

**Minute of the Meeting of the National Joint Negotiating Committee (NJNC) – Side Table (Support), on Wednesday 8 December 2021 at 1000-1200, via video conference**

<b>In Attendance</b>	
Debbie Kerr	Management Side
Frances Harrower	“ “
Alex Linkston	“ “ (Chair)
Ross Martin	“ “
Paul McGowan	“ “
Sarah-Louise Nandadasa	“ “
Alan Ritchie	“ “
Derek Smeall	“ “
Colette Bradley	Staff Side
Martin Clark	“ “
Chris Greenshields	“ “
Alison MacLean	“ “
John McCartney	“ “
John Gallacher	Staff Side Secretary
Zelda Franklin-Hills	Interim Management Side Secretary
Jillian Cheape	Secretariat
Catherine McCreath	Zoom Administrator

**26/21 Welcome and Apologies**

The Management Side was in the Chair for this meeting. The Chair welcomed all to the meeting.

The Staff Side introduced John McCartney, GMB Scotland, who is attending on behalf of John Slaven. Apologies were noted from Jackie Galbraith, Management Side and Audrey Manning and John Slaven, Staff Side.

**27/21 Minutes of Previous Meetings**

The minute of the meeting held on Wednesday 15 September 2021 was agreed.

**Matters Arising**

Living Wage Accreditation

The Staff Side requested an update with regards to the Living Wage Accreditation for West Highland College UHI.

The Management Side confirmed West Highland College has made an online application for accreditation in November 2021 and that it will seek an update on the status of the application.

Scottish Funding Council Role

The Staff Side requested an update following the previous Side Table (Support) meeting on Wednesday 15 September 2021 where it was agreed the Management Side would approach the SFC to clarify their expectations and to discuss its role in verifying costings.

The Management Side advised it has commenced discussions with SFC and that there has recently been a change in personnel at SFC. It was advised further discussions will take place to gather information and also establish SFC's role in the mechanism, formally.

### Scope

The Staff Side requested an update on what actions have taken place relating to roles out of scope.

The Management Side advised it is still considering the question of scope and apologised for the delay.

The Staff Side was disappointed and stated that this is a long outstanding matter and is becoming critical as Job Evaluation and Pay and Grading are beginning to be shaped and finalised. The Staff Side stated there is significant variation in jobs across the college sector and that failure to include all jobs in the Job Evaluation project is an equal pay risk to employers.

The Management Side noted this position and advised this information will be relayed back to the next Chairs' meeting.

### **28/21 Pay and Terms and Conditions Claim 2021-22**

The Management Side advised it had taken on board the discussions that took place at the face to face dedicated day meeting held on Wednesday 27 October 2021, noting it was a positive step in the pay discussions, and asked the Staff Side to provide its thoughts on the offer presented as **Paper 2**.

The Staff Side agreed the dedicated day was a positive step forward and hope more informal discussions can continue. The Staff Side advised it does not accept the financial figures on the pay offer and reminded the Management Side it had asked for £900 consolidated and other amounts to be costed and verified and acknowledged that discussions between the Management Side and SFC are still ongoing.

The Staff Side stated there is uncertainty in the Public Sector Pay Policy due to rising inflation in 2022 and would like to await the outcome of the budget announcement taking place tomorrow.

Referring to a BBC report published last week, the Staff Side stated average household expenditure will increase by £1,700 and inflation, currently around 4%, is forecasted to reach 5% in 2022 therefore, in its view, the pay offer should cover these costs as not to be seen as a pay cut. It advised it was also mindful of current EIS-FELA pay negotiations and are concerned that EIS-FELA may receive an improved offer, and not the Support Staff.

The Staff Side advised there were some elements in the offer that are welcomed including the five days carry forward, Four-Day Working Week Pilot, Homeworking and Terms and Conditions Working Group developments. The Staff Side was disappointed that its claim for two additional wellbeing days did not remain in the offer and had concerns around the revised wording on the Career Development Day and the reduction from the original discussion of two to one day.

