

**Minute of the Meeting of the National Joint Negotiating Committee (NJNC) – Side Table (Support), on Wednesday 15 September 2021 at 1000-1200, via video conference**

<b>In Attendance</b>	
Jackie Galbraith	Management Side
Debbie Kerr	“ “
Frances Harrower	“ “
Andy Lawson	“ “
Alex Linkston	“ “ (Chair)
Ross Martin	“ “
Paul McGowan	“ “
Sarah-Louise Nandadasa	“ “
Derek Smeall	“ “
Martin Clark	Staff Side
Chris Greenshields	“ “
Audrey Manning	“ “
Lorcan Mullen	“ “ (Observer)
Alan O’Donnell	“ “
John Slaven	“ “
Heather Stevenson	Management Side Secretary
Zelda Franklin-Hills	Interim Management Side Secretary
John Gallacher	Staff Side Secretary
Jillian Cheape	Secretariat
Catherine McCreath	Zoom Administrator

**17/21 Welcome and Apologies**

The Management Side was in the Chair for this meeting. The Chair welcomed all to the meeting and introduced Zelda Franklin-Hills as Interim Management Side Secretary (Support) due to Heather Stevenson’s retirement at the end of September 2021. Paul McGowan was also introduced as Pay and Grading Lead due to Andy Lawson leaving Colleges Scotland at the end of September 2021.

The Staff Side introduced Lorcan Mullen, UNISON Regional Officer who will be attending in a shadowing capacity for the Staff Side. Apologies were noted from Alison McLean and Collette Bradley, Staff Side.

**18/21 Minutes of Previous Meetings**

The minute of the meeting held on Wednesday 17 March 2021 was agreed.

The minute of the meeting held on Wednesday 18 August 2021 was agreed.

**Matters Arising**

Living Wage Accreditation

The Staff Side requested an update with regards to the Living Wage Accreditation, stating there seemed to be a lack of progress.

The Management Side advised that a draft communication on the achievement of sector wide accreditation will be shared with the Staff Side during the month of September 2021 for comment. It was noted this also included the two new signatory colleges – Argyll College UHI and Newbattle Abbey College that have also secured Living Wage Accreditation.

The Staff Side noted this significant and positive progress.

### Scope

The Staff Side requested an update on what actions have taken place relating to roles out of scope, as in its view, these roles have an impact on the Job Evaluation and Pay Working Groups and noted that the Management Side had agreed to provide a report to this meeting on this matter.

The Management Side stated that employers are still considering their position on this matter and that the wider issue of scope will be discussed at a meeting once further discussion with the employers has taken place.

The Staff Side expressed their disappointment at the lack of progress.

### Circular STL 02/21 – Lecturing Staff National Dispute Resolution

The Staff Side raised concerns with the process element of Circular STL 02/21 – Lecturing Staff National Dispute Resolution and the impact of support staff roles. The Staff Side requested a National Process be developed that can be applied to local colleges in terms of the process of identifying roles.

The Management Side stated that the Circular does not include a National Process as it was agreed that matters be dealt with on a case by case basis and suggested that any concerns on this matter should be raised at local college level.

The Staff Side stated it had discussions on this matter with the EIS and also raised it at a meeting of the secretaries to discuss Central Committee matters and requested the employers' position on any cases involving non-EIS members who are affected by the Circular.

The Management Side advised that this is a matter of individual employees however, welcomed further discussions with the Joint Secretary. This was agreed.

### Pay Costings

Referring to *Paper 2 – Draft Minute of Previous Meeting* dated Wednesday 18 August 2021, the Staff Side repeated its request for the breakdown of costings of both last year's award and this year's claim as this has not been received. The Staff Side also requested clarification on the role of the Scottish Funding Council (SFC) as in previous years they validated the costings, and it was the Staff Side's understanding that this was their role following the early Lessons Learned exercise. It also sought an update on the £400 payment that some lecturers were due to receive.

The Management Side advised that Alan Ritchie will provide a breakdown of figures to the Staff Side as well as details on the role of the SFC in terms of its costings as SFC has only been asked to review high level costings. In terms of the £400, the Management Side advised that the Scottish Government has just issued its guidance on this matter today and it will be for colleges to determine who will be eligible for the £400 based on the guidance.

The Staff Side noted the change in the SFC role and asked the Management Side for its views on reinstating the role of the SFC to verify costings as, in its view, this is a useful function that the machinery can benefit from.

The Management Side stated it would explore these discussions with SFC through Alan Ritchie in order to clarify the SFC's expectations and to make it known to the SFC the views expressed, from this meeting, about the usefulness of its role in verifying costings.

