

**Agreed Minute of the Meeting of the National Joint Negotiating Committee (NJNC) – Side Table (Support), on Wednesday 28 June 2023 at 1000-1200, via Video Conference**

<b>In Attendance</b>	
Liz Connolly	Management Side
Debbie Kerr	“ “
Sarah-Louise Nandadasa	“ “
David Watt	“ “ (Chair)
Collette Bradley	Staff Side
Martin Clark	“ “
Chris Greenshields	“ “
Alison MacLean	“ “
Laura McLean	“ “
John Slaven	“ “
Heather Stevenson	Management Side Joint Secretary
John Mooney	Staff Side Joint Secretary
Jillian Cheape	Secretariat
Catherine McCreath	Zoom Administrator/Note Taker

**35/23 Welcome and Apologies**

The Management Side was in the Chair for this meeting. The Chair welcomed all to the meeting. Apologies were received from Angus Campbell, Management Side

**36/23 Minutes of Previous Meetings and Any Matters Arising**

The minutes of the following meetings were agreed:

- Wednesday 26 October 2022
- Wednesday 2 November 2022
- Wednesday 30 November 2022
- Wednesday 25 January 2023
- Wednesday 15 March 2023
- Wednesday 3 May 2023
- Wednesday 31 May 2023

It was noted that the minute of the meeting held on Wednesday 7 December 2022 was still outstanding and that the Joint Secretaries were unable to reach an agreement. The outstanding portion of the minute refers to the Management Side's request for a formal response from the Staff Side regarding its position on Job Evaluation, which it had shared in a letter dated 26 September 2022. The Staff Side did not agree that there was discussion or agreement for the Staff Side to submit a formal response and advised that in its view they had responded to management clearly in the meeting of the 7 December 2022.

It was agreed to record that the minute of Wednesday 7 December 2022 could not be agreed and retain and incorporate wording from both sides to reflect their positions in the unagreed minute.

The Management Side Joint Secretary emphasised the need to agree and clear future minutes promptly, to facilitate prompt actions and ensure minutes are presented before the next meeting. The Staff Side expressed disappointment that this is the second time a minute was not able to be

agreed and that in the Staff Side view, on both occasions this involved the Management Side disagreeing with the Staff Side recollection on what it had stated at a meeting.

The Staff Side suggested that an action list should be agreed and circulated after meetings to prevent the failure to progress actions. It also stated the machinery is funded by the Scottish Government to deliver efficiently and in its view it was not working as it should. The Staff Side Joint Secretary agreed that both parties should accelerate progress and proposed the idea of agreeing action points immediately after meetings.

It was agreed the Joint Secretaries would develop a format and process for this purpose.

### **37/23 Pay and Terms and Conditions 2022/23 Dispute**

The Management Side reaffirmed that its offer remained on the table and requested the Staff Side to present it to its members for consideration. The Management Side acknowledged that the Staff Side had requested a no compulsory redundancy guarantee clause in the previous meeting. It was acknowledged the Staff Side had now submitted a revised wording it was seeking agreement on at today's meeting. The Management Side stated that while it could not commit to this guarantee, it expressed its willingness to explore alternative wordings in the offer emphasising that any compulsory measures would only be used as a last resort.

The Staff Side sought clarification on the term "last resort" and explained it was looking for a no compulsory guarantee throughout the duration of the two-year pay deal.

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

#### Adjournment

Following an adjournment, the Management Side retabled its full and final offer which included a slight modification to address the Staff Side's request for a guarantee against no compulsory redundancies. The Management Side stated that while it could not make a commitment to this guarantee, it included the following statement to its offer:

*"In managing organisational change, colleges will make every effort to manage that change through voluntary measures in accordance with the Fair Work Agenda. Any compulsory measures will only be used as a last resort when all other measures have been considered."*

The Staff Side expressed concern that its revised compromise proposal had not been understood by the management side and raised concerns about the lack of clarity in the proposed wording and stated it may lead to different interpretations among colleges. It stated that the retabled offer did not significantly change its position and sought further clarity of the form of words from the Management Side.

The Management Side confirmed that it understood the proposal and had given the revised wording due consideration.

The Management Side emphasised colleges' efforts to avoid compulsory redundancy, using severance schemes and working closely with Trade Unions. It acknowledged the Scottish Government's guidance on using compulsory redundancy as a last resort and stated it had provided a generous pay offer and was therefore unable to make further changes due to ongoing sector challenges.

