

**Minute of the Meeting of the National Joint Negotiating Committee (NJNC) – Side Table (Support), on Wednesday 20 March 2024 at 1030-1200, via Video Conference**

<b>In Attendance</b>	
Liz Connolly	Management Side
Gail Dunn	“ “
Debbie Kerr	“ “
David Watt	“ “ (Chair)
Collette Bradley	Staff Side
Martin Clark	“ “
Chris Greenshields	“ “
Laura McLean	“ “ (joined at 1100)
John Anderson	Management Side Joint Secretary
Janet Stewart	Staff Side Joint Secretary
Michael Boyd	CES Policy Officer
Jillian Cheape	Secretariat
Anne Davidson	Note Taker
Catherine McCreath	Zoom Administrator

**19/23 Welcome and Apologies**

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

**20/23 Pay and Terms and Conditions Claim (this item was attended by UNISON only)**

The Management Side Joint Secretary provided an update on the current position of informal discussions that have taken place with UNISON and advised that it has been agreed to take a proposal jointly to the Minister, to set up a Fair Work Job Security Fund. It was explained that this fund could potentially be used for retraining roles for staff, redeployment of staff or for bridging purposes in the event of any shortfall of funding to help avoid job losses. It was also updated that progress is being made on developing a joint form of words ahead of a requested meeting with the Minister.

It was noted that the Minister had expressed the view that there was validity in creating such a fund but had also been clear that there was no more money. The Staff Side stated it is hoping for good news in relation to this request for funding for a Fair Work Job Security Fund.

The Management Side Joint Secretary also confirmed it has issued a request for information from the sector to ask for its anticipated workforce through natural leavers, voluntary severance and if any college is anticipating compulsory redundancies. This information is required in order to provide a quantum of funding ahead of any discussions with the Minister at a future meeting.

The Staff Side enquired as to whether the responses received to date were generally of a positive nature. The Management Side confirmed that they were, with the majority of staff reductions arising from natural leavers and/or Voluntary Severance.

The Staff Side requested sight of the responses received from the colleges. The Management Side agreed to provide this information once the data is collated.

The Staff Side advised that it appreciated the manner and tone of the informal talks and it wishes to continue in this refreshing and constructive way going forward.

The Staff Side then queried what happens at College Employers Scotland (CES) in the event of all colleges not reaching agreement and whether there is a process for consensus voting.

The Management Side confirmed that in general, CES operates on a consensus basis and that most colleges follow guidance after full discussion.

The Staff Side stated its position that job security remains its priority or at least assurances of such. It agreed that the joint wording on the Fair Work Job Security Fund was almost complete and it is keen for this bid for funding to be made to the Scottish Government.

The Management Side also acknowledged the positive approach and the joint commitment to prioritising job security.

In addition, the side table was advised of a further piece of work being undertaken jointly in relation to developing an Avoidance of Compulsory Redundancy Policy, so that this potential outcome can be identified at the earliest opportunity with a view to minimising this outcome. It was noted that this piece of work sits alongside the work being undertaken at the Terms and Conditions Working Group on consultation.

The Staff Side wished to express its concern that a number of colleges had issued unhelpful communications around the pay offer during the course of ongoing pay negotiations. The Management Side responded that it is necessary to communicate with staff to avoid dubiety, also noting that a large portion of staff are not affiliated with any trade union.

## **21/23 Minutes of Previous Meetings and Any Matters Arising**

The minutes of the following meetings were agreed:

- Wednesday 28 June 2023
- Friday 14 July 2023
- Friday 21 July 2023
- Wednesday 13 September 2023
- Friday 6 October 2023
- Wednesday 15 November 2023
- Monday 27 November 2023
- Wednesday 6 December 2023

The Staff Side raised the following queries in relation to previous minutes:

1. **Compliance and Breach of National Agreements** – it was noted this item is still outstanding.
2. **Efficiency of Minutes** – The Staff Side stated that in a previous minute it had been agreed that after each meeting, the contents of the action log would be thoroughly discussed at secretariat meetings to ensure clarity and accountability. It asked if this was happening as in its view, this is not happening at the Central Committee for example. It also raised a need to address perceived inefficiencies with the secretariat function particularly with the changes of secretariat personnel. The Staff Side questioned the efficiency of work done or not done in between meetings i.e. how the work is dealt with, how are the actions progressed and who is doing what. It also requested sight of any associated protocols for the Joint Secretaries. The Staff Side requested both Joint Secretaries look at ways to work in a more efficient manner.

