



EIS-FELA Parliamentary Briefing

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Colleges Scotland has presented financial information to the Scottish Parliament about the EIS-FELA pay dispute. In making its argument that the EIS-FELA pay claim is unaffordable and unreasonable, it has relied upon its own costings of the pay harmonisation process, of the EIS-FELA pay claims and of the settlement for support staff. It has sought to add credibility to its briefing by citing the validation of these costings by the SFC.

The EIS believes that these costings are misleading and do not accurately reflect the true costs to the sector as purported. The EIS sets out the evidence to support its case below:

- **The cost of national bargaining is around £99m – FALSE**

In a recent Parliamentary briefing¹, Colleges Scotland outlined the financial impact of national bargaining. It states that the cumulative cost of the un-promoted lecturing base pay agreement is £29.8m.

This figure does not take full account of the incremental increases from which staff in colleges would have benefitted under extant local arrangements in place, prior to national bargaining. The norm in the sector was that lecturers received an annual increment, moving through the college pay scales until they reached the top of the scale.

In assessing the true cost of pay harmonisation, therefore, the total cost of what would have been paid by way of incremental progression would have to be deducted from the total cost of the increase in salary. We believe that Colleges Scotland has failed to take full account of this and instead, presented an inflated cost for the harmonisation payments.

We have calculated the cumulative cost of the un-promoted lecturing base pay agreement at £18.4 m (or £24m with on-costs of NI and Pension contributions) – not the £29.8m cited by management.

In the same Parliamentary briefing², Colleges Scotland appears to have based its costing of £99m on a number of assumptions and notional costs which we believe are questionable:

- (i) Costs have been quantified for the changes to annual leave outlined in the May 2017 national agreement. It is unclear as to the actual basis upon which these calculations have been made and why these costs are increasing in the FY 2019/20.
- (ii) Similarly, the cumulative cost of the move to 23 hours per week in class contact for unpromoted staff has been calculated at £10.3m. Similar calculations in relation to reduced weekly class contact hours and annual leave appear to have been made for promoted staff and stated as £2.6m. These would appear to be notional costings. The EIS is not aware of any college hiring additional staff to offset any reduction in teaching hours – ie. having any additional costs. .
- (iii) One of the rows in their costing spreadsheet refers to ‘payments to achieve terms and conditions adjustments’. No detail is given as to what this refers to and why this features as a cost of national bargaining. We can think of no reason to include these costings.

¹Appendix 1 of Parliamentary Briefing dated 19 February 2019

²Appendix 1 of the Parliamentary Briefing dated 19 February 2019

- (iv) Pension scheme changes have been included. These changes form no part of the costs attributable to national bargaining. We believe that this £2.4m should not be included in this document.
- (v) The indicative costs of job evaluation have been reported as being £11.2m. However, the final column would suggest that the cumulative costs of job evaluation are in fact £22.1m. Again it is unclear as to how this has been costed.
- (vi) If the costs are being calculated on a cumulative basis, then it would be helpful to understand why there is only a slight increase in the costs of job evaluation between AY 2018/19 (£10.5m) and AY 2019/20 (£11.6m).

When all these factors are taken into account, serious questions must be asked around the £99m costed and attributed to national bargaining.

- **SFC has already had to claw back money given on the basis of Colleges Scotland costings - TRUE**

The SFC has already had to agree a process of clawing back the excess funding provided to colleges to pay for national bargaining, having relied on the information provided by Colleges Scotland in relation to the number of FTE in the sector and the levels of their salaries. These costs of national bargaining have been over-estimated by in excess of £1m and are now being re-claimed. This casts further doubt on the £99m figure quoted.

- **Lecturers have had a 9% national average pay increase from harmonisation over a three-year period - FALSE**

Throughout this dispute, Colleges Scotland has referred to the 9% national average pay increase which lecturers have received through harmonisation. This has also been stated by the Deputy First Minister. The 9% figure fails to take full account of the incremental progression to which lecturers would have been entitled before the implementation of national bargaining and we believe was calculated as the average % increase per college that ignored the fact that some colleges had considerably more staff than others.

We calculate the national average pay increase per lecturer from harmonisation as £2880 (or 8%) over three years. This equates to an uplift of £960 per annum – which is broadly equivalent to the public sector pay policy on the average salary at that time - in a sector where many lecturers have been underpaid relative to colleagues in other colleges for decades.

- **Figures stated for maximum and minimum pay increases at individual colleges - FALSE**

In the same document, Colleges Scotland produced a spreadsheet³, outlining the maximum and minimum increases as a result of 'harmonisation only'. Again, it failed to deduct the increments which staff would have been entitled to, leading to the erroneous perception that lecturers are receiving greater increases than they actually are.

This can best be seen at NESCol.