The Management Side advised its offer has gone beyond that of Public Sector Pay Policy and that what has been offered to both EIS-FELA and Support Staff will put a strain on colleges. It stated it has given a lot of thought to the claim and is sympathetic with the Staff Side in terms of workload and increased living costs however, stated it has to work within the college sector's sustainability and affordability.

As discussions with SFC has not yet been finalised and due to the upcoming budget announcement, the Staff Side requested that negotiations continue. It stated it would not recommend the offer to its members as it would reject the offer and this would lead to dispute which would have implications on both Job Evaluation and Pay and Grading.

After lengthy discussions, the Management Side requested an adjournment to consider the points raised.

### Adjournment

Following the adjournment, the Management Side stated it has stretched far beyond affordability however, as there is an upcoming budget announcement it is willing to continue discussions based on the anticipated budget.

The Staff Side stated it is happy to continue discussions both formally and informally.

### **29/21 National Branch Facilities Time**

**Paper 3** set out the Employers' Association offer to fund the release of 3 x 0.5 FTE's without any requirement for a National Protocol. The Staff Side was asked to confirm the names of the national representatives that UNISON would like to be released directly with Jillian Cheape as a way forward.

The Staff Side advised it would confirm the names of the 3 x 0.5 FTE's however, stated the figure is not anywhere near enough the requirement of its branch and the proposal is dangerous as the released lay representatives are working more than their contracted hours and often work weekends and during periods of annual leave to cover basic business of the branch and whilst in a global pandemic where work demand has never been greater.

The Staff Side requested the Management Side provide the rationale for arriving at that figure and noted that it had submitted multiple papers previously on this matter.

The Management Side stated it has made a generous offer and suggested to have further offline discussions on the submitted papers.

The Staff Side reiterated that in its view, withholding time resource from the branch was looking like a deliberate choice and it did not want this issue to drag on as it had been ongoing for two years. It also raised urgent concerns of the outstanding Equality Impact Assessment which it stated is a statutory obligation and not a negotiable item.

In terms of the Equality Impact Assessment, the Management Side stated it needs to work out the quantum of what is being offered and it is not in a position to offer more Facilities Time without the agreement of the Employers' Association. It advised it is happy to conduct an Equality Impact Assessment, however, the way in which Facilities Time is allocated, once provided, is down to the trade union.

The Staff Side stated that an Equality Impact Assessment is something that needs to be done urgently and asked the Management Side for a timeframe.

The Management Side advised this would be agreed at the offline discussions.

The Staff Side raised its concerns of the sustainability of Facilities Time as the release of three x 0.5 FTEs is only until 31<sup>st</sup> July 2022 unlike Facility Time arrangements for other unions. The Staff Side also raised issues such as presenteeism.

It was agreed further offline discussions will take place on this matter as a way forward.

### **30/21 Job Evaluation**

**Paper 4** provides an update on the Job Evaluation project, and it was highlighted by the Management Side that, as of today, it is 18 roles away from completing the roles lists. It was also noted that a Job Evaluation Working Group meeting took place on Monday 6 December 2021, where a final Quality Assurance Process was agreed and will be implemented in line with the agreed timeline. It was advised the SFC has also been updated on Job Evaluation and the extension of analysts beyond Christmas.

**Paper 5 – Job Evaluation – New and Changed Roles after 1<sup>st</sup> September 2018** outlines the timeline of previous discussions/decisions as well as a note of any key events which took place over this period. The Management Side advised the Staff Side of the Employers’ Association request that a review of the project to date is undertaken to determine any lessons learned before discussions commence around evaluating all new or changed roles since 1<sup>st</sup> September 2018 and advised that this would be concluded within three months. The Staff Side did not agree with this.

The Staff Side stated **Paper 5** details an agreement in June 2020 to move this work forward and that high level data had already been received from HR Departments in November 2020 but more detailed data was required to be gathered. The Staff Side was concerned at the timing and resourcing and in its view, there has been little progress made on this matter with agreements being made however, no action is taken to progress the agreements.

