

Minute of the Meeting of the National Joint Negotiating Committee (NJNC) – Side Table (Support), on Thursday 9 May 2024 at 1100-1200, via Video Conference

In Attendance	
Liz Connolly	Management Side
Susan Elston	“ “ (Chair)
Debbie Kerr	“ “
Alan Ritchie	“ “
Sean Baillie	Staff Side
Collette Bradley	“ “
Martin Clark	“ “
Chris Greenshields	“ “
Audrey Manning	“ “
Alison McLean	“ “
John Anderson	Management Side Joint Secretary
Janet Stewart	Staff Side Joint Secretary
Jillian Cheape	Secretariat
Anne Davidson	Note Taker
Catherine McCreath	Zoom Administrator

29/23 Welcome and Apologies

The Management Side was in the Chair for this meeting. The Chair welcomed all to the meeting. There were no apologies noted.

The Management Side stated the purpose of the meeting is for it to table a revised offer for all support staff, with a request that the offer is put to members for ballot and that upcoming industrial action is suspended.

UNISON’s stated its view that the time allocated for the meeting is insufficient and that its expectation was that there would be a dispute meeting with UNISON in advance of today’s NJNC – Side Table (Support) meeting on the revised Pay and Terms of Conditions Claim. UNISON representatives also stated it could not suspend upcoming industrial action as this is not a dispute meeting. UNISON offered however, to proceed without further delay but that it was inappropriate for Unite and GMB to be in attendance. Given Unite and GMB were in attendance, UNISON wished to register its concern about the management of the machinery and move on.

Both sides agreed that the meeting would progress on the basis of being a NJNC meeting focusing on the revised pay offer in order to make best use of time and that a dispute meeting would be arranged to allow for discussion on other matters, if required.

UNISON raised concerns regarding press coverage relating to an embargoed revised offer, which included comments from College Employers Scotland (CES) and GMB. UNISON queried why CES engaged with the press and advised that this has caused distraction and had resulted in upset and numerous queries from staff.

The Management Side advised that it was also surprised by the press coverage and confirmed that any quotes used were historical and merely reiterated comments made previously. It confirmed that it had not been contacted by The Herald and had not made any comment in relation to the embargoed draft offer. It also stated that the comment was made by a source close to CES and not CES.

UNISON queried why GMB had made a comment that “talks had been unnecessarily protracted.”

UNITE confirmed that it had declined to comment when contacted by The Herald given that it is not involved in the dispute and due to the embargo.

The Management Side noted frustration from all parties in relation to the press coverage and suggested that to make best use of time discussions should move on to other matters.

30/23 Pay and Terms and Conditions Claim

The Management Side noted that there have been ongoing discussions, which it feels have been productive. The Management Side reported that the draft two-year agreement that had been worked on had been taken to a CES Executive Group meeting initially and then on to a full CES meeting on Tuesday 7 May 2024. This draft agreement was not supported, and a decision was made to revert back to a revised three-year offer incorporating the discussions with the Staff Side around job security. It advised the financial element remains the same due to the current financial situation within the sector, however the discussions around job security have been heard and taken into account as part of the revised offer.

The Management Side conducted enquiries in relation to proposals for Voluntary Severance and Compulsory Redundancy in March up to the end of the current pay period. It jointly reviewed that data with UNISON where both were satisfied that there would be no Compulsory Redundancy before 31 August 2024. The revised offer reflects this and states there will be no Compulsory Redundancies until the end of the pay period for 2024.

The Staff Side sought clarification on this as the pay period for 2024 for support staff can be either August or December and requested this was made clear in the offer. It also requested parity on job security and not just the pay element of the offer.

The Management Side agreed to consider these points.

The Staff Side asked that the wording around avoidance of compulsory redundancies be as robust as wording around industrial action, and stated that in its view, industrial action is always a last resort.

The Staff Side also queried the words “as far as possible” and Management Side agreed to look at this.