The Staff Side stated that in its view there are serious issues around governance and consultation in colleges, including evidence of instances escalated to the Minister due to the threat of compulsory redundancy. In its experience there is ongoing effort to suppress rather than promote effective voice in terms of the Fair Work agenda.

Regarding consultation, the Staff Side stated that in its view, employers were failing to consult in line with the Ministers direction over job losses and in line with fair work and this had resulted in live disputes in a number of colleges.

The Management Side acknowledged the current challenges in staff relationships due to present challenges and circumstances and expressed its willingness to review the evidence and documentation mentioned by the Staff Side and asked the Staff Side to submit the documentation. The Management Side reiterated the sector's financial challenges and the unavailability of additional funding from the Scottish Government, asserting that its offer was the best possible.

The Staff Side suggested a review of senior management, concerned about the impact of cuts on front-line services and the student experience.

The Management Side emphasised its preference to avoid prolonged discussions on this matter and encouraged the Staff Side to thoroughly consider its offer.

The Staff Side requested an adjournment.

### Adjournment

Following the adjournment, the Staff Side expressed concerns about the Management Side's response to the senior management review issue, expecting a thorough discussion.

The Management Side advised it wished to focus on the agreed agenda items and encouraged evidence papers be submitted in future for better understanding. It noted that several colleges have already downsized their management teams, implying that further discussion on this topic might be unproductive.

The Staff Side raised additional concerns and reiterated its request for longer meetings in the future which had been made at previous meetings as it felt that two hour long discussions were too short. It sought further clarity on the Management Side's additional form of words in the pay offer and requested non-staffing costs in order that they could assess the financial position of the sector. It stated it would be a challenge to present the current offer to its members amid the possibility of compulsory redundancies in the sector and in its view, this was not an offer but a threat to union members. The Staff Side agreed to provide documents on the local issues it highlighted on job losses and stated it had already shared these with the Scottish Government and that it intended to further liaise with the Scottish Government on these matters.

The Staff Side raised further questions in relation to the numbers of compulsory redundancies and costs.

1. During negotiations the employer's side said you could not afford more than 2%. Then you said you could not afford more than 3.5%. You now say you cannot afford any more than the current proposal. Can you advise where the additional funding came from for each of these changes to the proposal?
2. It is almost the new term and colleges should have structures and staffing in place for the new term. Can you advise which colleges will require to make staff redundant by compulsory means and how much cash it would take in those specific colleges to avoid it?
3. Will you agree to stop the expansion and upgrading of the senior management teams while the sector is in financial crisis?
4. Will you take the support staff unions' revised proposal to your own constituents in the Employers Association?
5. Can you give us detailed breakdowns of the non-staff costs in each of the colleges in order that we can look at where we can fund a pay offer?

## 6. What is happening with the lecturers and their dispute on the same issue?

The Management Side advised that the Joint Secretaries should discuss the length of meetings and have already responded to the questions raised. The Staff Side advised it would follow up on the questions in writing as it did not consider that the concerns had been addressed.

The Management Side requested that the Staff Side take the offer with the Management Sides revised wording to their members. The Staff Side requested that the employers take its form of words on compulsory redundancies to the full employer's side as in its view it could not have been fully considered in the short adjournment, which it noted was seven minutes, taken by the Management Side.

The Management Side again advised that the matter had been fully considered.

### **38/23 No Compulsory Redundancies**

The Staff Side tabled a paper seeking a commitment to a no compulsory redundancy guarantee agreement for all National Recognition and Procedures Agreement (NRPA) signatory colleges.

The Management Side reiterated that this guarantee cannot be given.

The Staff Side advised that there was a failure to agree on this matter and that it would be submitting a formal dispute.

### **39/23 Fire and Rehire**

The Staff Side presented its paper which requests that all colleges signatory to the NRPA commit to not implementing Fire and Rehire/Dismiss and Re-engage. The Staff Side sought clarification from the Management Side that it did not wish to discuss the paper at today's meeting.

The Management Side confirmed that as requested by the Staff Side, it would respond formally by 31 July 2023.

This was agreed.

### **40/23 Compliance**

The Staff Side requested a compliance mechanism to be set up and raised concerns about non-compliance and the implementation of National Agreements, highlighting the lack of progress on the Four Day Working Week, Shift Allowance matters, and other issues of implementation and compliance with previous agreements. The Staff Side proposed establishing a compliance group, comprising representatives from both sides, to proactively address potential issues and clarify outstanding matters. It believed this approach could improve the interpretation of agreements and streamline the process.

