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**Resources and General Purposes Committee – 27th February 2022**

**Item 7 NCL College Registrar Update**

**This paper provides a summary of current and planned activity in the areas above to provide an update for the Resources and General Purposes Committee. Where the approval/ratification of the Committee is required, this is highlighted at the appropriate points.**

# **Professional Services Review**

Engagement with Professional Services staff to discuss proposals for the reorganisation of Professional Services functions and obtain their feedback has now taken place. The proposals and staff feedback were also formally tabled at the JNC Professional Services meeting on 31st January 2023.

As a result, revisions have been made to the following directorate groupings:

**Student Services**

* Admissions
* Customer Services
* Entry Assessment Adviser
* Residences
* Educational Learning Support
* Student Advisers and Mental Health
* Key Support

During conversations with colleagues and students it has become apparent that the creation of a Student Services directorate would enable students to have easy access to services that can support them during their time at college. Inclusion of Admissions within the directorate is an important starting point of the student journey.

**Sport, Fitness and Student Wellbeing**

With the inclusion of the Mental Health Coordinator role within the Student Association and the introduction of a Sport Scotland post later in 2023, there is an opportunity to align Leaner Engagement and the Student Association with Sport and Physical activity. Operational running of this area and structure will be decided upon in the next stage of the review.

**IT Support Services**

* IT
* Print Services

Bringing together this team will involve print room staff having a different reporting structure which will be addressed in the next stage of the review.

**Finance, Funding and Procurement**

* Finance and Procurement
* Student Funding
* External Funding and International
* AMCOL and Nurseries

AMCOL and Nurseries are currently going through a separate review and this will inform the placing of this service within the Student Directorate management structure.

Separate reviews are also underway for the college **Catering** provision and the **Professional and Work-based Learning** directorate.

The second stage of the Professional Services Review will now continue with discussions relating to priorities at a directorate/department level.

# **College Employers Scotland (CES)**

## **2.1 National Bargaining Update – NJNC Side Table (Lecturing)**

***Pay Claim 2022/23***

A series of meetings and discussions has taken place over the last few months regarding the EIS-FELA National Pay Claim for session 2022/23 for a consolidated flat-rated pay rise of £5,000 on all national salary scale points for unpromoted and promoted lecturers, effective from 1st September 2022. Key dates are noted below:

*24th November 2022* – a verbal offer was made to the EIS-FELA of 2% for all unpromoted and promoted lecturer scale points.  The management side explained that this offer was made based on the current financial envelope available to the sector at this time and was subject to a joint approach to the Scottish Government to reach an acceptable offer. The staff side rejected the offer, but advised the current dispute was resolved as an offer had been. EIS-FELA asked for it to be noted that no conditional offers would ever be acceptable to them.

*19th January 2023* - the management side confirmed that, following consideration of the sector’s current finances, there could be no improvement to the current pay offer.  The management side reiterated its suggestion of a joint approach to the Scottish Government for additional funding to reach an acceptable offer. The staff side shared its disappointment at no improved offer and ended discussions on this matter.

*23rd January 2023* - the EIS FELA formally declared a Pay dispute to CES “*regarding the lack of acceptable offer in response to the EIS-FELA pay claim”.*

*2nd February 2023* – at the first meeting of the EIS-FELA dispute, the outputs from the extraordinary CES meeting on 30th January 2023 were shared. The management side reiterated that there could be no improvement to the current offer at this time, due to the financial position of the sector, and restated their suggestion of a joint approach to the Scottish Government for additional funding to reach an acceptable offer.  The EIS-FELA was asked to consider its current claim and any movement it could make to understand what an acceptable offer would be. The EIS FELA requested a credible offer from the management side before any movement could be considered.

*9th February 2023* - at the second formal pay dispute meeting, the management side reiterated its position and the EIS-FELA advised it had no alternative but to commence an immediate consultative ballot on possible industrial action.

*15th February 2023* - EIS-FELA issued a tweet advising that all members would receive an e-ballot that day. No information was shared with College Employers Scotland before this tweet was issued on this matter, nor has any information been provided to CES on when the e-ballot will close.

*30th March 2023* – this is when the next NJNC – Side Table (Lecturing) meeting is scheduled to take place. However, it is anticipated that a further meeting will be scheduled following an update from the Scottish Funding Council that is expected mid-March 2023.

***Facilities Time***

At the NJNC Side Table (Lecturing) meeting which took place on 19th January 2023, the staff side raised its frustration with the time taken to review the EIS-FELA’s Facilities Time request, as it advised formally in October 2022 of its intention to raise a dispute if the matter was not resolved swiftly.   After an adjournment, the staff side informed the management side it was now declaring a dispute on this matter.