The Management Side read over the remaining sections in the revised offer relating to Terms and Conditions and Job Evaluation.

The Staff Side noted that one of the issues it wanted included within the offer was that ministerial guidance was followed. It queried why this had been removed and asked what the position of sector is, in relation to following ministerial guidance as it relates to avoidance of compulsory redundancies.

The Management Side sought clarity as to what elements of ministerial guidance was being referenced and what the Staff Side thought should be covered as part of the offer. The Staff Side requested that a reference that the sector will follow Ministerial guidance on the avoidance of redundancies and consultation on job security is included.

The Management Side confirmed that there had been no discussions between CES to specifically include or exclude ministerial guidance, but that ministerial guidance is noted by the sector and is taken on board where possible.

The Staff Side asked that reference to a minimum of 90 days consultation period be included within the offer, as this was an ask from the Government Minister and the offer, in its current form, does not adequately protect members.

The Management Side advised it had not seen sight of that particular guidance and that it would not be possible to include this within the offer at this stage.

It was agreed to take an adjournment to consider the points raised.

Adjournment

Following the adjournment, the Management Side advised that during the adjournment it had updated the wording in the offer and advised that the date of 31 August 2024 has been added to the offer for clarity.

The Management Side also advised that the parity clause had been extended to include job security for support staff across the three-year period.

The Management Side confirmed the wording on “employers endeavour to avoid the use of compulsory redundancies and protect jobs” and to “conclude a National Agreement on an Approach to Consultation at the start of the Academic Year (AY) 2024/25” has been amended based on earlier discussions. The Management Side also confirmed its commitment to furthering discussions with the Scottish Government in relation to a Fair Work Job Security Fund. It further noted the commitment of the NJNC to jointly develop a further National Agreement on the Avoidance of Compulsory Redundancies.

The Management Side stated its reciprocal expectation is that industrial action will only be taken when all other avenues are fully exhausted.

The Staff Side stated that the two-year deal would have provided job security up until 1 September 2024, but a three-year deal results in the threat of compulsory redundancies remaining live in year three. On this basis, it queried what “endeavour to avoid” actually means and what actions would be taken next year by the Management Side to avoid redundancies.

The Management Side advised that the sector would use any alternative to compulsory redundancy through redeployment and working in partnership with trade unions at a local level, and through looking at savings in areas other than staff costs, in order to protect jobs.

The Management Side also noted that wider representation of trade unions on boards will contribute to better engagement.

The Staff Side stated it’s view that few colleges keep trade unions informed at an early stage in relation to proposed redundancies. Its view is there is a culture of deliberate avoidance of working with trade unions. It also stated that the three-year deal does not provide security in relation to redundancies.

The Staff Side advised that it has to relay this deal and the associated risks around it and advised it believes it is regrettable that the two-year deal has now been reverted to a three-year deal at the last minute.

UNISON stated that if the employers thought that the revised offer, even if accepted would bring peace in our time free from industrial action then in its view it was wrong. It further stated that the threat in Year Three remained and UNISON would immediately begin to work on a strategy for defending its members going forward. UNISON’s view was that this was regrettable and avoidable.

The Management Side advised that the two-year deal would only have bought job security for a short period of time whereas the three-year deal enables a period where further pay negotiations are not required for at least a year. It further noted that the commitment to the financial element of the third year is already extremely difficult for colleges to maintain, and that had there been a two-year agreement, discussions for AY 24/25 would not have provided the same monetary or percentage amount as currently tabled. It believes that this is strong offer as it gives members a pay increase that is well above inflation and in excess of the public sector pay policy.

Following lengthy discussions and adjournments, the Management Side formally issued the revised offer.

The Staff Side was asked, in writing, to take the offer to its membership for a formal ballot. The Management Side also requested that, whilst this offer is put to formal ballot, all scheduled strike action is suspended.

GMB was not in attendance when the offer was issued, however, Unite confirmed that it would take the offer to its membership.