The Management Side Joint Secretary clarified an action log was already in operation, and after each meeting, the contents of the action log are thoroughly discussed at secretariat meetings to ensure comprehensive coverage of issue. The Management Side expressed its willingness to collaborate with the Staff Side Joint Secretary in devising a more robust process, as it believed that the actions outlined were usually clear after each meeting. In seeking clarity, the Management Side inquired whether the Staff Side was suggesting there were breaches in compliance of National Agreements made.

The Staff Side confirmed that it had raised concerns about breaches and identified instances where issues seemed to be circulating without resolution. To proactively address such matters, the Staff Side proposed the establishment of a compliance group composed of representatives from both sides. The primary aim of this group would be to take a proactive approach rather than waiting for problems to escalate, and by doing so, it hoped to address issues before they arose and eliminate any doubts regarding outstanding or existing matters.

The Management Side requested the Staff Side share examples of compliance issues, how these issues came about and were resolved to allow them to be reviewed. It was also suggested that the Staff Side outline the remit of a compliance group.

#### **41/23 Training**

The Staff Side stated that at the first meeting of the reconvened group in 2022, led by College Development Network, a Terms of Reference had been presented without consultation with the trade unions. However, the Staff Side expressed optimism about the possibility of producing tangible outcomes early in the new term. It further noted that a recent meeting with CDN yielded promising progress for this initiative.

This position was noted.

#### **42/23 Lessons Learned**

The Staff Side expressed its frustration regarding the postponement to meet to discuss Lessons Learned stating it was cancelled without their agreement and that a scheduled Central Committee meeting had been cancelled in order to facilitate this Lessons Learned meeting. It also raised concerns about the choice of August as the meeting date, which coincides with the end of the annual leave period for lecturers but does not account for support staff who do not have the same annual leave period.

The Staff Side also wished to address recent communications sent to principals regarding the pay deal and expressed disappointment that these communications were issued without its prior agreement, which, in its view, contradict the principles of the National Recognition and Procedural Agreement (NRPA).

The Management Side apologised for the cancellation of the meeting which had been done in consultation with the lecturing and Central Committee Staff Side Secretary and recognised the importance of addressing the Lessons Learned matter promptly. It agreed to identify a date for this, however, noted that finding a suitable date for the meeting might be affected by holidays, impacting the attendance of both Management Side and some staff side members, including support staff.

The Management Side acknowledged that it is reviewing its communication approach, including the possibility of issuing joint communications with trade unions. It expressed concern about the stream of posts from trade unions on social media, which it found challenging during the negotiation process. Therefore, the Management Side issued communications to the Principals as it felt it was important to provide clarity, especially for staff members who may not be aware of the details regarding the discussions on pay. The Management Side further noted that not all staff are trade union members, and therefore it was essential for staff to have access to transparent information.

The Staff Side expressed concerns about misrepresentation of its position if communications were issued. The Staff Side also expressed its disappointment on the Management Side's position on communications but advised the Management Side that by them taking this position, then communications from both sides are open. It stated that the Scottish Government had committed to discussing lessons learned with all groups involved but are frustrated by the lack of progress on this matter.

It was agreed that a meeting on Lessons Learned will be arranged by the Central Committee Joint Secretaries.

### **43/23 Job Evaluation**

The Staff Side stated that it was expecting a follow up meeting as advised after the initial February meeting however, it was five months before a response and instead the employers had held their own discussions. The Staff Side view was that the employers were using public money without sharing with the unions that this was no way to jointly run a project. Furthermore, the Staff Side also stated that in its view it was astonishing that the employers had moved from a position of wanting to get money into people's bank accounts to radio silence for five months. They further expressed concerns about the lack of information and communication from the Management Side in terms of their position on this matter. It emphasised the need to receive detailed information before it could provide a proper response.

The Management Side stated it had been engaging with the Staff Side through the Secretariat and a recent meeting took place where it presented its position in more detail, which had also been provided in writing within the pay offer submitted in early May 2023. The Staff Side challenged the idea that any serious engagement had taken place at the Joint Secretaries meetings. The Management Side proposed setting up a meeting at the earliest opportunity to delve into Job Evaluation further.

