

<b>Committee</b>	HR&R		
<b>Date paper prepared</b>	11/05/2022	<b>Date of committee meeting</b>	16/05/2022
<b>Subject</b>	NRPA Terms and Conditions for Support Staff		
<b>Author</b>	Judith Fenton HR&OD Lead		
<b>Action requested</b>	For discussion and seeking support on our progress to date and direction of travel.		
<b>Purpose of the paper</b>	To provide update on progress in relation to transferring support staff on to NRPA terms and conditions. At this time we are seeking support to progress towards recognising the Annual Leave and Working Hours terms and conditions.		
<b>Brief summary of the paper</b>	This paper provides an update on the progress to date in relation to our commitment to becoming a signatory College and the requirement therefore to transfer all employees on to NRPA terms and conditions. At this time we are progressing towards recognising the national terms for Annual Leave and Working Hours only.		
<b>Consultation</b>	Staff consultation via staff survey - live; paper to SMG – April 2022; paper and support at LNCC April 2022,		
<b>Resource implications</b>	Increase in costs of annual leave.		
<b>Risk implications</b>	Legal: Express change to T&Cs; Compliance: required change within NRPA terms and conditions		

<b>Link with strategy</b>	N/A
<b><u>Equality, Diversity and Inclusion</u></b>	We have many part time staff; the majority of which are female. We have set guiding rules for calculating to ensure consistency between FTE equivalency and Annual Leave entitlement between part-time and full-time staff.
<b>Island Community Impact</b>	N/A
<b>Paper status</b>	<input checked="" type="checkbox"/> <b>Open</b> – The paper may be circulated to non-members of the committee and published online without restriction. <input type="checkbox"/> <b>Restricted</b> – The paper must not be circulated to non-members or published online until after the committee meeting. <input type="checkbox"/> <b>Confidential</b> - The paper must not be circulated beyond the committee members and should not be published online. [Please note papers may still be subject to Freedom of Information requests – see below].
<b><u>Freedom of information</u></b>	Open If closed/ withheld, select date this will become 'open': Enter a date.

## **Summary**

UHI Shetland is working towards implementing the NRPA Terms and Conditions of employment to become a signatory. To date activity has focussed on ensuring all our lecturing staff are under NRPA terms and conditions, but we are keen to commence consultation on this in relation to our Support / Professional staff, to meet the requirements as set out in circular 03/22 (attached).

On 22<sup>nd</sup> April 2022, LNCC supported our intention to begin the process of transferring all our support / professional staff on to NRPA Terms and Conditions in relation to:

1. A working pattern of 35 hours per week
2. Annual leave entitlement of 45 days per year of which 12 are fixed (as set out in circular 02/22 attached)

The changes will amount to a change in terms and conditions for employees who have their terms and conditions protected under TUPE. The rationale for the change is an organisational one (ETO reference) – the reason for the change is to align UHI Shetland with the NJNC terms and conditions of employment, and the change is not related to TUPE.

## **Progress**

HR has undertaken an initial assessment in relation to working hours. This is more complex for part-time staff. We are operating from the principle that all part-time employees will work to the same FTE equivalent, which in reality amounts to a slight reduction in hours for those employees.

We are calculating pro rata to 2 decimal places, and rounding up hours to nearest half hour (the latter being the process set within the NRPA guidelines)

For example:

- 10 hours p/wk based on a 37 hours working week = 0.27 FTE
- 0.27 FTE of 35 hour working week = 9.45 hours so 9hrs 30 minutes hours to nearest half hour.

Once this process is complete, it is relatively straightforward to calculate the appropriate annual leave amount for employees – under NRPA annual leave must be rounded up to the nearest half hour, or half day.

We anticipate that there may be a handful of cases where the FTE will need to increase e.g. we are aware of employees who work 35 hrs out of 37, for example. Or employees who work a small number of hours for specific reasons – such as our cleaning staff – where a reduction in the number of hours may impact the service.

A staff survey seeking input into the fixed holidays<sup>1</sup> has been circulated via college news asking for views on:

A Christmas Shutdown (10 days) for all staff

Preferences of dates for the other 2 'fixed' days

## **Considerations**

In addition, the following areas require discussion and clarity:

There are practical implications of the provisions within the national policy, particularly:

- a. Change of leave year from 1 August – 31 July to 1 September - 31 August

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<sup>1</sup> a verbal 'result' will be shared at HR&R (the survey closes on Friday 13th May 2022).

- b. Definition of exceptional circumstances – or agreement on guidance - in relation to the carry forward of 10 days of annual leave
- c. Reinstating annual leave where the employee was sick – not currently the case

### Alternatives

We are committed to recognising NRPA terms and conditions, therefore alternatives are essentially 'delaying' options. We identified and discussed two alternatives with SMG and at LNCC – neither were preferred to the route we are taking – but for completeness The alternatives we can see at this time are as follows:

#### **1. Do nothing for now**

We hold off on making this change until other aspects of national bargaining are clarified and make all changes at once.

Risks with that relate to timescales as evidence to date that achieving agreement at a national level is not a swift process.

There is an agreed policy for annual leave in place, so it seems unreasonable not to seek to capture this at UHI Shetland.

#### **2. Change annual leave but leave working hours**

We would recognise the annual leave but continue to operate with employees working between 35 and 40 hours p/week (FTE).

Risk here is that it furthers discrepancies and inconsistencies between staff at a time where we have a valid and legal opportunity to change this. Operationally, this is challenging.

### Next Steps

Line managers will be contacted by 13<sup>th</sup> May 2022 to explain the timeline below, pending approval here.

We have opted to take a team-by-team approach so that we can manage any queries or concerns. Once agreed with the line manager, HR will issue a letter confirming the change to the employee.

### Timeline

The following timeline will be presented at LNCC on Monday 16<sup>th</sup> May 2022, though members are aware of our intention to speak with line managers ahead of that:

Date	
06/05/22	Staff Survey on Holidays Live
10/05/22	Working hours calculations complete
10/05/22	Staff FAQ Available on SharePoint
13/05/22	Staff Survey Closes
12/05/22	Communication Email to Line Managers
16/05/22	Information per team issued to line managers for discussion with staff
03/06/22	Feedback from LMs and accuracy checking
20/06/22	Letters to staff (probably by team)