UNISON advised it was holding a Branch meeting in the afternoon and would respond as soon as it could to the requests made by the Management Side and advised it would consult its members in a way it thinks is appropriate.

The Management Side requested that a response is received by close of play today to allow colleges to plan for the scheduled strike action taking place on Monday 13 May 2024 which also coincides with SQA exams. UNISON noted this request.

31/23 Date of Next Scheduled Meeting

The next meeting is currently scheduled for Wednesday 5 June 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	Complete
Provide an update on what actions have taken place relating to roles out of Scope.	Management Side	Complete
Seek clarity with regards to how NJNC agreements would affect those out of Scope.	Management Side	Complete
Wednesday 2 November 2022		
Action	Owner	Status/ Anticipated/ Completion Date
Continue discussions on Facilities Time.	Joint Secretaries	Complete
Wednesday 7 December 2022		
Action	Owner	Status/ Anticipated/ Completion Date
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
Provide a response to the Management Side on Scope.	Staff Side	Outstanding
Wednesday 15 March 2023		
Action	Owner	Status/ Anticipated/ Completion Date
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
Wednesday 28 June 2023		
Action	Owner	Status/ Anticipated/ Completion Date
Provide documents/evidence gathered on the local issues regarding job losses to the Joint Secretaries.	Staff Side	11T Complete/Overtaken
Forward compliance issues to the Joint Secretaries to allow for an	Staff Side	Outstanding

assessment of the situation's scope.		
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	Complete
Schedule a meeting on Job Evaluation and Pay and Grading.	Joint Secretaries	Complete
Hold offline discussions with the UHI Network regarding distant island allowance.	Management Side/Staff Side	Ongoing
Tuesday 5 December 2023	Tuesday 5 December 2023	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.	In Progress
Wednesday 06 December 2023		
Action	Owner	Status/ Anticipated/ Completion Date
Outstanding minutes be agreed by Joint Secretaries	Joint Secretaries	In Progress
Staff Side to provide a paper on issues it wishes to raise in a ministerial meeting to be arranged in January 2024.	Staff Side	Complete
Arrange a joint meeting with Scottish Government to discuss further funding.	Staff Side	Complete – meeting requested
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	Complete/Overtaken
Resume work on a National Policy on Compulsory Redundancy.	Staff Side/Management Side	In progress
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	Management Side	In Progress

Members historically and review previous agreements used.		
Monday 29 January 2024		
Action	Owner	Status/ Anticipated/ Completion Date
Submit a detailed proposal on Job Evaluation.	Staff Side	Complete
Wednesday 20 March 2024		
Action	Owner	Status/ Anticipated/ Completion Date
The Management Side to provide the Staff Side the request for information responses received from the colleges once the data is collated.	Management Side	March 2024
Joint Secretaries look at ways to work in a more organised and efficient manner.	Joint Secretaries/Secretariat	Ongoing
Provide a table of the outstanding Joint Secretary referrals.	Secretariat	April 2024
Share Legal and Insurance advice received and take to and action at the subgroup.	Management Side	Complete
Colleges to engage with insurers to explore the possibility of extending coverage to include trade union representatives performing their duties.	Management Side	In Progress
Schedule Terms and Conditions and other working group meetings in the new Academic Year in advance of Side Table Meetings in order that more detailed information can be shared in the Side Table Meetings going forward.	Management Side	In Progress
The Staff Side to provide a response re scope.	Staff Side	April 2024
Application of scope to individuals to be discussed further on receipt of the Staff Side evidence/response/queries.	Staff Side	April 2024
Staff Side to write to Management Side to clarify its concerns regarding trade union recognition at local level and the connection with the National Machinery.	Staff Side	April 2024

Thursday 9 May 2024		
Action	Owner	Status/ Anticipated/ Completion Date
Arrange a UNISON pay dispute meeting.	Joint Secretaries	Complete
Respond to the Management Side's pay offer.	Staff Side	Complete