



Minute of the Meeting of the National Joint Negotiating Committee (NJNC) – Side Table (Support), on Tuesday 5 December 2023 at 1400-1600, Via Video Conference.

In Attendance	
Liz Connolly	Management Side
Susan Elston	“ “ (Chair)
Zelda Franklin-Hills	“ “
Debbie Kerr	“ “
Alan Ritchie	“ “
Collette Bradley	Staff Side
Jane Edwards	“ “
Chris Greenshields	“ “
Grace Hepburn	“ “
Alison MacLean	“ “
Laura McLean	“ “
Fiona Wallace	“ “
Janet Stewart	Staff Side Joint Secretary
Heather Stevenson	Management Side Joint Secretary
Jillian Cheape	Secretariat
Catherine McCreath	Note Taker

15/23 Welcome and Apologies

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

16/23 Job Evaluation

The Management Side requested the Staff Side’s position on Job Evaluation, referencing Paper 1 which outlines the current position and key concerns of both sides.

The Staff Side noted good discussions took place, however, pointed out discrepancies between the goals of the Management and Staff Sides, as in its view, there was a need to conclude the project based on current progress and to address issues with current scores. The Staff Side raised concerns about the proposed one-off payment and stressed the need for comprehensive legal advice to prevent potential equal pay claims and other legal exposures.

The Management Side acknowledged the cordial nature of discussions and recognised the need for further in-depth discussions and analysis due to existing complexities and significant concerns. It emphasised the importance of legal advice for both employers and trade unions.

The Staff Side expressed concerns about the proposal for a one-off payment and stated it needed more information to obtain comprehensive legal advice, specifically addressing the issue of equal pay claims. It stressed the risk that employers might defend equal pay claims based on job evaluation exercises.

The Management Side clarified that the proposed ex gratia payment was not linked to actual Job Evaluation outcomes but was part of a revised Collective Agreement. It stated the intention was to supersede the current agreement to backdate Job Evaluation outcomes to September 2018 and emphasised the intricacies of national and local outcomes of the Job Evaluation exercise and their linkage.

The Staff Side raised questions about whether more information was available regarding the ex-gratia payments, specifically seeking clarity on whether all individuals would receive the same amount and the criteria for determining these amounts.

The Management Side indicated that discussions and paper presented was high level with no finalised details on payment amounts or application criteria. It stated that all aspects related to the revised collective agreement, including backdated elements of outcomes, were still open for discussion.

The Staff Side questioned the basis for considering some data as outdated, referencing the form of words on this matter in Appendix 3 of Paper 1. It stated there was lack of specification on who deemed the data outdated and the absence of an explanation for potential changes in scoring. The Staff Side view was there was a need for clear and detailed legal advice and felt the submitted paper was vague, which made obtaining its own legal advice difficult. It noted the lack of funding from the Scottish Government and questioned the feasibility of local colleges handling the Job Evaluation process due to these constraints.

The Management Side noted that Appendix 3 was legal advice it had received. It stressed the need for an agreed process to make progress in the discussions, acknowledging that conducting evaluations in parallel at a local level could support swift progress. It encouraged exploration of the best way forward, which might require compromises from both sides. The Management Side requested clarity on the specific detail needed from the Staff Side and proposed scheduling an earlier meeting in January 2024 to accelerate discussions.

The Staff Side inquired about a contingency plan, if an agreement could not be reached and asked the Management Side of its intentions if a conclusion could not be reached. It also raised concerns about the project's delays and requested the Management Side to recognise the sources of these delays.

The Management Side stated that while there have not been in-depth discussions on contingency plans, there is an understanding of the potential outcomes if an agreement is not reached. It stated that discussions had not progressed towards contingencies, as the Management Side preference is to seek an agreed process with the Staff Side to make progress.

Referring to the scoring process, the Staff Side inquired about the incomplete scoring process and the plan for its completion. It also questioned the implications of rejecting the ex-gratia payment offer.

The Management Side stated the ex gratia payment should not be viewed in isolation but as part of a comprehensive process that includes completing the scoring and applying pay and grading outcomes and noted ongoing discussions on this as part of the revised Collective Agreement.

The Staff Side asked why the 2018 Job Evaluation information could not be reviewed and backdated, and whether this decision was driven by financial constraints.

The Management Side explained that the initial rank orders from the Job Evaluation process faced significant feedback issues from colleges. The Management Side acknowledged various factors led to the project's stall but emphasised not losing sight of the remaining valuable data.

The Staff Side suggested conducting a costing exercise before the next meeting in January 2024 to assess resource needs, highlighting challenges if decentralised to local colleges.

