



NATIONAL BARGAINING: EIS-FELA Briefing Paper

June 2016

Background

This briefing paper sets out the current position on developments within the National Joint Negotiating Committee (NJNC), which deals with national bargaining across the college sector in Scotland. The EIS is aware that the Employers Association has (via colleges) sent a briefing to staff..

It is important for members to be able to differentiate between what has happened at the NJNC, and what the Employers want to happen at the NJNC in the future.

It is also important to stress that the NJNC has been working separately with lecturers and support staff, i.e.with lecturers and support staff carrying out entirely separate negotiations with the Employers. The actions going forward from each set of negotiations will therefore be different, although this is not reflected in the Employers' Association Briefing.

The EIS (representing lecturers) has ratified a Pay Agreement that covers 2015-16 and 2016-17, and it is attached for reference at Appendix 1. The EIS is currently trying to deliver that Pay Agreement in full with the Employers, but this is proving difficult.

The Support Staff unions agreed a Pay Agreement for 2015-16, and submitted a Pay Claim for 2016-17 whilst the EIS was in dispute about its pay claim. The Support Staff Unions and Employers have failed to agree a Pay Deal for 2016-17, and the Support Staff Unions are effectively claiming that the Employers have not delivered on the 2015-16 Pay Agreement and have therefore lodged a dispute with Employers.

Delivering the NJNC Pay Agreement for Lecturers

In April 2016 EIS-FELA members voted overwhelmingly to accept a Pay Agreement that delivered decent pay rises for lecturing staff and that will deliver fair & equal pay for lecturers across Scotland culminating in all top of the scale unpromoted lecturers earning £40,026 pa in April 2019 .

The Pay Agreement has multiple elements with intentionally different implementation dates. (Having different implementation dates agreed was to prevent trading pay for conditions of service.) The implementation date for the development of new national pay scales for teaching staff and a "roadmap" was agreed at the NJNC pay negotiations as May 2016 so as to separate them from the development of new national conditions of service which have an implementation date of October 2016. You will see that the Agreement also includes specified key milestones.

There are 5 main clauses to the Pay Agreement, and to our knowledge clauses 1-4 have been delivered by colleges. To date, however (23 June 2016), the Management Side at the NJNC have prevaricated on delivering parts of clause 5 – i.e. the national pay scales and roadmap. This will make pay migration (as agreed in the Pay Agreement) in August 2016 virtually impossible.

You should be clear that our representatives have taken all necessary steps to meet the milestones set out in the Pay Agreement. We have timeously submitted detailed proposals on:

- National Pay Scale for Unpromoted Lecturing Staff – including a detailed rationale
- National Pay Scale for Promoted Lecturing Staff

- A detailed mechanism on how the Pay Agreement's 25% pay gap is delivered in April 2017, a further 25% in April 2018 and the common top of the unpromoted lecturers scale in April 2019 as set out in the Agreement.
- The mechanism also includes pay harmonisation and pay migration for all lecturers.
- A full set of new national conditions for all lecturing staff addressing every term specified for national bargaining in the NRPA.

The Management Side managed a single side of paper in May 2016 which contained a pay scale for unpromoted staff only, and a graphic of a road with several headings needing to be agreed before dealing with national pay scales. Another document was forthcoming from the Management Side in June (after it had missed the May implementation date) but it has not responded to the EIS proposals in detail nor suggested a pay scale for promoted lecturers.

After four meetings in May and June 2016, we have finally managed to agree a "roadmap" to deliver on the Pay Agreement. This is attached as Appendix 2.

It is becoming increasingly clear to the EIS that the Management Side are seeking to frustrate the terms of the Pay Agreement and to try and deliver something different – probably something that they would have liked the Pay Agreement to have been.

The Management Side have sought to introduce job evaluation, professional standards evaluation, performance management and assessment, professional standards, linkage between recognition & reward to performance etc. These have been successfully resisted by the EIS on two grounds – they are against EIS policy and secondly, they all fall outwith the specified remit of the NJNC as agreed in the NRPA.

The Management Side have stated that they wish to revisit these areas and believe that they are agreed to in the Pay Agreement, and that the Pay Agreement trumps the NRPA. A copy of the Pay Agreement is attached for members to read and draw their own conclusions.