The Management Side restated that the Employers’ Association is looking to review the continuation of the work on the current scope of activity and will be progressed further in the new year based on lessons learned from the review.

The Staff Side restated its disappointment in the progress and its lack of involvement in the process. The Staff Side view is that there needs to be resourcing and timetabling of this piece of work. It stated there is a schedule of Job Evaluation Working Group meetings in January 2022 which should continue discussions on this project and how to take forward the decisions of the machinery to deal with the new and changed roles on a national level, through a national process.

The Management Side stated there has been a number of challenges, with a decision being made in June 2020, six months into the project, with a different Project Manager and different Joint Secretary. It considered that, in order to move forward, both sides need to reassess and understand the lessons learned. It welcomes further discussions at the Job Evaluation Working Group in terms of what the criteria may be for a changed role.

The Staff Side stated that they were always happy to discuss the project however, requested a statement of principles and those previous agreements underlined in **Paper 5** are actioned.

After some discussion, the Management Side requested a brief adjournment to consider the points raised.

### Adjournment

Following the adjournment, it was suggested by the Management Side that the Joint Secretaries review the general principles. It advised the general principles would stand and both sides would look at a review to determine the best way forward.

The Staff Side requested clarity in the Management Side’s suggestion and stated it feels the project is at a good stage to continue all that has been agreed outlined in **Paper 5**.

The Management Side stated there should be caution in pre-empting any outcomes of any review and that the purpose of the review is to develop understanding and assurance on both sides in order to effectively deliver the general principles.

The Staff Side was in disagreement and restated it is seeking to proceed with the agreements that have been put in place.

After lengthy discussions it was suggested by the Management Side that the Joint Secretaries should continue discussions on this matter in more detail and if necessary, return to the Side Table with more clarity in order to progress this matter and to develop any lessons learned.

The Staff Side agreed to continue discussions on this matter however restated its disappointment in the process and its lack of involvement, stating that it would consider a national dispute if the implementation of **Paper 5** is blocked.

It was agreed further discussions will take place on this matter.

### **31/21 Circular STL 02/21 – Lecturing Staff National Dispute Resolution**

The Staff Side advised it had discussions with the EIS full-time officials and a response was expected on Thursday as it is keen to resolve this matter. It stated there has been a dispute lodged locally in Edinburgh College and will report back to the Side Table if there is a successful outcome of its discussions with EIS about what the local process should look like.

The Staff Side further advised it formally wrote to the Management Side Secretary and EIS-FELA during their previous negotiations to register an interest in the outcome of the dispute as it would impact on roles being scored at the support table.

This position was noted by the Management Side.

### **32/21 Long COVID**

**Paper 6** is a Staff Side request that the Management Side consider developing and agreeing a Circular dealing with Long Covid. The Circular would set out the terms and conditions and payments in relation to staff absence due to Long Covid. The Staff Side stated at least 2 million people in the UK have experienced symptoms of Long Covid and that 5% of people with Long Covid have been forced out their jobs and recovery of Long Covid can take many months and can damage organs and lead to the development of long term disabilities.

The Staff Side stated it believes an implementation of this Circular would help Support Staff with Long Covid across the sector in terms of reducing stress and anxiety of potentially losing their jobs, as well as take pressure off HR teams and Managers.

The Management Side thanked the Staff Side for its comprehensive paper and stated it is sympathetic to those with Long Covid. The Management Side voiced its concern around the definition of Long Covid and how it interacts with other illnesses and conditions which is unclear at this stage. It also stated the Scottish Government previously provided guidelines on how to deal with COVID and it would like to have sight of any further guidance from the Scottish Government on Long Covid.

The Staff Side stated the Cabinet Secretary for Health and Support has confirmed that all employees in the NHS who have contracted COVID-19, are diagnosed as having Long Covid, and are off sick, should be on COVID Special Leave and should receive full pay until they return to work, for as long as these arrangements are in place.

