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December 2023

Dear Convener

RESPONSE: RESETTING NATIONAL COLLECTIVE BARGAINING IN THE COLLEGE SECTOR – LESSONS LEARNED EXERCISE

I write in response to your letter dated 24 November concerning the lessons learned exercise and issues with national collective bargaining in the college sector.

I would like to extend my thanks to all parties who participated in the exercise and who have subsequently responded to Strathesk Resolutions' report that has set out a number of recommendations designed to help restore confidence in the national collective bargaining process for the future.

I will begin by noting the Scottish Government's commitment to national collective bargaining and its desire to see the functioning of the process improved so that industrial action relating to pay, terms and conditions functions as it should, without regular recourse to industrial action.

It is no secret that industrial relations in the college sector are far from ideal at present and clear evidence of this can be found with the current round of pay negotiations that have still to conclude, resulting in strike action. This is not in the best interests of trade unions, college employers or students.

It is clear, from Strathesk Resolutions' report and from responses to the report, that both information-sharing and the culture of negotiations must be improved; these are two of the factors identified by the report that facilitate an undermining of effective collective bargaining and therefore, I will continue to encourage all sides to work together to implement the recommendations in the report.

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Nevertheless, national collective bargaining is, and should remain, a joint voluntary arrangement between employers and trade unions with negotiations taking place against the backdrop of that ambition.

I do welcome the agreement at the National Joint Negotiating Committee (NJNC) to a joint meeting between all parties in the new year to discuss next steps with regard to the recommendations in the report and I will continue to encourage dialogue on these, with a view to seeing their implementation and the operation of national bargaining improved.

The NJNC was established to jointly agree the terms on a range of issues, including pay, terms and conditions of employment between college employers and partner trade unions and therefore, it is for both parties, not Government, to agree on specific proposals to improve the process through which national bargaining occurs.

As regards the points raised about the role of the Scottish Funding Council (SFC) in national pay negotiations, the report produced by Strathesk Resolutions noted that consideration should be given to role the SFC could play in achieving an established evidence base for negotiations through providing assurance for the accuracy of the information that sets the context for the negotiations. While it is for both the employers and trade unions to decide whether this would help with issues relating to the evidence base, any decision to include the SFC in the process should be in keeping with the principles of national collective bargaining and within the SFC's current statutory duties.

I hear concerns, particularly from trade unions, regarding the recommendation to install an independent Chair in the National Joint Negotiating Committee. The NJNC is not a body that Scottish Ministers established or have control over and therefore, the Scottish Government does not have the powers to appoint a Chair to the NJNC. Any decision made on the appointment of an independent Chair would need to be agreed by both the employers and trade unions.

That said I recognise why, given the nature of industrial relations and negotiations over a number of years, such a recommendation has been made.

I also hear, and have heard, concerns of trade unions about the availability of time that their representatives are given to participate in union activities. I have been clear that this, as an issue that falls under terms and conditions, is for employers and trade unions to negotiate.

As regards the future of the Strategic Partnership Forum, this is being discussed by its joint chairs.

On 19 January 2023, all parties decided to pause the forum until the summer of 2023. In June, Unison, EIS-FELA and College Employers Scotland affirmed their commitment to the forum and agreed to have a facilitation meeting to scope out a role for the forum.

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Notwithstanding the fact that national bargaining is a voluntary process between unions, I make a commitment to engaging with both the employers and the trade unions to encourage that the recommendations are implemented in order to ensure the continued success of collective bargaining in Scotland.

GRAEME DEY MSP

Minister for Higher Education, Further Education; and Minister for Veterans

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