The Management Side agreed there was a need to be more definitive and proactive in relation to identifying and progressing actions in between meetings but wished to note that asking the Director of CES to leave meetings was not helpful in achieving this aim, as it is his role to oversee the mechanism and have accountability where appropriate.

3. **UHI Shetland College Signing the National Recognition and Procedures Agreement** – the Staff Side wished it noted that there has been no progress with the college in six months and that this is now causing problems with mirroring National Agreements as support staff are currently not covered within the National Bargaining machinery, but lecturing staff are and also receiving benefits from support staff agreements such as First Aid Allowance whereas support staff are not and yet the First Aid Allowance is a Support Staff National Agreement. The Management Side advised it was not aware of this and was happy for the secretariat to pick this up offline.
4. **Lessons Learned** – The Staff Side requested the Management Side provide its view on the recent meeting around Lessons Learned.

The Management Side advised it was not able to offer its view as it was not in attendance. It was noted that the Management Side Joint Secretary was in attendance at the meeting.

The Staff Side expressed its surprise and concern to this and that as they understood, the majority of attendees to the meeting were new to the machinery. The Staff Side therefore was dismayed that the meeting with those attendees could accurately reflect lessons learned and how to move on.

Both Sides agreed that individuals with historic involvement should have been involved in order to provide an “effective voice” on the matter.

The Management Side advised that it may be advisable to take some of the issues away from that forum and pick up jointly offline to make progress. This was agreed. It was also noted that there is an outstanding action at the Central Committee to convene a meeting to discuss this is matter and the Joint Secretaries would progress this.

## **22/23 Facilities Time – UNISON Release Agreement**

The Management Side confirmed that a number of meetings had taken place in a subgroup which has made good progress on the UNISON Release Agreement. It confirmed a draft Release Agreement has now been issued and only Section 4 – Liability, remains outstanding.

The Management Side highlighted a concern regarding liability insurance cover, specifically, advising that trade union representatives may not be covered by college insurance policies when undertaking trade union activities. The Management Side wants colleges to ensure that staff released for trade union duties, are fully informed about their insurance coverage status. The Management Side then advised that feedback from a number of individual colleges suggests that staff might not be covered when working under the guidance of other agencies. The Staff Side acknowledged that some colleges may have been given this advice. However, it had not had sight of any of this advice, nor had sight of possible contrary advice received by other colleges and requested as such, to see both sides.

The Staff Side agreed that some good work has been done in producing the draft agreement but advised that its strong view is that the college is the employer and not the trade union and therefore all staff undertaking trade union activities should be covered under the colleges Employer’s Liability insurance. It expressed concern that CES has taken legal advice as well as advice from college insurers. It advised the Side Table that there was an action for the insurer’s advice to be shared at the subgroup and this had not happened. It therefore requested for the insurer’s advice and the new CES Legal advice to be shared with the subgroup. .

The Staff Side advised that it agreed the Release Agreement in its current form and to continue discussions on the Liability section at a subsequent meeting. It also proposed that colleges should engage with their insurers to explore the possibility of extending coverage to include trade union representatives performing their duties. The Staff Side raised concerns that there may be a possibility that colleges may have had trade union representatives on release for a number of years without cover and there may be penalties incurred as a consequence.

The Management Side agreed to share the legal and insurance advice received and gave its reassurance that the reasoning behind raising this query came entirely from the point of view of ensuring a duty of care to all employees.

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

The Management Side noted that the Terms and Conditions working group met on Wednesday 17 January 2024 and that the meeting focused on agreeing subgroup remits: outlining the consultation process; reviewing rates, allowances, meeting frequencies and the overall work plan. It advised that two subgroups, Miscellaneous Leave/Working from Home and Mental Health and Wellbeing, have been established, with agreed remits. It noted that good progress has been made and that papers will be presented to the Terms and Conditions Working Group next Wednesday on the proposed way forward.