The Management Side advised it had not had sight of this statement on Long Covid. It stated it has concerns around the definitions and interpretations of the statement and suggested it would require undertaking the necessary research to ensure any implementation would be fair and equitable across the college sector.

The Staff Side stated it will supply this information.

It was agreed the necessary research will be undertaken to ensure there is clarity and fairness on this matter.

### **33/21 Jubilee Holidays**

The Staff Side request that the Management Side consider its proposal for additional Bank Holiday's on Thursday 2 June 2022 and Friday 3 June 2022 to allow staff the four-day weekend to celebrate the Platinum Jubilee. The Staff Side wished to ensure all staff across all colleges have these holidays in place to ensure no one is losing out.

The Management Side advised fixed days are agreed at a local level and would not be part of national negotiations.

The Staff Side view was that this is a national issue and stated that these holidays are recognised by the Government as national holidays and are concerned that not all colleges have these days as fixed holidays.

The Management Side stated it was not aware of a communication from the Government that indicates these are national holidays.

The Staff Side stated some colleges are aware of it as they have implemented these days as fixed holidays and are looking to develop a direction from the machinery in order that all colleges implement it.

The Management Side stated it will look at obtaining this communication and investigate the factual position in order to consider the request for additional days if this was the case.

This was agreed.

### **34/21 Update on £400 Payments**

The Staff Side requested an update on the £400 payment to lecturers.

The Management Side advised it has contacted the Scottish Government and it was confirmed that that based on initial responses from colleges identifying eligible lecturers, 550 lecturers (approximately 332 FTE) across the sector have been identified as being eligible for the one-off payment. The Management Side stated the Scottish Government intends to publish the full details on the one-off payment and this will be shared wider.

### **35/21 Terms and Conditions Working Group**

The Management Side advised it is proposing a face to face meeting of the Terms and Conditions Working Group on Tuesday, 25 January 2022, and it is anticipated that there will be a first meeting of the Four-Day Working Week Working Group in the afternoon of the same day.

As part of the Pay and Terms and Conditions offer, the Management Side advised the established subgroup of the Terms and Conditions Working Group will conclude its report on homeworking by the end of February 2022. The report will be based on gathering current college documents and practice and include the issue of contractual allowances for permanent homeworkers.

The Staff Side stated there were previous discussions on the approach to consultation in the sector and it was previously highlighted to the Management Side that this was causing some difficulty. The Staff Side wished to note it will be part of the agenda for the Terms and Conditions Working Group meeting in January 2022.

### **36/21 Pay and Grading Working Group**

The Management Side advised that the Pay and Grading Working Group has been re-established and the group had been unable to meet that week due to staff illness. It was advised the group has set out a project plan with considerable details and a short briefing note will be circulated to members of the working group as well as the Side Table (Support) to ensure all members are kept informed.

This position was noted.

### **37/21 Date of Next Meeting**

The next scheduled meeting of the Side Table (Support) is **Wednesday 9 March 2022**, although a pay meeting will be scheduled in advance of this meeting.

## Action Monitoring Log

<b>Wednesday 17 March 2021</b>		
<b>Action</b>	<b>Owner</b>	<b>Completion Date</b>
Short paper to update the Side Table on Scope.	Management Side	June 2021
Set up a schedule of meetings for the Terms and Conditions Working Group.	Management Side	Complete
<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	Complete/Overtaken
<b>Wednesday 8 December 2021</b>		
<b>Action</b>	<b>Owner</b>	<b>Completion Date</b>
Provide an update on Living Wage Accreditation for West Highland College	Management Side	Complete
Provide an update on Scope	Management Side	March 2022
Continue discussions on pay following the budget announcement.	Management Side/Staff Side	Complete
Continue discussions on Facilities Time offline	Joint Secretaries	Complete
Continue discussions on Equality Impact Assessment	Joint Secretaries	Complete
Continue discussions on Job Evaluation Post 2018 Roles	Joint Secretaries	In Progress
Identify the Government's position on Long Covid	Management Side	Complete
Identify the Government's position on the Jubilee Holidays	Management Side	Complete