



South
Lanarkshire
College

East Kilbride

HR COMMITTEE

DATE:	May 2022
TITLE OF REPORT:	25-22 Industrial Relations
AUTHOR AND CONTACT DETAILS	Gary McIntosh, Head of Human Resources gary.mcintosh@slc.ac.uk
PURPOSE:	Provide the HR Committee with an update on Industrial Relations matters.
KEY RECOMMENDATIONS/ DECISIONS:	The Board is asked to: <ol style="list-style-type: none">1. Note the contents of the report.2. Discuss the contents of the report.
RISK	<ol style="list-style-type: none">1. The adverse impact of industrial action on students, employees and the College sector
RELEVANT STRATEGIC AIM:	Successful Students – skilled & knowledgeable staff Highest Quality Education & Support – Valued & enthusiastic staff; high-quality support services; productive partnerships Sustainable Behaviours – effective leadership and management; excellent governance; continuing professional learning and development; appropriate risk management
SUMMARY OF REPORT:	The report will provide an overview industrial relation with: <ul style="list-style-type: none">• EIS-FELA• UNISON

1 INTRODUCTION

1.1 This paper seeks to provide an overview of the current industrial relations situation in the College sector.

2 EIS-FELA

2.1 See appendix 1 for the pay offer and pay claim.

2.2 EIS-FELA members at the College are currently engaged in strike action and action-short-of-strike (ASOS) action. There have been a series of strike days which have taken place with further scheduled throughout May and June 2022.

2.3 The ASOS by EIS-FELA includes “not resulting students” and also working to rule. The EIS-FELA has set out what activities is covered by ASOS and a copy of that statement is attached as appendix 2. The College has taken legal advice and has been informed that the failure to submit results is a breach of contract. Currently College Employers Scotland is considering what a national response to this action may be. Working to rule is not a breach of contract however it is likely that this will also impact adversely on students.

3 UNISON

3.1 See appendices 2 and 3 for pay offer and pay claim. UNISON have voted to take strike action and ASOS. As the turnout has failed to reach a 50% threshold, UNISON cannot now proceed with industrial action related to the 2021/22 Pay and Terms and Conditions pay offer.

3.2 Support staff unions, including UNISON, have also moved to a formal dispute in regard to the job evaluation exercise for support staff, which commenced in 2018. See appendix 4 for details.

3.3 The College does not anticipate an early resolution to the disputes with EIS-FELA or Unison.

Appendix 1 – EIS-FELA Pay Offer and Claim

From: Joanne Buchan <joanne.buchan@collegesscotland.ac.uk>

Sent: 03 May 2022 19:02

Subject: National Bargaining Update: Lecturing Staff Pay Dispute Meeting – Tuesday 3 May 2022

Importance: High

Sent on Behalf of Gavin Donoghue

Dear Chairs, Principals, Employers' Association Representatives and Observers (*copied to Management Side Representatives, Secretaries to the Board and PAs*),

Lecturing Staff Dispute Meeting – Pay 2021-22

A National Joint Negotiating Committee (NJNC) – Side Table (Lecturing) pay dispute meeting was held today (Tuesday 3 May 2022). An update on the key discussions is below.

Further to the email issued earlier today, I can confirm the NJNC – Side Table (Lecturing) meeting on pay reconvened this afternoon.

Following a revised pay claim from the EIS-FELA of £1,250, and after lengthy discussions, the management side made a revised final offer of £900 consolidated and £150 unconsolidated for all unpromoted and promoted lecturers scale points, taking the employers formal offer to £1,050. The management side reiterated the financial pressures of the sector and requested that the EIS-FELA take the revised final offer to its membership.

After an adjournment, the staff side advised that this offer was not a substantial enough increase to the consolidated element and stated it was seeking a pay rise, not an unconsolidated recognition award. The staff side further revised their pay claim to £1,200 consolidated.

The management side advised it would share this revised EIS-FELA position with the wider College Employers Scotland at its meeting on Thursday, 12 May 2022. The staff side wished to continue negotiations, however, the management side maintained its position and requested the EIS-FELA take the revised final offer to its members.

Next Steps

The sector will continue to be updated, however this matter will be subject to full discussion at the College Employers Scotland meeting on Thursday, 12 May 2022.

Communications and Engagement Strategy

In line with our communications and engagement strategy, a media statement was issued following today's meeting and is on the website [here](#).

Date of Next Meeting

There was no meeting date scheduled. The sector will continue to be updated.

If you have any queries on any of the above, please contact me directly.

Regards,

Gavin

Gavin Donoghue
Director of College Employers Scotland

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Appendix 2 – UNISON Pay Offer

From: Employment Services <employment.services@collegesscotland.ac.uk>

Sent: 21 April 2022 17:04

Subject: UNISON Notice of Intention to Issue a Statutory Ballot for Industrial Action

Dear Chairs, Principals, Employers' Association Representatives and Observers (*copied to Management Side, Board Secretaries and PAs*),

Legal Advice on Statutory Ballot Notification

Further to my email issued on Tuesday 19 April 2022 (attached), I can advise that we have now received legal advice on the ballot notification from UNISON. Thorntons, College Employers Scotland's lawyers, have advised that although colleges could challenge that the ballot is not specific enough, any challenge is highly likely to be unsuccessful.

In this regard, colleges are asked to utilise the checklist previously provided to ensure their local details are correct.

