
Provide national figures to Staff Side as to how the Management Side national offer is arrived at.	Management Side	December 2023
Side Table meeting to be arranged in advance of the meeting with Scottish Government.	Management Side/Staff Side	January 2024
Staff Side to provide a written request for an interim payment for clarity for College Employers Scotland (CES) members in relation to any terms or conditions associated with this request.	Staff Side	Complete
Resume work on a National Policy on Compulsory Redundancy.	Staff Side/Management Side	In progress
Forward the Management Side letter to the General Secretary regarding the insurance liability in the National Release Agreement to the Staff Side to review.	Management Side	Complete
The Management Side agreed to speak with HR Strategic Group on whether the concern regarding liability insurance affects other members of staff beyond those on release through Facilities Time.	Management Side	In Progress
The Management Side offered to look into arrangements on insurance liability for Staff Members historically and review previous agreements used.	Management Side	Ongoing