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Statement on national bargaining in the Further Education sector

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John Swinney, Deputy First Minister and Cabinet Secretary for Education and Skills

Scottish Parliament 16 May 2017

Over the last ten years we have been implementing an ambitious programme to reform post-16 education.

Our purpose has been clear and consistent over that time: to create a national college sector that is more efficient and effective and able to meet stretching measures and outcomes.

We remain committed to creating a sector better suited to our national priorities including the delivery of skills and opportunities, particularly for our young people, to meet their needs and that of our economy.

I am increasingly confident that our colleges have a clear, focused role in delivering a skilled workforce for their regions and have developed new and enhanced relationships with employers around curriculum planning, work experience and employability skills.

Delivering the right curriculum in the right place has been critical to this development alongside significantly improved partnership arrangements with Local Authorities, universities, schools and community planning partnerships.

The focus is now very much on full time learning opportunities leading to

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recognised qualifications and employment, particularly for young people.

And the evidence increasingly demonstrates that this approach is working.

The number of full time funded students aged 16 to 24 has increased by over eleven per cent (11%) since 2006-07.

And our youth unemployment rate is at its lowest rate since the series began in 1992 and is the 3rd lowest in the EU.

In 2015-16 almost twelve thousand (12,000) more students successfully completed full-time courses in both further and higher education leading to recognised qualifications than in 2008-09.

Colleges are not just delivering for young people.

Under this Government, the number of full-time students aged 25 and over has increased by over thirty three percent (33%) since 2006-07.

The sector is also delivering for women, with the number on full time courses up by over twelve percent (12%) over the same period.

And our colleges play a key role in our success in higher education.

Over forty one percent (41%) of all full-time college activity in 2015-16 was in higher education – the highest proportion ever.

Colleges are also playing a crucial role in widening access. Many students from the most challenging backgrounds begin their post-16 education journey in college.

Over sixteen percent (16%) of college provision was delivered to students from the ten percent (10%) most deprived areas in 2014-15 and over twenty nine percent (29%) of all students came from the twenty percent (20%) most deprived communities.

These are real achievements for our colleges to be proud of. Staff, both lecturing and support staff, and the students themselves, have all helped make this happen.

I am in no doubt: our college sector is now better placed than ever before to enable students to flourish and succeed, and build the workforce Scotland's employers need, now and in the future.

And as we move forward, our colleges must continue to develop and innovate to deliver the type of learning that society, the economy and individuals need for the future.

I know that all college staff and leaders are committed to this ambitious programme of change and improvement.

I appreciate that over the last few years we have seen significant restructuring of the sector to create a more sustainable and viable platform for delivering high quality further and higher education.

College staff have played their full part in securing these necessary and beneficial changes and I want to commend them for their commitment.

I also understand that there is still more to be done to secure the vision we have for a world class college sector.

From the outset we agreed with college employers and staff that a harmonised approach to pay, terms and conditions for both lecturers and support staff was integral to creating a modern, flexible sector. We agreed that this would best be delivered by a system of national bargaining that rightly places responsibility for reaching agreement with representatives of employers and staff through their National Joint Negotiating Committee.

The present dispute has its roots in the agreement reached last March by that NJNC and a disagreement between the Colleges' Employers' Association and the EIS on the relationship between pay and terms and conditions.

On pay, while precise levels of increase will vary depending on personal circumstances, the agreement already reached will see all unpromoted lecturing staff receive an average pay rise of 9% over a three year period. This means that unpromoted staff will now earn up to £40,026 per year at the top of their salary scale.

While some details remain to be resolved, that part of the agreement has been in place for some time.

What has not been agreed are the terms and conditions. While both parties agree in principle to harmonisation in order to create the right platform for an FE workforce for the future, the nature of that harmonisation is disputed.

The employers are clear that a national pay award has to be linked to agreement on harmonised terms and conditions. The EIS maintains that they should be separate.

Although both sides agree that matters such as staff teaching hours and annual leave should be the same across the country, instead of varying from college to college as they do now, they disagree on what the harmonised terms and conditions should be.

Two key issues are the number of core teaching hours and the number of annual leave days.

The Employers have proposed up to 24 hours per week of core teaching time for the majority of lecturers. The EIS has proposed up to 22.

The employers believe they are asking for no more than the sector-norm on hours. The union does not accept this.

On annual leave, the Employers have offered that existing staff retain their current entitlement without change, while new staff would have 56 days per year.

The EIS has proposed 64 days per year for all lecturers with no detriment for existing staff.

This dispute, then, is not simply about pay, with these issues of core teaching hours and annual leave being amongst the most difficult to resolve.

Talks have been underway for some time. The Minister for Further Education, Higher Education and Science has met each side on several occasions over the last 6 months to encourage and facilitate a resolution.

Over the past few weeks, the sides have made some welcome progress but a settlement has not yet been reached. We remain in the middle of a period of strike action which is having an impact on students. Four (4) days have already been lost to strikes since the end of last month with a further two (2) days planned for this week. Currently the EIS plans to escalate the action to three (3) strike days a week until the beginning of next month. That escalation will see the impact on students deepen and harden with some at real risk in this crucial, end-of-year period of not being able to progress to future years' study or indeed, qualify.

Presiding Officer, that is not acceptable. I therefore decided, alongside the Minister for Further Education, Higher Education and Science, to formally intervene and we met with both sides separately on Sunday evening (14 May) to this effect.

Through this intervention, we actively sought a way forward that allows both sides to work constructively for a solution so that the sector can focus on delivering the high-quality education that its students expect.

There are five key elements to this intervention.

Firstly, I emphasised in both meetings my serious concerns about the detrimental and disruptive impact of the current dispute on students and that this should be to the fore of all our thinking.

Secondly, I insisted that a robust evidence base was needed to establish baselines on the issues of key importance: the sector norm for class contact time and for annual leave so that competing bids could be fairly assessed. Without agreed baseline data – an undisputed understanding of the current terms and conditions of lecturers - there is no prospect for agreement.

Thirdly in both meetings, I reaffirmed the Government's absolute commitment to securing national bargaining. I know there is a concern on the part of unions that the employers are not committed to national bargaining - I therefore made it crystal clear to the Employers' Association my firm expectation that they would act collectively to deliver national bargaining.

Fourthly, and most significantly, I informed both the union and the employers that I was making a significant change to the way the talks will be conducted from now on.

We are placing a Scottish Government appointed mediator in the talks, charged with seeking to help parties to break the deadlock.

John Sturrock is a highly respected QC and widely recognised as a leading mediator and facilitator. As an independent guide to the process, he will now facilitate the talks in an effort to bring about improved relations between both parties; encourage effective communication and respectful dialogue; help identify options for progress; and work with the parties to try and break the log-jam.

Finally, to assist this process, I asked the EIS to suspend the planned strikes due to take place this week and going forward while this process of active dispute resolution is in progress. I asked that the union give this careful consideration following our meeting and I reiterate that request today.

Presiding Officer, I want this dispute to end and I want agreement to be reached on harmonising pay and terms and conditions for college staff through national bargaining. For the Scottish Government to directly intervene and force a resolution would mean the end of national bargaining.

I am not prepared to consider that outcome.

I therefore urge both parties to work constructively with our independent facilitator to find the common ground and achieve an agreement.

This will enable all to move forward together to the benefit of the sector and its students. The students in our colleges deserve nothing less.

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