

Minute of the Meeting of the National Joint Negotiating Committee (NJNC) – Side Table (Support), on Thursday 2 November 2023 at 0930-1200, Colleges Scotland Offices, Argyll Court, Stirling

In Attendance	
Susan Elston	Management Side
Zelda Franklin-Hills	“ “
David Watt	“ “ (Chair)
Doreen Shiels	“ “
Derek Smeall	“ “
Collette Bradley	Staff Side
Jane Edwards	“ “
Chris Greenshields	“ “
Grace Hepburn	“ “
Laura McLean	“ “
Fiona Wallace	“ “
Heather Stevenson	Management Side Joint Secretary
John Mooney	Staff Side Joint Secretary
Jillian Cheape	Secretariat
Catherine McCreath	Note Taker

12/23 Welcome and Apologies

The Management Side was in the Chair for this meeting. The Chair welcomed all to the meeting. Apologies were noted from Alison MacLean and John Slaven.

The Management Side acknowledged the Staff Side did not wish to discuss pay at the meeting, however, the Management Side confirmed that further to recent discussions at CES, a revised offer was being submitted to the support staff trade unions for consideration.

The Staff Side stated it wished to receive information on pay that it had previously requested. This information was critical for its consideration of the offer, taking cost implications into account. The Staff Side also wished to receive the offer in writing in advance for thorough consideration.

The Management Side clarified that the information requested had already been provided on a national basis and that other salary information was publicly available online.

It was agreed that the Joint Secretaries would discuss the information sought by the Staff Side, and the pay offer would be considered separately by the Staff Side.

13/23 Job Evaluation

The Management Side stated that following legal advice and detailed discussions at the CES meeting, it had been advised that the current rank order outcomes from the Job Evaluation project were so significantly out of date, the data was unusable. The Management Side reiterated its commitment to establishing a National Pay Spine and to use FEDRA as the National Job Evaluation Scheme. It was concerned that there had been little progress since the project's inception, and no funding had been allocated to colleges and employees.

The Management Side proposed to discuss a draft framework which could result in a new Collective Agreement to supersede previous National Collective Agreement regarding Job Evaluation and Pay and Grading, including the 2017/18 Support Staff Agreement to progress matters.

The proposal would include a one-off, ex-gratia payment with the amount still to be determined and would require discussion on implementation.

In addition, the Management Side confirmed the draft framework would include a National Pay Spine (NPS), still to be developed and used as the basis for pay and grading moving forward. Increments were suggested in 2% intervals. The NPS would be applied from the date of application of local pay and grading structures. Local Pay and Grading structures would be determined following the completion of a local Job Evaluation exercise using FEDRA as the National Job Evaluation Scheme. A National Framework for the implementation of local pay structures would be developed in consultation with the support staff trade unions. Local Pay and Grading structures would be implemented at a future date and could take up to two years. There will be no backdating applied beyond any date agreed as part of this Agreement.

The Management Side stated that if this was accepted, both parties needed to discuss timelines and payment distribution to staff.

The Staff Side sought access to the legal advice and reasoning behind the outdated scoring, as well as information on best practices referred to in the discussion.

The Management Side suggested that the Staff Side could also seek legal counsel on the data and referred to local government and NHS practices, and confirmed it was perhaps Lessons Learned, rather best practices. The Managements Side also advised that both sides had accessed advice on Job Evaluation and Pay and Grading from the same accepted subject expert.

The Staff Side expressed concerns regarding the increased workload and potential changes in payment expectations if the Job Evaluation process was repeated for all individual colleges as well as changes to agreements already in place.

The Management Side clarified that a revised agreement would replace the old one, and employers might use settlement agreements to ensure legal and contractual compliance. It stressed the importance of clear communications to staff to avoid inaccurate expectations and proposed issuing joint communications with the Staff Side if both sides agree to move forward in partnership on this basis.

The Staff Side questioned whether costings had been considered for restarting the scoring process and asked about the funding source for further Job Evaluation work.

The Management Side explained that initial costings had been estimated based on available funds and Scottish Government support. However, a breakdown of these costings would be provided once a formal Finance Representative is present at the next meeting.

The Staff Side was concerned about re-evaluating all scores at a local level and who determined the usability of current Job Evaluation information.