## **19/21 Pay Claim 2021/22**

### Four Day Week

The Management Side provided an update to the Staff Side on the four day week element of its terms and conditions claim. The Management Side advised it was in contact with Scottish Government officials who are leading on the four day week discussions and advised that the Scottish Government has allocated £10 million to fulfil pilots on the four day week however, there are no set decisions with regards to how this will be implemented. It was noted that the four day week trial will predominantly focus on the private sector. The Management Side advised that the Scottish Government is keen to have a joint seminar with trade union and employer representatives in order to share its current thinking and analysis and to explore the ambitions of the college sector in terms of pilots.

The Staff Side noted this positive development and advised it would give this consideration.

The Management Side advised it required further clarity as to how the seminar would be facilitated and suggested that discussions could continue at the Strategic Partnership Forum.

The Staff Side did not agree that this should be taken to the Strategic Partnership Forum and considered that a subgroup of the side table would be more suitable as this was a support staff proposal and it did not think the EIS would be interested in a four day week

### Pay

The Management Side confirmed its offer from the last meeting which is based on current Public Sector Pay Policy (PSPP) and welcomed further discussions on this matter and recommended that other items of the pay claim be considered separately.

The Staff Side stated that the PSPP did not meet its expectations and that, in its view, its claim of £2,000 reflects the recovery of past losses in terms of increased inflation and homeworking costs. The Staff Side noted its disappointment at the lack of recognition from employers in terms of support staff efforts during the pandemic.

After lengthy discussions, it was agreed to take an adjournment to consider the points raised.

### **Adjournment**

Following the adjournment, the Management Side stated it had carefully considered the Staff Side's position and that the employers fully appreciated the effort and work done by all staff throughout the pandemic and before. However, it reminded the Staff Side of the significant financial constraints faced by the college sector, which is a major factor in its offer, and suggested a virtual dedicated day to discuss the pay and terms and conditions claim in full. The Staff Side agreed to the suggestion of a dedicated day and it was agreed that the Joint Secretaries would establish a date to allow full discussion.

## **20/21 Terms and Conditions Working Group Update**

### Annual Leave Policy

*Paper 3 – Terms and Conditions Working Group – Annual Leave Policy* sets out the position reached by both sides at the working group meeting held on Wednesday 1 September 2021. The Management Side advised that the paper has been brought to this meeting as the group was unable to reach an agreement. The areas outstanding are the form of words on the five days carry forward and embargoes.

The Staff Side wished to clarify its position and stated that the initial five days is already in some colleges and that it, in its view, should be a given without subject to line manager's agreement. Furthermore, the Staff Side view was that the five days carry over has been the norm for last two years throughout the sector without Manager's specific agreement and not caused any problems locally or nationally and that by leaving this to the line manager's discretion will cause inconsistencies at local and national level.

The Staff Side stated it had moved significantly in terms of embargoes and stated that it is preferable that there should be no embargoes on when staff can take leave and that trade unions should be consulted over any exceptional requests to do so. The Staff Side stated the debate was about the request of local managers wishing to put in place an embargo then the local machinery should firstly discuss in order that they can consult with members.

The Management Side stated that it should be acknowledged that both sides had moved positions in terms of embargoes however, the Management Side position remains that, due to business needs, managers will discuss this directly with individuals and therefore cannot agree to the wording from the staff side on consultation with trade unions on this matter.

In terms of the five days carry forward, the Management Side position also remains that the line manager should discuss with individuals their carry forward to aid with future planning and therefore cannot accept the Staff Side request that the initial five days is without discussion with the line manager.

After some lengthy discussions, it was agreed both sides would reflect on the comments made and further discussion should take place at the dedicated day.

### Working From Home

The Staff Side view was that at the working group meeting held on Wednesday 1 September 2021, it was agreed to draft a National Policy on Working from Home, however, at a recent secretary meeting it was advised that no agreement had been made to develop a policy but rather high level guidance/principles.

The Management Side confirmed its position that it did not agree to a National Policy and that an agreement was made to draft guidance/principles only.

It was agreed by both sides to include this matter in the dedicated day discussions.

## **21/21 Equality Impact Assessment – Facilities Time**

Referring to *Paper 4 – Equality Impact Assessment Facilities Time*, the Staff Side confirmed it wished to seek an Equality Impact Assessment (EIA) be carried out over the failure to provide adequate facility time for the National Branch since its formation and agree any new proposals are subject to an EIA. The Staff Side stated that the paper comes from its submission of Facilities Time paper in July 2019 and would seek a resolution on this.

The Staff Side raised its concern on the issue of National Facilities Time and how it is being operated and, in its view, believe that the current approach is discriminatory to the support staff side and to support staff representatives with protected characteristics, asking to ensure policy and procedures do not have a detrimental impact on people with protected characteristics.

The Management Side stated that it is important to get some clarity on what the Staff Side is requesting. The Management Side reminded the Staff Side that there are temporary arrangements in place to facilitate the time off and that it has been invited to the HR Strategic Group to discuss its concerns on Facilities Time.

