



EIS FELA BRIEFING ON THE FIGHTING
FOR THE FUTURE OF FURTHER
EDUCATION CAMPAIGN AND COLLEGE
LECTURER PAY DISPUTE 2022-23

EIS-FELA
Parliamentary Briefing

MSP Briefing (EIS-FELA Pay Dispute 2022/23):

This MSP briefing is an update to the previous *EIS-FELA Pay Dispute 2022/23* briefing sent to you last September. The information provided is in chronological order.

Pay Claim and First Offer

The EIS-FELA pay claim for £5,000, flat rated, was submitted in June 2022. At the time that the claim was submitted, we made clear that inflation was predicted to rise exponentially amidst the developing cost of living crisis. College Employers Scotland (CES) took several months and a number of NJNC meetings to respond with an offer; this only came after EIS-FELA enacted the NJNC dispute procedure regarding the lack of an offer.

The original offer from CES was a 2% salary increase in one year and was put on the table in December 2022. With inflation sitting, that month, at over 13% (RPI), the offer was rejected. There were further meetings of the NJNC with no improvement on the offer – so EIS-FELA responded with a consultative ballot at the end of January 2023 for both Action Short of Strike and Strike Action. The EIS-FELA Executive was clear at this stage with the membership that action short of strike would be taken first and if this failed to produce an offer then strike action would be deployed. This was also made clear to CES.

Dispute, Ballots and Second Offer

Following the declaration of a dispute early last year, during which a consultative ballot took place evidencing EIS-FELA members' willingness to take strike action, management representatives attended two formal dispute resolution meetings without bringing any further improvement on their offer.

Without progress, a statutory ballot for ASOS and Strike Action was conducted by the EIS, in April 2023. A further offer came, later that month, of a 3.5% increase for each year in a two-year deal. With inflation running at over 11% (RPI), this was rejected; however, an openness to a two-year deal was intimated by the EIS-FELA negotiators. **CES stated when this offer was presented that it would result in job losses.**

Scottish Government Response and Revised Pay Claim

EIS-FELA met with Graeme Dey, the Minister for Higher and Further Education and Veterans, shortly after he was appointed. He encouraged EIS-FELA to move position and stated that he would encourage the CES to do this also.

EIS-FELA revised our claim to £7,000 over two years and tabled this in May 2023 with inflation remaining above 11% (RPI). It was made clear that EIS-FELA would be flexible on how this figure could be split potentially over two years, and that there was still capacity to move from the figure through negotiation, if the management side could move further.

Industrial Action and FE Funding Cuts

Action Short of Strike, in the form of a resulting boycott and work to rule, began on 2nd May 2023 on the same day that the Scottish Government announced the withdrawal of an additional £26million that had been allocated to the college sector. However, the allocation of this figure had never been part of the core allocations distributed to colleges by the Scottish Funding Council. It was made clear, at this time, that the EIS-FELA would escalate industrial action to include strike action if no resolution to the pay dispute could be found.

The EIS wrote to the Scottish Government calling for an emergency funding package to be implemented for colleges, and wrote to all college principals asking them to join us in this call. To date, there has still been no joint call to Scottish Government in pursuing the emergency funding package. However, EIS-FELA remain open to this approach.

First 'Full and Final' Offer

CES produced their 'full and final' offer of £2,000 for year one and £1,500 for year two in early June 2023. Figures that EIS-FELA requested from CES forecasted that this offer would result in "potentially" 400 job losses. EIS-FELA rejected the offer and made clear that it would **not accept a pay offer predicated on job losses and made clear that the £1,500, in year two, falls below public sector pay policy minimum for the majority of the FELA membership.**

Compulsory Redundancies

A compulsory redundancy was actioned at Edinburgh College during this time and the local EIS-FELA branch campaigned for the individual's reinstatement through strike action, which resulted in a resolution.

Elsewhere, the local EIS-FELA branch at City of Glasgow College took sustained strike action against up to one hundred compulsory redundancies, which was eventually resolved after several months of disruption to student learning.

The EIS-FELA branch at Dundee and Angus College managed to stop management's consideration of compulsory redundancies, following its intention to go to statutory ballot for strike action.

In all cases, the potential awarding of the substandard CES pay offer was cited as a factor by the respective college leadership in relation to these redundancies.

Another Full and Final Offer

Through further discussion with Graeme Dey and CES, moving to a three-year deal was proposed by CES and EIS-FELA were asked to table a revised claim. EIS-FELA revised our claim to £8,000 over three years and tabled this in October 2023 with inflation still sitting above 6% (RPI). Again, it was made clear that EIS-FELA would be flexible on how the £8,000 figure could be split potentially over three years, and that there was still capacity to move from the figure through negotiation if the management side could move further.

EIS-FELA also took the decision to include a request that there be no compulsory redundancies related to any pay award made in resolving this dispute.

CES produced another 'full and final' offer, tabled in November 2023, of £2,000 for year one, £1,500 for year two and £1,500 for year three, with a statement on job security which read "The National Joint Negotiating Committee – Side Table (Lecturing) recognises the financial pressures facing the college sector, however, any compulsory redundancies will not be related directly to this pay award."

The EIS-FELA rejected the offer on the basis that:

1. It simply does not address the financial hardship that its members have endured over the past two and a half years and;
2. It falls substantially short of a fair and equitable pay increase for a professionally registered workforce.

This current pay offer represents an **11.5% pay increase over three years** for most lecturing staff in the sector (on the unpromoted pay scale 5) but will be a real-terms pay cut since inflation (RPI) for the period August 2022 – February 2024 is already sitting at 10.4%, and there is still a considerable period to go.