The Management Side indicated that colleges were responsible for evaluating the usability and relevance of their data. It acknowledged the need for resources going forward but stressed that Job Evaluation is an ongoing process that forms part of organisational change.

The Management Side stated that the proposed framework serves as an initial step to progress matters forward. It stressed that the risk of not distributing funds to staff is too significant to ignore, therefore, establishing a framework to mitigate this risk is essential to avoid project stagnation.

The Staff Side stated that the project had experienced a year-long halt, which, in its view, was attributable to the Management Side. It expressed concerns about the notion of discarding the current scoring system, as it could raise substantial questions and create controversy. The Staff Side reiterated their preference for national evaluation and national Pay and Grading approach. It requested detailed feedback on the scores already provided to colleges and proposed an extended meeting to thoroughly address this matter, including the formulation of a comprehensive action plan. It also highlighted the challenge of discussing an implementation date when the nature of the changes remained unclear.

The Management Side acknowledged the need for further discussions and reminded the Staff Side that colleges did not have the scores to move forward, due to a reluctance on the part of the Staff Side to depart from an agreed procedure despite assurances from the Management Side that this would aid progress, and stressed the importance of both sides reaching a consensus on the guiding principles and framework for future developments, including the consideration of a new collective agreement.

The Staff Side expressed its reservations and stated it had numerous unresolved questions that prevented its willingness to proceed with a new Collective Agreement. The Staff Side suggested a different approach that focuses on identifying significant changes in roles and determining their impact, leveraging existing data to quicken the process and reduce costs.

Following detailed discussions, it was agreed to have a brief adjournment to consider all points raised.

Adjournment

Following an adjournment, the Management Side proposed that a smaller group look at the principles of a revised Collective Agreement, examining its quantum and applicability.

The Staff Side agreed to setting up a smaller working group for exploratory discussions. It reiterated its preference for a national approach and urged both sides to find a middle ground to initiate discussions. Additionally, it requested access to data and copies of legal advice received by the Management Side to facilitate its comprehensive evaluation of the proposal.

The Management Side committed to share its draft Collective Agreement framework with the Staff Side, initiating discussions within a smaller group.

The Staff Side stated it needed safeguards to protect its position and prevent any binding commitment to a new Collective Agreement. It stated it was willing to explore the framework, however wished to retain flexibility in case it found the proposed agreement unsuitable.

The Management Side agreed to incorporate wording into the document that clarified the exploratory nature of the new collective agreement and the absence of binding commitments.

Both sides agreed that the Joint Secretaries would consider a timeline for discussions.

The Staff Side proposed a timeline of three to four weeks for the smaller working group to convene and report their discussions back to the larger group for consideration.

It was agreed that more specific discussions would continue between the Joint Secretaries and a representative from each side, with the aim of reconvening as a NJNC – Side Table (Support) in early December 2023.

14/23 Date of Next Scheduled Meeting

The date of the next scheduled full side table meeting is Wednesday 6 December 2023, however it was agreed an earlier date be sought.

Action Monitoring Log

Wednesday 8 December 2021		
Action	Owner	Status/ Anticipated/ Completion Date
Continue discussions on Job Evaluation Post 2018 Roles.	Joint Secretaries	Complete
Wednesday 9 March 2022		
Action	Owner	Status/ Anticipated/ Completion Date
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
Continue discussions on Long Covid with regards to joint work as a way forward.	Joint Secretaries	Complete
Wednesday 2 November 2022		
Action	Owner	Status/ Anticipated/ Completion Date
Continue discussions on Facilities Time.	Joint Secretaries	Complete
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	Overtaken/Complete
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	Overtaken/Complete
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	Complete
Seek to reach an agreement on Facilities Time with CES members and confirm future meetings to finalise the NRA.	Management Side	Complete
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	Complete
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	Overtaken/Complete
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	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	Complete
Thursday 2 November 2023		
Action	Owner	Status/ Anticipated/ Completion Date
Discuss information sought by the Staff Side with regards to Pay.	Joint Secretaries	Complete
Establish a smaller group to explore the revised Collective Agreement.	Joint Secretaries	Complete
Establish a timeline on work done and discussions to take place regarding exploration of a revised Collective Agreement.	Joint Secretaries	Complete