The Management Side have this week issued a Briefing Paper which the EIS feels sets out Management Side aims rather than where the NJNC is actually at.

Whilst it accurately states: "*The review of the future workforce requirement will require progress on parallel discussions on both pay and conditions*" it misleadingly states:

Regular consultative meetings with the trade unions are planned and short life working groups will be established to take forward major initiatives, including a national job evaluation scheme, a national pay and grading scale and, harmonisation of terms and conditions to deliver new contracts for all staff in the sector.

The Management Side Briefing refers to *consultation* meetings, we would like to state that *consultative meetings* are in fact *negotiation meetings*. In other words, under the terms of the NJNC the Management Side needs to come to an agreement with the EIS on lecturers' terms and conditions etc.

Furthermore, the Management Side Briefing makes several references to getting an "affordable" set of terms & conditions. The fact is that the pay for the top of the scale unpromoted lecturer has been agreed at £40,026 and from this figure all national pay scales may be derived.

EIS-FELA members should also be aware that the Scottish Funding Council has given colleges additional funding in 2016-17 to implement the Pay Agreement.

The NEXT STEPS section of the Management Side Briefing makes reference to a National Job Evaluation Scheme. Whilst this may apply to Support Staff, it is not something that can be done at the NJNC for EIS-FELA members. **We have made it crystal clear that we will not participate in any Job Evaluation Scheme, and the terms of the NRPA allow us to veto it.**

At the time of the Agreement being struck, EIS-FELA President John Kelly stated:

"While this very clear ballot result settles this particular issue over pay, specifically the top of the salary scale for un-promoted lecturers across Scotland, there is still much work to do to agree the detail of all national pay scales.

EIS-FELA hopes that this part of the process will run more smoothly than the previous discussions, which ran for well over a year and ended in a formal dispute and a day of strike action by lecturers across Scotland.

We are hopeful that constructive negotiations can move the process forward, so that further industrial action is not necessary in the future."

June 23, 2016

Appendix 1, NJNC Pay Agreement 2015-17 for Lecturers:

Terms of Agreement

The offer is with effect from April 2015.

1. To extend this settlement period to cover 2 years inclusive of 2015/2016.
2. To recognise that 1% / £300 whichever is the greater is an interim payment.
3. That in addition to the above, there will be a further flat-rated element of **£100 paid in April 2016**.
4. That this offer provides for a flat-rated pay uplift for 2016/2017 of £450.
5. To jointly develop a roadmap towards a harmonised workforce for the future, to include the following elements:
 - a. agreed settlement dates over a 3 year period, commencing April 2017, with agreed annual milestones in each subsequent year, built on an agreed principle of no detriment on pay;
 - b. a review of future workforce requirements within a joint process with shared data;
 - c. to agree the roadmap by end of May 2016;
 - d. the top of the un-promoted salary scale is currently £39,086. It is agreed that from 1st April 2016 this figure will be £40,026. This figure will become the top point of the new national pay scale for un-promoted lecturers. This will be the starting point for the development of this pay scale and associated migration plan;
 - e. the EIS and Management Side will also immediately develop a common set of terms and conditions for all teaching staff by October 2016 or the earliest possible date;
 - f. the whole agreement will be subject to an equality impact assessment.
 - g. there shall be no deduction made for strike action that took place on Thursday 17 March 2016.

Implementation dates on National Pay Scales

Dates	
Develop National Pay Scales	May 2016
Migration	August 2016
1 April 2017	25%
1 April 2018	50%
1 April 2019	100%

Appendix 2, Agreed 16 June 2016 at the NJNC (Lecturers' Table):

NJNC Side Table Lecturers Roadmap

	Review of Future Workforce Requirements	
Implementation Dates	Pay	To jointly develop an agreement for a harmonised workforce for the future
June 2016	Develop National Pay Scales College Roles and Descriptions	Review of Future Workforce Requirements and develop a common set of terms and conditions for teaching staff by October 2016
August 2016	Placement and Progression for Migration, Migration to National Pay Scales	
October 2016		
April 2017	25% of pay harmonisation	
April 2018	Further 25% of pay harmonisation	
April 2019	Complete pay harmonisation	

It is agreed by both Sides that the component parts included on the roadmap are not exhaustive.

Both Sides agree to enter into and conduct negotiations in good faith.