The Staff Side acknowledged the offer but expressed the need to thoroughly examine the proposal before engaging in discussions. It requested copies of the relevant papers to facilitate informed decision-making. The Staff Side further confirmed that in line with the Job Evaluation procedure it had ruled out the release of scores to colleges at this stage despite repeated requests from the employers.

The Management Side Joint Secretary explained that the Management Side have kept the proposal lacking specific detail as it wanted to discuss the viability of the two workstreams with the Staff Side first. It outlined the workstreams - the Revised Collective Agreement and enhanced Job Evaluation Review Group - and emphasized the complexity of the issues involved, such as resourcing, staffing, finances, legalities, and contracts. It was proposed to discuss these matters in a larger meeting, beyond the Secretariat, to comprehensively address the complexities.

Following discussions the Staff Side advised that it was now approaching a period of time members of the Staff Side were going on annual leave. It was agreed a meeting will be held as soon as can be practically arranged to discuss this matter.

### **44/23 Facilities Time – National Release Agreement**

The Management Side explained that the Agreement on Facilities Time is currently in place, however, it acknowledged an outstanding issue related to insurance liability within the National Release Agreement that needed to be resolved.

The Staff Side responded that while most of the Release Agreement could be addressed within the small group looking at it, the insurance liability clause would need to be discussed at the Central Committee as this impacted all staff on release.

The Management Side clarified that it had raised this concern with all unions in the sector. It noted the matter is being investigated further by the sector HR representatives and a revised draft National Release Agreement has been issued to the staff side for review, and that it was awaiting a response.

### **45/23 Terms and Conditions Working Group Update**

#### Update

The Management Side advised that the Terms and Conditions Working Group met on three occasions since the last Side Table (Support) meeting in December 2022. It was agreed at these meetings to develop two subgroups that focusses on Miscellaneous Leave and Mental Health, and Home Working. The Management Side are currently seeking members from the sector to sit on both groups. It also advised that the working group meetings focussed on Consultation where work had been taking place outwith the scheduled meetings between a Management Side member and Staff Side members to progress this area of work.

The Staff Side expressed disappointment, stating it has seen no tangible progress for example five out of six of the actions, some of them very basic, had not been done by the employer's side from one meeting to the next and that this was unacceptable as this was about the delivery of the basics of the machinery which from the staff side's perspective wasn't working. from one meeting to the next. It highlighted its request for two wellbeing days to be considered for support staff, but this proposal was not agreed. It further noted that it first submitted a paper to the machinery on consultation over two years ago however no significant progress has been made which in the staff side's opinion has led to multiple disputes throughout the sector.

The Management Side clarified that demands such as implementing two wellbeing days carry associated costs, and that they would not consider proposals that cost money to implement.

#### Action Notes of Previous Meetings

The action notes of previous meetings were noted by both sides.

### **43/23 Date of Next Scheduled Meeting**

An indicative schedule of meetings will be issued by the Joint Secretaries, before the new Academic Year 2023/24, once finalised.

## Action Monitoring Log

<b>Wednesday 8 December 2021</b>		
<b>Action</b>	<b>Owner</b>	<b>Status/Anticipated/Completion Date</b>
Continue discussions on Job Evaluation Post 2018 Roles.	Joint Secretaries	In Progress
<b>Wednesday 9 March 2022</b>		
<b>Action</b>	<b>Owner</b>	<b>Status/Anticipated/Completion Date</b>
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
<b>Wednesday 2 November 2022</b>		
<b>Action</b>	<b>Owner</b>	<b>Status/ Anticipated/Completion Date</b>
Continue discussions on Facilities Time.	Joint Secretaries	In Progress
<b>Wednesday 7 December 2022</b>		
<b>Action</b>	<b>Owner</b>	<b>Status/ Anticipated/Completion Date</b>
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
<b>Wednesday 25 January 2023</b>		
<b>Action</b>	<b>Owner</b>	<b>Status/ Anticipated/Completion Date</b>
Arrange a face to face meeting to progress Job Evaluation Stage 2.	Joint Secretaries	Complete
<b>Wednesday 15 March 2023</b>		
<b>Action</b>	<b>Owner</b>	<b>Status/ Anticipated/Completion Date</b>
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 National Release Agreement.	Management Side	In Progress
<b>Wednesday 28 June 2023</b>		
<b>Action</b>	<b>Owner</b>	<b>Status/Anticipated Completion Date</b>
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
Discuss duration of meetings.	Joint Secretaries	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