At the first meeting of the EIS-FELA dispute held on 2nd February 2023, the outputs from the extraordinary CES meeting on 30th January 2023 were shared with the EIS-FELA.  It was agreed to urgently develop a draft protocol document as requested by CES, before any quantum of National Facilities Time can be increased.  The EIS-FELA requested the increase be implemented immediately.  This was not agreed.

At the second meeting of the EIS-FELA dispute held on 9th February 2023, the management side tabled a draft Facilities Time Agreement to the EIS-FELA which was developed by representatives from the HR Strategic Group.  After a short adjournment, the EIS-FELA advised it will respond to the draft agreement within the next week and acknowledged that this may lead to a resolution of the dispute.

***Learning and Hybrid Working Practices – Working Group***

It has been agreed to establish a working group to look at learning and hybrid working practices as, in the staff side view, it is being introduced differently across all colleges as it was originally an emergency measure during Covid. A Terms of Reference has now been agreed and a working group will be established to look at this matter.

## **2.2 National Bargaining Update – NJNC Side Table (Support Staff)**

***Pay Claim 2022/23***

The National Joint Negotiating Committee (NJNC) – Side Table (Support) met on 30th November 2022, to discuss the Support Staff Pay and Terms and Conditions Claim 2022-23.

Further to full discussion at the CES meetings on 9th and 16th November 2022, a verbal offer was made to the support staff of a 2% pay increase.  The management side explained that this offer was made based on the current financial envelope available to the sector at this time and was subject to a joint approach to the Scottish Government to reach an acceptable offer.

The management side shared the employers’ position from the CES meetings and advised it would negotiate on the pay claim element only and that the terms and conditions elements will continue to be discussed at the Terms and Conditions Working Group.

Following an adjournment, the Support Staff Side rejected the offer, and noted that no conditional offers would ever be acceptable to them.

At a subsequent meeting on 25th January 2023, the management side confirmed that, following consideration of the sector’s current finances, there could be no improvement to the current pay offer.  The management side reiterated its suggestion of a joint approach to the Scottish Government for additional funding to reach an acceptable offer. The staff side shared its disappointment at no improved offer and lack of discussion around their claim for terms and conditions.

***Terms and Conditions***

On 7th December 2021, the National Joint Negotiating Committee (NJNC) – Side Table (Support) met and discussed the following matters:

* **Job Evaluation**

It was acknowledged that there are elements of the original Job Evaluation dispute still outstanding, it was agreed that a second dispute meeting would be scheduled in January 2023.

A general update was provided on Job Evaluation and also the issuing of Rank Orders to colleges.  The update advised that it was anticipated that all colleges would have received their Rank Orders before the festive shut down. However, this exercise was not actually completed until mid January 2023. Next steps will be for the project team to consider subsequent feedback from each of the colleges.

* **Circular 02/21 Dispute – Lecturing Staff National Dispute Resolution**

It was acknowledged that the staff side dispute on the implementation of Circular 02/21 is still outstanding. The staff side advised it will be entering discussions with the EIS-FELA and will provide an update following these discussions.

* **Facilities Time**

It was noted that Facilities Time is an ongoing matter.

* **Scope**

The management side presented a paper to the staff side advising that the employers had established a National Recognition and Procedures Agreement (NRPA) Working Group in 2021 to discuss the pay and bargaining structure for principals and senior staff.  The paper advised that the work of the working group had now concluded, and it had discussed the current arrangements, the implications of any change, and arrangements which would need to be put in place to introduce either a separate NRPA or incorporate additional staff into the current NRPA.

The paper concluded that the employers are seeking to progress a review of the NRPA but not expand the scope of the current NRPA. The staff side advised that they would come back with a formal response to the paper once they have fully considered it.

* **Terms and Conditions Working Group**

**Home and Hybrid Working**

The staff side requested a failure to agree be declared on work related to Home and Hybrid Working. This was in response to a Terms and Conditions Working Group meeting on 5th December 2022, where the management side confirmed it would be happy to take forward work on contractual homeworking only at this time.  This was shared following feedback from the HR Strategic Group that hybrid working was being managed at a local level.

**Sectoral Approach to Consultation and Fair Work for Support Staff**

It was noted that work continues on this area.

* **Staff Side Items**

Following lengthy discussions on earlier agenda items, it was agreed a written response would be provided to the staff side on the following agenda items:

* Procurement
* Staff Governance Standard
* Local Recognition and Procedure Agreement (LRPA)/Template LRPA for the sector
* Calculation of Part-time Pay
* Holiday Rights for Part-Time Staff

***Support Staff Dispute Notification – Pay and Terms and Conditions 2022/23***

The support staff submitted a formal notification of dispute on 9th February 2023 on pay, terms and conditions and pay harmonisation.   As set out in the National Recognition and Procedures Agreement, two dispute meeting dates will now be scheduled.