The Management Side also noted that a third group looking at Consultation is developing a document for sectoral use in the event of severance, which will also be shared at the upcoming Terms and Conditions Working Group meeting.

The Staff Side expressed the importance of concluding the work on the Consultation document in order to alleviate local disputes in colleges as in its view, there is a lack of or inadequate consultation on staff reduction and noted that there are several ongoing disputes because of this.

The Management Side agreed on the importance of concluding the work on the Consultation document.

The Staff Side requested that the Terms and Conditions and other working group meetings are scheduled in advance of Side Table meetings in order that more detailed information can be shared at the Side Table meetings going forward.

The Management Side agreed to take this into account in future scheduling of meetings.

### **24/23 Scope**

The Staff Side noted there are outstanding actions on scope on minutes dating back to March 2022. The Staff Side acknowledged that it has a response to provide and confirmed it would do so. It raised a concern that some staff are partially covered by scope. Its view is that individuals should be wholly in, or out, of scope. The Management Side agreed to discuss this further on receipt of the Staff Side's response.

### **25/23 Trade Unions on Boards**

The Staff Side advised it has written to colleges seeking facilities time for all trade union members on boards to allow consideration of papers in advance of meetings in order to contribute to the Board Meetings. It stated that it is important to remove any barriers to trade union seats on Boards.

The Management Side view is that this additional time is not allocated for other board members and advised that discussions on this matter would be taken forward by the Good Governance Steering Group.

### **26/23 Recognition and the National Machinery**

The Staff Side stated that in its view there is a need for Management Side members on the National Machinery to recognise trade unions at a local level as it feels this is not currently the case. It agreed to write to the Management Side to clarify its concerns.

### **27/23 Four Day Working Week Working Group Update**

The Management Side confirmed that the Four Day Working Week (FDWW) Group last met on Thursday 16 November 2023 and discussions highlighted the complexities, including practical implementation, potential funding, Equality Impact Assessments, and risk and cost assessments.

The Management Side advised it has discussed potential pilot college(s) and subsequently met with the Scottish Government's funded expert adviser, Autonomy, who have offered to meet the FDWW working group at a future meeting to provide clarity on the questions formulated.

### **28/23 Date of Next Scheduled Meeting**

The next meeting is currently scheduled for Wednesday 5 June 2024, although it is anticipated that an earlier Side Table meeting will be arranged.

## 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	_ 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
<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	Complete
<b>Wednesday 7 December 2022</b>		
<b>Action</b>	<b>Owner</b>	<b>Status/ Anticipated/ Completion Date</b>
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
<b>Wednesday 15 March 2023</b>		
<b>Action</b>	<b>Owner</b>	<b>Status/ Anticipated/ Completion Date</b>
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>
Provide documents/evidence gathered on the local issues regarding job losses to the Joint Secretaries.	Staff Side	Outstanding
Forward compliance issues to the Joint Secretaries to allow for an assessment of the situation's scope.	Staff Side	Outstanding

<b>Wednesday 13 September 2023</b>		
<b>Action</b>	<b>Owner</b>	<b>Status/ Anticipated/ Completion Date</b>
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
<b>Tuesday 5 December 2023</b>		
<b>Action</b>	<b>Action</b>	<b>Action</b>
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
<b>Wednesday 06 December 2023</b>		
<b>Action</b>	<b>Owner</b>	<b>Status/ Anticipated/ Completion Date</b>
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 Members historically and review previous agreements used.	Management Side	in Progress

<b>Monday 29 January 2024</b>		
<b>Action</b>	<b>Owner</b>	<b>Status/ Anticipated/ Completion Date</b>
Submit a detailed proposal on Job Evaluation.	Staff Side	Outstanding
<b>Wednesday 20 March 2024</b>		
<b>Action</b>	<b>Owner</b>	<b>Status/ Anticipated/ Completion Date</b>
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	April 2024
Colleges to engage with insurers to explore the possibility of extending coverage to include trade union representatives performing their duties.	Management Side	April 2024
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	April 2024
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 the National Machinery.	Staff Side	April 2024