The Management Side further stated that the Staff Side's Facilities Time is dealt with separately as per the previous Staff Side request. The Management Side welcomed examples of protected characteristics in order to begin consideration on this matter, however noting that it would look to resolving these issues through the discussions that are already ongoing.

The Staff Side view was that the discussions are separate from its request for an EIA, however, stated it would consider the Management Side's comments and respond accordingly. The Staff Side also advised that an EIA would highlight examples.

### **22/21 Job Evaluation Update**

The Staff Side raised its concern with regards to the progression of new and evolved roles since September 2018 and believed that a process for this matter was agreed previously at the Job Evaluation Working Group and that action note was noted by the Side Table.

The Management Side view was that it had been agreed on what it would prioritise next, in terms of getting the first and second scoring completed. The Management Side reminded the Staff Side that it has extremely limited resources, and funding and are focusing very much on completing the first and second scoring on roles that were in existence on 1 September 2018. This part of the process must first be completed before it can begin the next stages of the process.

The Staff Side did not agree that there were no formal agreements and suggested the process to be done in parallel rather than sequentially.

The Management Side stated, after speaking to ECC, it was recommended that the process should not be done in parallel as there is a process to be done in the first scope of work that would be needed to commence the second scope.

The Management Side suggested the Project Manager and the Staff Side's Project Lead to bring back a paper to the NJNC that lays out, in clear terms, any agreements made on this regard and the timeline of moving things forward as there seems to be a misunderstanding. It was acknowledged this may require an extraordinary meeting of the side table. This was agreed.

### **23/21 Pay and Grading Working Group Update**

The Management Side advised work is progressing on this matter and there has been Facilitated Sessions run by Rosie Doherty who is recognised as an expert in the field of Job Evaluation and Pay and Grading. There had been two sessions that involved a wide group of representatives identifying the issues with regards to Pay and Grading and another session is planned for next week.

The Staff Side raised its concern that there is lack of engagement with the unions with regards to the progress on this matter. The Staff Side requested a more joint approach to working on modelling structures and the exercise around data gathering.

The Management Side noted the Staff Side request.

## **24/21 AOCB**

The Staff Side wished to note a letter, which it had shared with the Management Side, that was issued to Scottish colleges, from HE/FE Shared Technology & Information Services (HEFESTIS) which raises concerns regarding the implications of colleges inadvertently becoming the de facto Data Processors for trade union business. The Staff Side stated that the paper has caused some alarm among employers and the union and wanted to make the Management Side aware of the letter.

The Management Side noted the letter, and it was remitted to the Joint Secretaries to discuss any actions required.

## **25/21 Close**

The Staff Side and Management Side thanked Heather Stevenson and Andy Lawson for their valuable contribution throughout the years and wished them well for the future.

The Chair thanked everyone for attending and closed the meeting.

## Action Monitoring Log

<b>Wednesday 10 June 2020</b>		
<b>Action</b>	<b>Owner</b>	<b>Completion Date</b>
Pay Claim – full costings to prepared and then verified by SFC prior to the commencement of negotiations.	Management Side	Overtaken – Complete
<b>Wednesday 2 December 2020</b>		
<b>Action</b>	<b>Owner</b>	<b>Completion Date</b>
Joint communication to be issued to mark the sector achieving Living Wage accreditation.	Joint Secretaries /Comms Teams	Complete
<b>Wednesday 17 March 2021</b>		
<b>Action</b>	<b>Owner</b>	<b>Completion Date</b>
Issue joint communication on Living Wage Accreditation.	Joint Secretaries	Complete
Short paper to update the Side Table on Scope.	Management Side	June 2021
Provide an update on branch recognition at two new signatory colleges.	Management Side	Complete
Set up a schedule of meetings for the Terms and Conditions Working Group.	Management Side	In progress
<b>Wednesday 18 August 2021</b>		
<b>Action</b>	<b>Owner</b>	<b>Completion Date</b>
Provide a paper detailing the financial items discussed	Management Side	In progress
Provide evidence in terms of unsociable hours	Staff Side	August 2021
<b>Wednesday 15 September 2021</b>		
<b>Action</b>	<b>Owner</b>	<b>Completion Date</b>
Joint Secretaries to have further discussions on EIS-FELA Circular having an impact on other roles.	Joint Secretaries	October 2021
Begin discussions with the SFC about its role in verifying costings	Management Side	In progress
Establish a 'dedicated day' for further discussions on Pay Claim 2021/22.	Joint Secretaries	Complete
Continue discussions on Annual Leave Policy at dedicated day.	Management Side/Staff Side	Complete
Continue discussions on Working from Home at dedicated day.	Management Side/Staff Side	Complete
Staff Side to provide a response and on points made on the Equality Impact Assessment request.	Staff Side	Complete
Provide a paper to the next Side Table that lays out any agreements made in terms of the Job Evaluation project.	Project Manager/Staff Side Project Lead	Complete