Colleges Scotland has stated⁴ that:

the maximum increase is £6,018,

³ Appendix 2 of the Parliamentary Briefing dated 19 February 2019

⁴ Appendix 2 of the Parliamentary Briefing dated 19 February 2019

the minimum, £0 and
the average, £1,233.

However, most members at NESCol received nothing through the harmonisation process and when we deduct what they would have been entitled to by progression through their local pay scale, it can be seen that:

the maximum increase was £3,266 for around only 27 (FTE) staff,
the minimum - £0 (for the remaining approximately 194 lecturing staff), and
the average - £396 (over the three year period).

For further details of the true cost of the harmonisation process for each college, please contact the EIS.

- **The cost of the support staff settlement was £14m whilst the cost of the EIS-FELA cost of living pay claim was £31.5m – FALSE**

Colleges Scotland used different methods of calculating the cost of the EIS-FELA pay claim and the cost of the support staff settlement. This has been conceded by the SFC. When the SFC considered the claim and the settlement on a like for like basis, there was only £0.3m between the two. The support staff settlement was then costed at £31.2m and not the £14m stated publicly. Colleges Scotland calculated the EIS-FELA claim on an accumulative basis for 3 years (as is the normal way of doing these calculations) but calculated the Support Staff 2 ½ year deal in a non-accumulative manner.

- **‘EIS-FELA continues to make unaffordable demands’ – FALSE**

At the NJNC meeting on 31 January, we made a proposal to management which we felt could resolve this dispute – by reducing the cost of our claim. The cost of the proposal was £13.9m – half the cost of the support staff settlement which was deemed ‘affordable’ by Colleges Scotland and the Scottish Government. Yet our claim was deemed ‘unaffordable’ and ‘unreasonable’.

- **‘Pay is Pay’ - FALSE**

Colleges Scotland has tried to conflate equal pay with a cost of living pay rise. Those who have received the most through harmonisation had been significantly underpaid for a number of years. Having won equal pay, lecturers should not now be penalised by not having what other public sector workers have i.e. a cost of living pay rise. No one would suggest that the women who have secured equal pay at the City of Glasgow Council should not be entitled to a cost of living pay rise. In the same way, harmonisation and our claim for cost of living pay increases were agreed by the Employers in 2016 as being separate.

- **EIS-FELA has taken industrial action on three occasions in four years – TRUE but WHY?**

The first strike action was to get a reasonable pay deal after the Employers breached national bargaining agreements and imposed their pay offer which infuriated college lecturers. The Employers then signed an agreement (in March 2016) which they later reneged on. We had no other option but to resort to industrial action in April/May 2017 to force management to ‘honour the deal’ to which they previously agreed. An Employment Tribunal found that the Employers had

also breached the March 2016 Pay Agreement which led to each lecturer getting an additional £100. In the current strike action, we are seeking a cost of living pay rise – many of our members have not benefited from pay harmonisation.

- We have sought to adopt a reasonable approach and negotiate for over two years. We altered our claim in an effort to resolve the dispute, prior to the first day of strike action. They rejected this. We asked to meet in advance of the first day of strike action. They refused. We made an amended proposal and offered to postpone the second day of strike action if they recommended the proposal to their Executive. They refused. We have offered to settle for less than a quarter of our original claim – they refused! We offered to suspend strike action on Wednesday, 6th March if management moved money earmarked for the period from April to August 2020 (an additional £2.5m) into the three year period covered by this dispute. Management refused. We have moved repeatedly – they have failed to move in the real terms value of their offer. Yet we are unreasonable!

It is worthwhile noting that SFC has confirmed the indicative allocation for funding for the college sector in 2019-20 as £606.5m. The difference between our proposal and management's offer is less than £4m. This dispute can be resolved quickly if there is a will on management's part to do so.

- **Colleges are committed to mitigating the impact of strikes on their students - FALSE**

Instead of engaging with our offer to suspend strike action on 6th March and work with us to find a resolution to this pay dispute, Colleges Scotland chose to introduce new items for negotiation – matters related to terms and conditions which have not been the subject of discussion as part of these two year pay negotiations and some of which have already been agreed and are contained in NJNC Agreements and Circulars.

They now want to revisit an existing agreement on transfer to permanence for staff on temporary contracts and have asked that we consider the inclusion of exemptions which we previously rejected. Our vision of a 'workforce for the future' in the college sector involves fair pay, the eradication of zero hours contracts and proper recognition and support for lecturer professionalism. This is in line with Scottish Government policy. If Colleges Scotland was serious in its commitment to resolve this dispute and prevent further strike action, then it would not be introducing at the eleventh hour, proposals which would see the extension of precarious contracts and weaken the position of our most vulnerable members.

Conclusion

We do not expect public bodies, delivering public services and in receipt of public money, to present misleading information to the public or the Scottish Parliament. The Scottish Government must now surely intervene to resolve this dispute and hold Colleges Scotland to account.

⁵ SFC Announcement 28 February 2019 – Outcome Agreement Funding for Colleges



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