

Minute of the meeting of the National Joint Negotiating Committee (NJNC) – Central Committee held on Thursday 30 January 2020 at 1000 hours at EIS Offices, Glasgow.

In Attendance	
Collette Bradley	Staff Side
Pam Currie	“ “
John Gallacher	“ “
Donny Gluckstein	“ “
Chris Greenshields	“ “
John Kelly	“ “ (Chair)
Alison Maclean	“ “
Charlie Montgomery	“ “
Jim O’Donovan	“ “
Gary Ross	“ “
Gary Bisset	Management Side
Joanna Campbell	“ “
Margaret Cook	“ “
Debbie Kerr	“ “
Alex Linkston	“ “
Alan Ritchie	“ “
Anne Keenan	Staff Side Secretary
Heather Stevenson	Management Side Secretary
Jillian Cheape	Secretariat

10/20 Welcome and Apologies

The Staff Side Chair welcomed all to the meeting.

11/20 Minute of Previous Meeting

The Joint Secretaries outlined their respective understanding of what had been agreed in relation to the discussions about National Facility Time at the meeting on Thursday 19 September 2019. It was noted this item is next on the agenda for the current meeting. In these circumstances, it was agreed to record both positions in the minute as set out in Paper 1.

12/20 National Facilities Time

The Management Side provided a paper setting out the employers’ proposal on National Facilities Time which had been agreed at the Employers’ Association Residential in November 2019:

The Staff Side welcomed the commitment given to the central funding of National Facilities Time. However, it again recorded its disappointment at the employers’ proposal to withdraw guaranteed National Facility Time and to reduce further the time proposed. It pointed out that facility time has to be agreed rather than imposed. It highlighted the disruptive impact on students of this approach, the impact on the quality of educational provision, the detrimental impact on efforts to implement the Fair Work Framework, the resulting inequalities in the balance of negotiating power and participation in meetings, the apparent disregard for the significant body of NJNC work outstanding, including progressing work on the registration of college lecturers with the GTCS and the seven Side Tables ongoing with Professional Support Staff.

It also highlighted the minimal cost of operating national facility time in comparison with the funds allocated for national bargaining by the Scottish Government.

The Staff Side outlined the current provision of guaranteed National Facilities Time for the Lecturing Side as six hours per negotiator per week. It highlighted that this has been the case in practice for a number of years and had been accepted and facilitated by colleges. It stated that any changes to this would have to be agreed at the Central Committee.

After further discussion, it was proposed that a joint working group be established to progress this matter.

The Management Side requested an adjournment.

Adjournment

On re-convening, it was agreed to establish a Joint Facilities Time Working Group to progress the matter. Discussion took place over the need to resolve this matter as soon as possible. The Working Group will aim to meet as a matter of urgency and bring back proposals on the level of guaranteed facility time to the next meeting of the Central Committee

13/20 Referral – NJNC Circular 04/18 Transfer to Permanency

The Central Committee was advised that the Joint Secretaries had received a referral in relation to the application of NJNC Circulars 01/18 and 04/18. The referral focused around whether the Circulars would apply in a situation when a lecturer on a permanent fractional contract works additional hours beyond the contracted working arrangements for a continuous period of two years or more.

The Joint Secretaries have previously issued guidance to the sector that if an individual has two separate and distinct contracts, i.e. one established or permanent and the other temporary, fixed term or non-permanent, then the terms of the agreement should be applied to the separate temporary contract. No agreement had been reached by the Joint Secretaries on this issue and the referral had been remitted to the Side Table (Lecturing) for determination. As no agreement had been reached at the Side Table (Lecturing), it had been agreed to refer the matter to the Central Committee for determination.

The Staff Side Secretary provided an overview of the referral and outlined her rationale for the view that the Circulars did apply in these circumstances. The Management Side Secretary then outlined her opposing position. Having listened to these views and following consideration of all documentation, the Staff Side indicated that it believed that the Circulars did apply. It referenced the fact that the additional hours were temporary and that as this work had been offered by the college, accepted by the employee with the work then being undertaken and paid for, a contract of employment exists. It highlighted that the permanent fractional contract made no provision for working additional hours under that contract and it could not therefore be argued that the additional hours worked were an extension of this contract. The Staff Side also referred to the fact that the employees were paid for these additional hours through the same mechanism as temporary employees and that Management at the college had stated that this was previously to allow them to apply their local Transfer to Permanence Policy. On this basis, the Staff Side indicated that the Circulars did apply.

The Management Side view was there is no separate or distinct contract and the circulars did not apply. The Staff Side sought to discuss the Management Side's position further, highlighting that it may be discriminatory against part-time employees as they are being treated differently from other full-time employees. The Management Side re-stated its position.

The Staff Side Chair highlighted that it was the role of the Central Committee to reach a decision on the referral and moved to a vote on the matter.

Before the vote could be taken, the meeting became inquorate.

It was agreed to adjourn the meeting and reconvene to discuss this matter further as well as the other outstanding agenda items.

Adjournment