The Management Side agreed to seek updated information from colleges on new and evolved roles as well as costs. It acknowledged the lack of resources and the need for a strategic plan to access the Scottish Government funding.

The Staff Side expressed concern about whether the Scottish Government and the Scottish Funding Council (SFC) are fully aware of the situation, stressing the need for clarity to prevent the project from being indefinitely delayed.

The Management Side confirmed that SFC has previously funded the project, with the Scottish Government underwriting the outcomes. It suggested that a clear and detailed plan is necessary to approach the Scottish Government for additional funds. The Management Side noted that SFC has indicated no more funding is available and that any further funding for the project would need to come from a designated pot reserved for the Job Evaluation project and expressed willingness to discuss strategies offline to best approach the work needed.

Throughout discussions, it was acknowledged that no one element of the potential agreement could be agreed in isolation.

Both sides agreed that additional information was required before scheduling the next meeting in January 2024. This would allow the Staff Side to seek its legal advice on the ex-gratia payment and local versus national grades.

17/23 Date of Next Scheduled Meeting

The date of the next scheduled full side table meeting is Wednesday 6 December 2024, however it was agreed to convene a further meeting focusing on Job Evaluation in January 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	In Progress
Provide an update on what actions have taken place relating to roles out of Scope.	Management Side	Ongoing
Seek clarity with regards to how NJNC agreements would affect those out of Scope.	Management Side	Ongoing
Continue discussions on Long Covid with regards to joint work as a way forward.	Joint Secretaries	Complete – now Central Committee matter
Wednesday 2 November 2022		
Action	Owner	Status/ Anticipated/ Completion Date
Continue discussions on Facilities Time.	Joint Secretaries	In Progress
Wednesday 7 December 2022		
Action	Owner	Status/ Anticipated/ Completion Date
Re-share Scottish Government guidance on the £400 payment to teachers with the Staff Side.	Management Side	Complete
Continue discussions on Long Covid.	Joint Secretaries	Complete – now Central Committee matter
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
Respond to the Staff Side on matters around Facilities Time, following a wider CES meeting in January 2023.	Management Side	Complete
Provide a response to the Management Side on Scope.	Staff Side	Outstanding
Refer the Staff Governance Standard to the Good Governance Steering Group.	Joint Secretaries	Complete
Wednesday 25 January 2023		
Action	Owner	Status/ Anticipated/ Completion Date
Arrange a face to face meeting to progress Job Evaluation Stage 2.	Joint Secretaries	Complete
Wednesday 15 March 2023		
Action	Owner	Status/ Anticipated/ Completion Date
Schedule a second pay dispute meeting following the CES and Ministerial meetings.	Joint Secretaries	Complete

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 NRA.	Management Side	In Progress
Wednesday 28 June 2023		
Action	Owner	Status/ Anticipated/ Completion Date
Retain and incorporate the wording from both sides in the unagreed minute of Wednesday 7 December 2022 to reflect both positions.	Joint Secretaries	Complete
Develop a format for action points to be created and immediately agreed after each meeting.	Joint Secretaries	Complete
Provide documents/evidence gathered on the local issues regarding job losses to the Joint Secretaries.	Staff Side	Outstanding
Formally respond to the Staff Side paper on Fire and Rehire/Dismiss and Re-engage.	Management Side	Complete
Forward compliance issues to the Joint Secretaries to allow for an assessment of the situation's scope.	Staff Side	Outstanding
Schedule a meeting on Lessons Learned	Joint Secretaries	Complete
Schedule a meeting to focus on Job Evaluation matters.	Joint Secretaries	Complete
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	December 2023
Schedule a meeting on Job Evaluation and Pay and Grading.	Joint Secretaries	Ongoing
Hold offline discussions with the UHI Network regarding distant island allowance.	Management Side/Staff Side	Ongoing
Thursday 2 November 2023		
Action	Owner	Status/ Anticipated/ Completion Date
Discuss information sought by the Staff Side with regards to Pay.	Joint Secretaries	Ongoing
Establish a smaller group to explore the revised Collective Agreement.	Joint Secretaries	November 2023
Establish a timeline on work done and discussions to take place regarding exploration of a revised Collective Agreement.	Joint Secretaries	November 2023
Tuesday 5 December 2023		
Action	Owner	Status/ Anticipated/ Completion Date
Seek updated information from colleges on new and evolved roles and costs surrounding Job Evaluation.	Management Side	January 2024

Convene a further meeting in January 2024 to focus on Job Evaluation.	Joint Secretaries	January 2024
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