To demonstrate how much of a real-terms pay cut this is, a lecturer at the top of the unpromoted pay scale, who currently earns £43,357, would expect to have a salary of just over **£47,800** in order to keep up with inflation **as of February 2024**. They are currently being offered **£48,357** for the three-year period **up until 31st August 2025**.

It is also **less** than other public sector pay settlements **over a two-year period** (2022/23 and 2023/24) such as the NHS (11.8%), Police Officers (12%), Firefighters (12%) and Teachers (12%).

Significantly, the current pay offer is less than the Scottish Government public sector pay policy¹ for 2023-24, while 2024-25 has yet to be published.

2023-24: £1,500 pay offer would be a 3.3% pay increase for a lecturer on £43,357 (plus £2k from 2022-23) whilst the Scottish Government's public sector pay policy states:

"a suggested cash underpin of £1,500 for public sector workers who earn £25,000 or less;"

"recommending a central metric of 3.5% and setting both an award ceiling and pay envelope maximum of 5% on business efficiencies and/or pay bill savings"

It should be noted that the College Employers have offered significantly higher percentage pay uplifts for support staff as the cash value of their pay offer is identical to the lecturers' offer.

Finally, it should also be noted that all Scottish FE colleges are part of the public sector (sponsored by the Scottish Government) and yet it is the only part of the public sector that does not have a no redundancy instruction from the Scottish Government covering it. In other words, the public sector pay policy effectively sacrifices some pay increase in exchange for job security. College lecturers' pay offer is less than the public sector pay policy but comes with no job security offset.

Second Mandate for Industrial Action

As EIS-FELA rejected the revised pay offer from CES and no further progress was made to reach a resolution, a consultative ballot took place asking if members were willing to take industrial action including ASOS and Strike Action in pursuit of an improved offer. Following the results of this, a statutory ballot was conducted from December 2023 through to January 2024.

The statutory ballot result in January 2024 clearly showed that members were willing to, once again, take ASOS and Strike Action to receive a fair and just pay rise.

Threats of 'Deeming'

This renewed mandate saw Action Short of Strike, in the form of a resulting boycott and work to rule, begin on 12 February 2024. However, the week prior to this legitimate industrial action starting, almost all college employers across the sector issued notices of pay deductions from staff for participating in ASOS.

¹ <https://www.gov.scot/publications/public-sector-pay-strategy-2023-2024/>

Most notices sent by college employers stated that they did not accept partial performance of lecturer duties and threatened to deduct 100% of salary for each day they 'deemed' that lecturing staff participating in ASOS were breaching their contract. This is despite the fact that the process of resulting students for lecturing staff is but a fraction of their workload across an entire academic year.

The threat of 'deeming' will also have the opposite effect from the one which college employers have sought, which is to protect students. While observing a resulting boycott, lecturing staff will still deliver teaching and learning, continue with assessment, mark assessment, provide feedback to students and track their progress. If lecturing staff are forced to take local strike action, none of these activities will take place.

It is the EIS-FELA's view that the decision to 'deem' lecturing staff was a nationally collective one, taken by CES at their Extraordinary College Employers Scotland Meeting held on Tuesday 6th February and implemented locally by individual college management. EIS-FELA is also of the view that this is a clear breach of the Fair Work Framework, to which colleges claim they adhere.

The Scottish Government has previously said it wishes to become a leading Fair Work nation by 2025².

"By 2025, people in Scotland will have a world-leading working life where fair work drives success, wellbeing and prosperity for individuals, businesses, organisations and for society."

Despite Scottish Government control, funding and oversight of the Scottish FE colleges, the sector has not been defined or agreed as providing "Fair Work." As such, the threats of deeming have only served to illustrate the cultural shift required by colleges to become Fair Work employers.

There is a direct parallel between the UK Government desire to restrict industrial action by use of Minimum Service Levels, and Scottish Colleges' collective planning and facilitation of applying 100% deeming to restrict the industrial action associated with this dispute.

National Strike Action

In this context, the EIS-FELA has attempted to avert ASOS and Strike Action but has ultimately been left with no choice. The current pay offer from College Employers Scotland has been resoundingly rejected by EIS-FELA members. However, instead of attempting to negotiate and find a resolution to the dispute, College Principals have adopted an aggressive, vindictive, and anti-trade union mindset by threatening to deduct 100% pay from lecturing staff for a task which takes a fraction of 1% of their time to complete. This is a clear contradiction to

² <https://www.gov.scot/publications/fair-work-action-plan-becoming-leading-fair-work-nation-2025/>

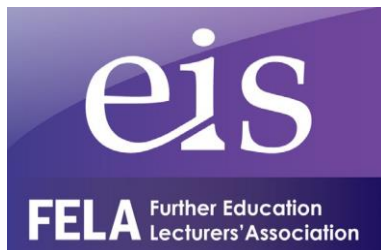
the principles of Fair Work, a decision which has no place in any workplace where the rights of employees are valued and respected.

The Scottish Government has intervened to ensure other public sector workers have secured appropriate cost-of-living pay uplifts, why not college lecturing staff?

The Scottish Government must be convinced to ensure that College Employers Scotland can facilitate a fully funded pay award, one that meets the expectations of the professional lecturing staff in Scotland.

The EIS and EIS-FELA urge all MSPs to play their part in applying pressure on the Scottish Government to intervene with a funding package that will deliver a decent pay settlement for college lecturers, consistent with its public sector pay policy, whilst protecting jobs and ensuring continuity of course provision for students.

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