

## Parliamentary Briefing: Update on National Bargaining in the College Sector – December 2017

### Key Facts

- An Agreement has been reached in principle with the EIS on the core conditions of service which were outstanding from the May 2017 Agreement. This Agreement is now subject to ratification by both sides.
- A pay claim has been put forward by the EIS for a 2017/18 Cost of Living Award of £1,000 for every lecturer. The Employers' Association issued a response which has been rejected by the EIS. The EIS has advised they are in **formal dispute** over the 2017/18 Pay Claim which could result in a ballot for industrial action early in 2018.
- Negotiations with support staff trade unions continue to progress, with a pay claim for 2017/18 concluded, a common and unitary package of annual leave agreed and discussions on the selection and introduction of a national job evaluation scheme commenced.

### Background

This briefing provides an update on National Bargaining negotiations in the college sector in relation to the National Joint Negotiating Committee (NJNC) – Side Table (Lecturing) and the NJNC – Side Table (Support).

### NJNC – Side Table (Lecturing)

#### Agreement in Principle on Core Conditions of Service

In March 2016, headline Terms of Agreement were reached on pay migration for lecturing staff with further negotiations taking place on core conditions of service.

On Wednesday 29 November 2017, agreement in principle was reached on core conditions of service, subject to ratification by both sides. A copy of this Agreement has been attached for your reference: (See Appendix 1: November 2017 Agreement).

#### Pay Harmonisation

The March 2016 Agreement included bringing all unpromoted lecturing staff salaries to the same level of £40,026 (an average increase of 9%).

An Agreement was reached in May 2017 that enabled the first 25% of the pay harmonisation agreement to be implemented. The next 25% of the pay agreement is due to be paid in April 2018.

#### Pay Claim for 2017/18

The EIS has put forward a pay claim for 2017/18 of £1,000 per lecturer which would equate to an additional cost of approximately £7.3m across the sector.

The Employers' Association has provided a fair and affordable response to the pay claim (see Appendix 2: Response to EIS Pay Claim 2017).

At the NJNC – Side Table (Lecturing) meeting on Wednesday 29 November 2017, the EIS advised that they were in formal dispute over the Employers' Association response to the pay claim. This could result in a ballot for industrial action early in 2018. We will look to address this at the next NJNC – Side Table

(Lecturing) meeting in December and will urge the EIS to reconsider its position.

### Developing a Workforce for the Future

Reaching agreement in principle on the core conditions of service at the NJNC – Side Table (Lecturing) meeting on Wednesday 29 November 2017 was an important milestone. Once this Agreement is ratified, work can begin around professional standards, ensuring that the Agreement for professional registration for all lecturing staff is in place by April 2019. This will support lecturers to achieve Teaching Qualification Further Education (TQFE) qualifications with paid time off and payment of associated fees, contributing to the development of a Workforce for the Future that meets the needs of our learners, the college sector and society as a whole.

### **NJNC – Side Table (Support)**

Progress continues to be made on NJNC – Side Table (Support) negotiations. A pay claim for 2017/18 has been successfully concluded and a flat rate of £425 per member of staff agreed as well as a common and unitary package of annual leave which entitles support staff to 44 days of annual leave per year. Negotiations remain constructive with engagement from both sides in the selection and introduction of a national job evaluation scheme.

### **Negotiating for a Solution that is Affordable and Sustainable**

The Employers' Association has developed a costing model to demonstrate the financial impact of implementing the Agreements, any additional pay claims and a job evaluation scheme. This costing model has been validated and verified by the Scottish Funding Council and the Scottish Government. Based on this model, attached in Appendix 3, the estimated cost to the sector of National Bargaining will be £98.9 million over the next three years then £50 million year on year thereafter.

This is a substantial cost to the sector at a time when it is facing significant financial challenges including around half of the colleges in Scotland reporting a financial deficit. The Employers' Association continues to negotiate for a solution which is not only affordable but will also be financially sustainable for the sector.

It should be noted that any agreement reached during the course of negotiations and the implementation of any such agreements will be subject to the Scottish Government providing sufficient funds in the upcoming Spending Review.

### **What Happens Next?**

For the support staff, discussions will continue on the job evaluation scheme.

