



Agreed Minute of the Meeting of the National Joint Negotiating Committee (NJNC) – Side Table (Support), on Friday 14 July 2023 at 1000-1200, via video conference

In Attendance	
Sue Clyne	Management Side
Liz Connolly	“ “
Derek Smeall	“ “
David Watt	“ “
Fiona Blain	Staff Side
Collette Bradley	“ “
Chris Greenshields	“ “
Grace Hepburn	“ “
Alison MacLean	“ “
Heather Stevenson	Management Side Joint Secretary
John Mooney	Staff Side Joint Secretary
Gavin Donoghue	Director of College Employers Scotland
Louis Martin	Zoom Administrator
Catherine McCreath	Note Taker

Welcome and Apologies

The Management Side was in the Chair for the dispute meeting. Apologies were noted from John Slaven, Staff Side.

No Compulsory Redundancies – First Dispute Meeting

The Staff Side emphasised its commitment to seeking a no compulsory redundancy guarantee agreement for all colleges that are signatories to the National Recognition and Procedures Agreement (NRPA), citing that compulsory redundancies go against the Fair Work principle of Security and have a detrimental impact on industrial relations.

The Management Side maintained its position that the sector cannot provide a guarantee on no compulsory redundancies. It referred to a letter from the Scottish Government that was issued to all college principals on 7 June 2023, which outlines the expectation that colleges secure their own sustainability while meeting local needs. The letter asserts there is an expectation that every effort would be made by colleges, in consultation with the campus trade unions, to protect jobs.

The Management Side reiterated the financial uncertainties faced by the sector in the coming years, making it difficult to provide a national no compulsory redundancy guarantee. It further explained that due to the constantly changing picture they could not forecast this in real detail and a global figure on the cost to avoid compulsory redundancies could not be provided as this information is unknown as no college plans to make compulsory redundancies. While acknowledging that there are a few cases of compulsory redundancies in the sector the Management Side emphasised that colleges strive to avoid them and that such redundancies have been historically present due to structural changes.

The Staff Side stated that compulsory redundancies have not always been historically present in the sector and are also not supported by the Public Sector Pay Policy, which states that Further Education employers should adhere to its principles.

Therefore, it was the Staff Side's view that any instances of compulsory redundancies would be in violation of the Public Sector Pay Policy. It stated it had expressed its concerns to the Scottish Government.

The Staff Side also emphasised its desire for stronger direction from the Scottish Government on this matter, rather than guidance, however it would be difficult to lobby Scottish Government for funding on this issue if a global figure cannot be achieved. It stated there are several colleges where compulsory redundancies and voluntary severance occur without proper consultation, business plans, financial details, job descriptions, timelines, or efforts to explore alternative solutions. The Staff Side view was that there are shortcomings in the current processes surrounding compulsory redundancies and voluntary severance and stated there is a lack of trade union recognition in some colleges, resulting in inadequate consultation with unions on matters related to compulsory redundancies and voluntary severance. It stressed the need for improved practices to avoid compulsory redundancies and voluntary severance whenever possible. It also perceived the Management Side's pay offer as a threat regarding compulsory redundancies.

The Management Side disagreed that its pay offer was tied to compulsory redundancies and explained that the pay offer included references to job losses because it was a response to the Staff Side's dispute and request for incorporating elements on compulsory redundancies and Job Evaluation. It further stated that colleges made significant efforts, particularly for lower-paid staff, to devise the pay offer during a challenging financial situation. It highlighted the existence of processes for compulsory redundancies, including consultation and adherence to actions, with legal remedies available to Trade Unions and employees if these processes are not followed.

The Staff Side stated some colleges lack formal trade union recognition, and many of them lack proper channels to address these matters with the Board. It also mentioned that not all colleges follow the consultation process. The Staff Side expressed its desire to collaborate in order to prevent compulsory redundancies and develop a joint plan for approaching the Scottish Government on this matter. It highlighted that the Scottish Funding Council (SFC) has conditions of grant in place, such as good governance and Fair Work principles, which consider these measures as a last resort. It emphasised that funding could be at risk if colleges fail to comply with good governance or commit to fair work.

The Management Side sought clarity on the wording used by the Staff Side, as the dispute revolves around a guarantee on no compulsory redundancies, while the Staff Side proposes collaborative efforts to avoid them. It suggested finding mutually agreeable wording to address this discrepancy, as agreeing on a shared statement about how compulsory redundancies should be avoided could be a viable solution.

The Staff Side acknowledged the possibility of working on the wording with the Management Side but expressed concerns about previous issues and its lack of trust in this process. It asserted the need for a stronger guarantee and were unwilling to accept a form of words that may have different interpretations from colleges. It insisted that any agreements reached should have an enforceable plan. The Staff Side proposed involving third parties, such as the Scottish Government and SFC, to ensure adherence to good practices.

The Management Side stated that if the Staff Side provided a paper outlining the previous issues it had mentioned, it would present it at the next College Employers Scotland (CES) meeting for full consideration.

The Staff Side stated that they had already shared the document with the Management Side.

The Chair clarified that they did not have the document and had not received it directly from the Staff Side as the Chair of CES.

The Staff Side agreed to provide the document to the Management Side. It reiterated the need for an improved process, noting that there were currently five ongoing disputes.

The Management Side considered whether a middle ground could be reached and suggested the development of trust or assurance through an agreed form of wording that highlights compulsory redundancies as a last resort. It advised it is the aim of both sides to work towards avoiding compulsory redundancies, considering its responsibility to run colleges, support staff, and ensure a positive student experience. Therefore, avoiding compulsory redundancies is the sector's goal regardless of the outcome of the dispute.

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

Adjournment

In an attempt to find common ground, the Management Side proposed working together to create a statement that emphasises the use of compulsory redundancies as a last resort. It acknowledged its inability to offer a guarantee but expressed its willingness to consider alternative wording that aligns with the Staff Side's aspirations. The Management Side suggested joint efforts to prevent compulsory redundancies and maintain positive industrial relations.

The Staff Side expressed its position that a form of words would not provide them with the desired assurance. Its primary concern lies in the handling of compulsory redundancies within the sector. It sought reassurance that a clear framework, protocols, timescales, and meaningful engagement with trade unions would be in place, with third party involvement throughout this process, stating that this would enable them to confidently communicate to their members that any compulsory redundancies that may occur have unequivocally been treated as a last resort.

Both sides agreed to adjourn.

Adjournment

Following an adjournment, the Management Side proposed exploring guidance offline, continuing discussions on the issues raised by the Staff Side and removing the section on job security from the pay offer to facilitate progress on taking the Pay Offer to members.

It was agreed a second dispute meeting will be scheduled and, in the interim, the Joint Secretaries would discuss the proposed way forward.

The Staff Side indicated that they are carrying out surveys of their members on a number of areas and the Management Side would encourage colleges to ensure that all staff are aware of the terms of the current pay offer.

Date of Next Scheduled Meeting

The date of the next dispute meeting will be confirmed offline.