# **Joint Negotiating Committee Update**

## **3.1 JNC Academic**

The JNC Academic met on 16th February 2023. Leah Stalker, EIS-FELA Area Officer, was in attendance.

The Recognition and Procedure Agreement was finalised at the meeting, after the last outstanding points were clarified.

Other matters discussed included draft policies and procedures, namely the Armed Forces Reservist Policy and the CCTV policy, which were left with the trade union for review and comment. It was agreed that the CCTV procedures should form part of staff induction. The trade union indicated that the Professional Learning Policy could not be endorsed as this was a national matter, however they would be accepting of local management guidance on the content.

A more detailed discussion ensued regarding the Help@Hand app services, a wellbeing offering available to NCL employees and family members as an additional benefit to the UNUM Group Life Assurance policy. It was agreed that the next communication to staff regarding the introduction of this service should be agreed with both trade unions to ensure that employees were clear that the use of any of the elements of the app was optional and a matter of personal choice.

There was also agreement to revise the wording of a clause within the temporary lecturer employment contract to provide reassurance that there would be no reduction in the minimum number of hours being offered for the duration of the contract. Similarly, it was agreed that temporary staff numbers would be provided to the trade union alongside transfer to permanency reporting updates.

The other main agenda item was an update on the NLC Schools Activity AY22/23 Planning Process which was discussed at length and well received.

The next meeting of the JNC Academic has been scheduled for 20th April 2023.

**3.2 JNC Professional Services**

The JNC Professional Services met on 31st January 2023.

The trade union advised they would send an RPA template for further discussion and to enable this matter to progress.

Transfer to Permanency reporting was discussed again and it was agreed that any potentially eligible cases would be reviewed by Executive Board at the end of February.

Other matters discussed included draft policies and procedures, namely the Armed Forces Reservist Policy and the CCTV policy, which were left with the trade union for review and comment. There was concern expressed by the trade union about the revised DSE policy and the application of regulations in relation to reimbursement for spectacles. It was agreed that this should be looked into and clarification given.

There was discussion regarding operational reviews which are currently taking place. The trade union was informed that the Halls of Residence would likely be in surplus this year, in part due to the opportunity to bring in additional income through 3rd party occupancy arrangements. The trade union was also reassured that, within the review of Catering provisions, the intention was to provide work experience to NCL students and not to reduce employment opportunities.

The next meeting of the JNC Professional Services has been scheduled for 28th March 2023.

# **4. Employment Tribunal Update**

There are six claimants in total and the claims remain sisted.

1. **Mainstreaming and Equality Outcomes (Interim) Report 2023**

NCL is required by law\* to publish the above report by 30th April 2023. Board members will receive the most up to date draft of the Mainstreaming and Equality Outcomes (interim) Report for the meeting being held on 17th March 2023.

[\*Public Sector Equality Duty (or general equality duty) and Equality Act 2010 (Specific Duties) (Scotland) Regulations 2016]

Our current focus for the 2023 publication is to meet the following specific duties:

* Report on progress on mainstreaming the general duty into all functions every two years. Mainstreaming activity, is the day-to-day work NCL does on equality – processes, policies, practices and so on.
* Publish a report on the progress made to achieve the equality outcomes, every two years. Equality Outcomes relating solely to specific and targeted work being done to achieve change in the lives of people with protected characteristics. The college’s current Equality Outcomes are as below:
  + All students and staff at NCL will be confident calling out racism in all of its forms, as race and ethnicity must never be a barrier to accessing education or employment at NCL.
  + NCL will provide a safe environment for all students and staff, with a particular focus on the needs of women and girls, and members of our LGBT community
  + All NCL staff will be confident providing support to students and colleagues in relation to gender identities, but particularly to members of our transgender community.
  + All students and staff will be confident discussing disability – particularly in relation to mental health, knowing that they will be provided with support and understanding.
  + NCL will be known for communicating at a human level, with kindness and compassion.
* Gather information on the protected characteristics of employees and publish every two years as part of mainstreaming reports if not published elsewhere and demonstrate the progress made in gathering and using that information to better perform the equality duty.
* Publish board gender diversity information as part of mainstreaming reports from 2021, and use Scottish Government provided information (if available) to show how this information has/will be used to improve diversity amongst members.
* Publish gender pay gap information every two years, and publish statements on equal pay and occupational segregation for gender, race and disability every four years**.**

The specific duties listed below are of equal importance however are either not required for this reporting cycle or are being met on an ongoing basis.

* Assess the impact of new and revised policies and practices against the needs of the general duty on an ongoing basis.
* Publish a set of equality outcomes that cover all protected characteristics (or explain why not all protected characteristics are covered) every four years.
* Have due regard to the general duty in specified procurement practices on an ongoing basis.
* Publish the above information in a manner that is accessible.

Elaine Turkington

**College Registrar**

February 2023

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