For the lecturing staff, the agreement reached on Wednesday 29 November 2017 now needs to be ratified.

Assuming ratification, it is in the best interests of both the Employers and the EIS that the final agreement is then implemented in a speedy and timely manner. However, before this can happen, the following requirements need to be in place:

- An Equality Impact Assessment would be required as set out in the March 2016 Agreement.
- Confirmation of funding to implement the Agreement.
- As agreed by the NJNC, a technical implementation note from the NJNC Joint Secretaries would be required to ensure there was no unilateral interpretation of any Agreement.
- Reasonable logistical arrangements being put in place, dependent on size, scale and complexity of task for each individual college to implement any agreements.

November 2017 Agreement – Core Terms and Conditions		
<b>Salary Conservation</b>		Where a member of staff is currently in receipt of existing local salary conservation arrangements these will be retained.  Position from 1 January 2018 – 4 years conservation.
<b>Annual Leave</b>	<b>Unpromoted Lecturers</b>	62 days – fixed  No detriment for staff in post at 31 December 2017
	<b>Promoted Lecturers</b>	Level 1 – 62 days – fixed  Level 2 – 60 days – up to 5 days can be taken flexibly, subject to operational exigencies of the service  Level 3 – 55 days, the timing of which will be determined subject to operational exigencies of the service.  No detriment for staff in post at 31 December 2017
<b>Class Contact</b>	<b>Unpromoted Lecturers</b>	23 hours plus 1 (maximum 8 hours in any 12 consecutive teaching week period), with annual hours of 860.  Class Contact Time: 23 hours (FTE)  <ul style="list-style-type: none"> <li>• Teaching/Assessment.</li> <li>• Supervision of students</li> <li>• Tutorial Teaching/Support</li> </ul> Where appropriate and as directed by college management: <ul style="list-style-type: none"> <li>• Participating in agreed academic research</li> <li>• Additional curriculum development</li> </ul> Additional 1 hour Class Contact (FTE) up to a maximum of 8 hours within any 12 week consecutive teaching week period <ul style="list-style-type: none"> <li>• Cover in accordance with the above for sickness or other short term absence.</li> <li>• Where appropriate, and as agreed with college management, coordination/lead of internal verification.</li> </ul> Weekly hours 23+1 and Annual hours of 860 (FTE) to be applied pro rata to part time staff.  To be applied from 1 <sup>st</sup> August 2018  No detriment for staff in post at 31 December 2017
	<b>Promoted Lecturers</b>	Level 1 – Up to 17 hours per week  Level 2 – Up to 12 hours per week.  Level 3 – Up to 9 hours per week.  This will be applied from 1 August 2018.  Class Contact time will be based on the duties listed above for unpromoted staff, incorporating both the '23 hours' and the 'additional 1 hour'.  No detriment for staff in post at 31 December 2017
<b>Transfer to Permanency</b>		2 years – to be applied from 1 April 2019.

**Notes:**

1. Any voluntary contractual move to another post and/or employer means that existing local arrangements would cease. Colleges will comply with all relevant employment legislation.
2. Anyone currently working in the sector on a temporary, fixed term or other non-permanent contract will retain existing local arrangements on renewal of their existing contract or transfer to an equivalent permanent post. Where there is agreement within the college to amend an employee's existing hours or otherwise amends an existing contract existing local arrangements will be retained.
3. The whole Agreement is subject to ratification by both sides and the completion of an Equality Impact Assessment.

## **Initial Response to EIS Pay Claim 2017/18**

With reference to the Staff Side Pay Claim for 2017/18 which was submitted and acknowledged, at the National Joint Negotiating Committee (NJNC) – Side Table (Lecturing) meeting held on Thursday 15 December 2016, the Management Side respond as follows:

It is acknowledged that some time has elapsed since receipt of the submission, however, this needs to be taken in the context of the other priority matters which have delayed progress on this, not least of which related to the dispute lodged by the EIS and the subsequent industrial action in April and May 2017.

The Management Side, confirm, through discussion at the Employers' Association, that they have given due consideration to the submitted 'cost of living' pay claim for 2017/18 for £1000 to be applied to all salary points effective from 1<sup>st</sup> April 2017. The Management Side has noted the reasons outlined in the EIS submission.