Communications and Engagement Strategy

In line with our Communications and Engagement Strategy, a media statement which has been issued can be found below:

Gavin Donoghue, Director of College Employers Scotland said: "It is disappointing that the support side trade unions have rejected a good pay offer.

"Our offer gives clear recognition of the outstanding work carried out by college staff throughout the pandemic. Our offer totals £1000 - a consolidated award of £850 on all salary points, effective from 1st September 2021, and a £150 payment in recognition of the support staff efforts during the pandemic.

"College employers have gone as far as we can in the current dire financial climate with the funds we have available from Scottish Government.

"We are hopeful that support side trade unions come back to the table to accept what is a very good offer."

Next Steps

Over the coming weeks, it is essential that all colleges share information in respect of any planned industrial action with the College Employers Scotland team. In particular, we request that you provide a copy of your **Notice of Statutory Ballot for Industrial Action** once received from UNISON.

Please can you also share any communications that you may issue to your staff.

If you have any queries, please contact myself (jillian.cheape@collegeemployersscotland.ac.uk) or Heather (heather.stevenson@collegeemployersscotland.ac.uk) direct.

Regards

Jillian

Jillian Cheape

Senior Employment Services Advisor

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Appendix 3 – UNISON Pay Claim

From: Employment Services <employment.services@collegesscotland.ac.uk>

Sent: 22 April 2022 16:38

Subject: National Bargaining Update: Support Staff Pay Dispute Meeting – Friday 22 April 2022

Dear Employers' Association Representatives and Observers (*copied to Management Side Representatives*)

Support Staff Dispute Meeting – Pay and Terms and Conditions 2021-22

A National Joint Negotiating Committee (NJNC) – Side Table (Support) pay dispute meeting was held today (Friday 22 April 2022).

Following initial discussions, the management side reiterated the offer made in January 2022 (**attached**).

The staff side advised it was looking for a consolidated of £1150 which, in its view, was the breakeven position for support staff.

The management side explained the current cost pressures on colleges and offered to have an 'open book' exercise on the college sector finances.

The staff side agreed it would welcome an open book exercise if this was to help resolve the current dispute.

The management side confirmed it was a worthwhile exercise in their view and a genuine attempt to find a dispute resolution and avoid industrial action.

Date of Next Meeting

It was remitted to the secretariat to schedule the open book exercise then a further dispute meeting will be scheduled.

The sector will continue to be updated.

If you have any queries on any of the above, please contact me directly.

Regards

Gavin

Gavin Donoghue

Director of College Employers Scotland

gavin.donoghue@collegeemployersscotland.ac.uk

M: 0 7801 887 820

Appendix 4 – UNISON Dispute – Job Evaluation

From: Mullen, Lorcan <l.mullen@unison.co.uk>
Sent: 10 May 2022 15:30
To: Alex Linkston <alexeastbonhard@aol.com>
Cc: Chris Greenshields <cgreenshields@glasgowkelvin.ac.uk>; alison.maclean <alison.maclean@unitetheunion.org>; John Slaven <john.slaven@gmb.org.uk>; Heather Stevenson <Heather.Stevenson@collegeemployersscotland.ac.uk>; Jillian Cheape <jillian.cheape@collegesscotland.ac.uk>
Subject: Dispute - Job Evaluation, Treatment of Analysts, Breach of Formal Agreements

Dear Alex,

Dispute – Job Evaluation – Quality Assurance, Treatment of Analysts, Breach of Formal Agreements

I am writing on behalf of the support staff unions to notify a formal dispute on the following grounds:

- College Employers Scotland's move to take unilateral control of the final stages of the scoring and quality assurance processes, a fundamental breach of prior formal agreements and commitments to joint stewardship of this project. Recent actions and written proposals from the employers' side depart from the agreed NJNC structures (the Job Evaluation Working Group, Side Table, the NJNC Secretariat) and this approach cannot continue.
- College Employers Scotland's repeated obstruction of reasonable quality assurance work by job analysts, again in breach of prior agreements
- College Employers Scotland's move to issue analysts with notice and begin the dismantling of crucial project infrastructure, without appropriate consultation or agreement with trade union partners. This infrastructure is being dismantled while work is outstanding and agreements are being breached on e.g. new and evolved roles.

We call on the employers to commence dispute resolution processes immediately, in line with your formal commitments in the NRPA, to work towards agreements and necessary progress with this project. Status quo will apply until the dispute process is exhausted. **With that said, we again propose job analysts begin work on the job families quality assurance exercise on an agreed basis, so analyst time and public funds are not being wasted while this dispute is addressed.**

For over a month, union negotiators have worked in vain to reach agreement and return to much-needed progress in the job evaluation project, and we have been immensely frustrated with the standard and seriousness of the engagement from sector representatives. The proposed QA exercise has been known to the employers since January, and the employer side's obstruction of this work has wasted scarce time and resources and needlessly slowed progress on job evaluation.

We want nothing more than to see this project succeed, with owed money paid to members as soon as possible and fair and equitable pay rates settled for support staff across Scotland. Repeatedly, flagrantly breaching agreements with the trade unions is an obstacle to that crucial work, and we urge a rapid change of approach on the part of the college employers, for the good of our members – your employees – and for the good of the sector.

Yours sincerely,

Lorcan Mullen
NJNC Joint Secretary – Support Staff

Lorcan Mullen
UNISON Scotland
Regional Organiser
Head of HE & FE
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