In considering their response, the Management Side has given consideration to the current level of sector funding and the agreements which have reached so far in respect of pay and terms and conditions.

The information currently available from the Scottish Funding Council – Circular CI/03/2017, is that only the pay element of the Agreement can be funded for this year. There has been no additional funding provided for a 'cost of living' increase. As the Management Side has already indicated, the Pay Agreement reached as part of the May 2017 Agreement results in an average 9% increase for employees over the 3 year period and total costs to the sector approximately £44m.

The money from the SFC which has been provided to colleges for the payment of the first 25% of the Pay Agreement does not provide any flexibility for the inclusion of any 'cost of living' element and in addition, colleges are facing further potential increases to costs through changes to terms and conditions. Colleges must ensure that any further additions to the paybill, whether that be through pay increases or changes to terms and conditions, are both affordable and do not affect the viability of the sector.

Taking account of SFC funding circular CI/03/2017, together with the verified and validated financial information provided by SFC (confidential and restricted Paper 6) the employers are open to constructive dialogue with the EIS to identify, secure and deliver an affordable, viable and sustainable response to the EIS pay claim for 2017/18.

### **Employers Response to 'Cost of Living' Pay Claim**

The employers offer all lecturers that received less than £425 during the first 25% of harmonisation will receive an additional unconsolidated payment to ensure that every employee will receive a minimum of £425.

# National Bargaining Financial Impact

# Appendix 3

	Indicative Costs (£ millions)			Cumulative Cost	Indicative Costs (£ millions)				Cumulative Cost
	FY 2017/2018	FY 2018/2019	FY 2019/2020		AY 2016/2017	AY 2017/2018	AY 2018/2019	AY 2019/2020	
Un-Promoted Lecturing Base Pay Agreement (9%)	3.6	7.4	17.4	28.5	1.6	4.6	11.8	18.9	37.0
Promoted Lecturer Base Pay Agreement	0.7	1.5	3.3	5.5	0.3	0.9	2.1	3.4	6.7
Changes to Annual Leave (62 days from 1st Jan 2018)	0.4	1.2	1.3	2.8	0.0	0.9	1.3	1.3	3.5
Unpromoted Weekly Contact Hours (23 hours per week)	0.0	4.1	6.3	10.4	0.0	0.0	6.1	6.4	12.6
Promoted - Reduced Weekly Contact Hours	0.0	2.4	3.6	6.0	0.0	0.0	3.5	3.7	7.2
Additional TQFE Lecturers new Bar point (50% College funded)	0.0	0.5	1.1	1.6	0.0	0.0	0.7	1.3	2.0
Payments to achieve terms and conditions adjustments	0.0	0.3	0.1	0.4	0.0	0.0	0.4	0.0	0.4
Pension scheme changes	0.0	1.0	1.5	2.4	0.0	0.0	1.4	1.5	2.9
VS Payments	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>Costs of Agreement for Lecturing staff</b>	<b>4.7</b>	<b>18.3</b>	<b>34.7</b>	<b>57.7</b>	<b>1.9</b>	<b>6.4</b>	<b>27.5</b>	<b>36.5</b>	<b>72.3</b>
Introduction of Job Evaluation (6%)	0.0	6.5	11.2	17.7	0.0	0.0	10.3	11.2	21.5
Introduction of Job Evaluation - Middle Managers (3%)	0.0	0.4	0.7	1.2	0.0	0.0	0.7	0.7	1.4
Additional Annual Leave for Support staff (44 days per annum)	0.8	1.2	1.2	3.3	0.0	1.2	1.2	1.2	3.7
<b>Additional Revenue Requirement For Consideration</b>	<b>0.8</b>	<b>8.2</b>	<b>13.2</b>	<b>22.2</b>	<b>0.0</b>	<b>1.2</b>	<b>12.2</b>	<b>13.2</b>	<b>26.6</b>
<b>Total Cost Predictions</b>	<b>5.5</b>	<b>26.5</b>	<b>47.9</b>	<b>79.9</b>	<b>1.9</b>	<b>7.6</b>	<b>39.7</b>	<b>49.7</b>	<b>98.9</b>