

**‘A transformational change in  
workforce policies and how they  
are developed’**



# **‘Once for Scotland’ Workforce Policies**

**REGIONAL ENGAGEMENT EVENTS  
MID-POLICY DEVELOPMENT**

**March 2019**

# Our Vision



‘Once for Scotland’ Workforce policies will promote NHSScotland as a modern, exemplar employer; showcasing our core values, and promoting consistent employment policy and practice that supports the implementation of the Staff Governance Standard and effective recruitment and retention



# Policy Groupings

Core Policies	Wellbeing and Equality Policies	Supporting Employment Policies
<ul style="list-style-type: none"> <li>• Dealing with Employee Grievances</li> <li>• Management of Employee Conduct</li> <li>• Management of Employee Capability</li> <li>• Prevention and Dealing with Bullying &amp; Harassment</li> <li>• Implementing and Reviewing Whistleblowing Arrangements</li> <li>• Promoting Attendance*</li> </ul>	<ul style="list-style-type: none"> <li>• Embracing Equality, Diversity &amp; Human Rights</li> <li>• Gender-Based Violence</li> <li>• Supporting the Work-Life Balance</li> <li>• Managing Health at Work</li> </ul>	<ul style="list-style-type: none"> <li>• Use of Fixed Term Contracts</li> <li>• Secondment</li> <li>• Redeployment</li> <li>• Personal Development Planning &amp; Review</li> <li>• Additional Employment</li> <li>• Safer Pre &amp; Post Employment Checks</li> <li>• Facilities Arrangements for Trade Unions &amp; Professional Organisations</li> </ul>

\*Promoting Attendance is being considered as a separate policy (previously part of Managing Health at Work)

# Expectations for today

## Aim:

- To engage with key stakeholders throughout NHSScotland giving them an opportunity to influence the review of the current PIN Policies and contribute to the development of 'Once For Scotland' Workforce Policies

## Objectives:

- Share the key aims for the 'Once for Scotland' Workforce Policies
- Provide delegates with a strategic overview of the programme of work
- Feedback to delegates the key themes from the three regional pre-policy development engagement events (January 2019)
- Explain to delegates the work undertaken by the Policy Development Group to incorporate engagement themes in the next stage of policy development
- Enable delegates to shape the 'Once For Scotland' Workforce Policies
- Participate in a Question & Answer Session with members of the Programme Board

# Policies in Focus

- Today's workshops will focus on the 5 core policies:
  - Conduct
  - Capability
  - Promoting Attendance
  - Bullying & Harassment
  - Grievance
  
- Whistleblowing is not included in the workshops today
- Single Investigation Process

# Engagement Process

Pre-Policy  
Development  
Regional  
Engagement  
Events

Review of Core Policies  
3 Events held January 2019

During Policy  
Development  
Regional  
Engagement  
Events

March 2019

One Month  
Consultation

Mid-April to  
Mid-May  
2019



# Consultation Process

- One month will run from mid-April to mid-May 2019 – with necessary flexibility to ensure maximum feedback
- Follows a series of regional engagement events pre-policy (January 2019) and mid-policy development (March 2019) minimising the need for the previous 2-3 month formal consultation process
- National and local organisations such as trade unions and NHS Boards can provide views
- Notification via standard consultation route
  - i.e. NHS Board Chief Executives, NHS Board Chairs, Employee Directors, HR Directors, Deputy HR Directors, senior representatives from the Trade Unions & Professional Organisations, SWAG, SPF and STAC



# What is included in the consultation?

## Policy Headings

- Aims
- Who it applies to & what can be raised under the policy (scope)
- Roles and responsibilities
- Process/ procedure (key steps)
- Definitions

*Single Investigatory Process will link from process/ procedure*

Included in  
formal  
consultation  
(Apr-May  
2019)

## Standard Headings (applicable to all policies)

- Ministerial Forward
- Preface (include in redrafted Ministerial Forward?)
- Principles and Values
- Legislative framework (bundle which includes the specific legislation)
- Recording and retaining records (GDPR)
- Equality & Diversity (may also need specific policy?)
- Confidentiality (covered by Principles and Values)
- Right to be represented (covered by Principles and Values)
- Training (link to Staff Governance Standards?)
- Direct link Staff Governance Standards
- Monitoring and Evaluation
- Review (including how to deal with technical updates)
- Support

Written once  
accessible  
through the  
digital solution

Not included  
within formal  
consultation

## Supporting Documents

- Flowchart (links to process mapping work)
- Templates/ Letters
- Briefing Documents?



# Digital Solution

- Digital Development Group formed to work alongside the Policy Development Group to deliver the solution for the 'Once for Scotland' Workforce Policies
- Digital Discovery Workshop (January 2019) held to define the key issues, and what is needed from the digital solution, from different user perspectives
- Participation from a wide range of users from staff side representatives, to staff from a variety of roles e.g. office based, mobile roles, ward based, clinical and non-clinical e.g. facilities roles, line managers and HR professionals



## OCCUPATION

Porter

## BIO

Patrick is a porter in a busy hospital and carries out many duties, such as taking patients to different departments, or moving equipment around the hospital.

## USER JOURNEY

Often on the move and does not have access to a computer. His work takes him to various places across hospital grounds. He needs quick and easy access to Workforce Policies that will provide answers to his questions.

# Priority Deliverables “Possible”

Digital Discovery Workshop formed key priorities:

- All content presented in **simple, relevant language**
- All content can be added and updated in **one place**
- **Interactive route maps or flowcharts** describing in simple terms how and when a given policy should be applied
- **Video/animated content** introducing policies and explaining simply their purpose and possible applications
- Content is available irrespective of **device or mode of access**
- **Searchable content** using natural language strings and keywords
- Content can be **integrated with** or signposted from **existing solutions/platforms** e.g. corporate intranet
- **Chatbot/interactive** functionality
- The solution can **scale and adapt** to meet changing NHS Scotland demands
- Improved **marketing and education** around workforce policies

# Digital Solution

- Recommendations approved by Programme Board:
  - A custom digital solution is developed that meets the needs of the priority deliverables as identified in the Discovery Workshop and has the ability to integrate with existing systems in use within NHS Scotland
  - An agile approach is adopted in the development of the digital solution
    - Solution developed in an iterative-incremental manner
    - Developed in collaboration with users
    - Responds to continuous feedback and evolves over time
    - Minimal Viable Product (MVP) in place for the completion of the first phase of core policies (June 2019)

A large, dark blue, multi-lobed thought bubble with a smaller bubble at the bottom left. The text is white and centered within the bubble.

Share your thoughts with the Team at the Digital Stand

A white rectangular sign with rounded corners and a black border, mounted on a black post. The text is in a bold, black, sans-serif font. Below the sign is a decorative green grass-like border.

**Feedback Opportunities**

# Proposed Timescales (Core Policies)



- Initial Engagement Events (pre-policy development) x 3 regions: Jan 2019
- Engagement Events (during policy development) x 3 regions: Mar 2019
- Draft Policies submitted to Programme Board: end Mar/ start Apr 2019
- One month consultation: mid Apr – mid May 2019
- Draft Policies submitted to Programme Board: end May/ start Jun 2019
- Draft Policies submitted to SWAG Committee: Jun 2019

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## **‘Once for Scotland’ Workforce Policies**



**Noreen Clancy, Head of Employee Relations, NHS  
Lothian, Policy Development Group Chair**

**Anne Thomson, Royal College of Nursing,  
Policy Development Group Vice Chair**

# ‘You said, we did (or didn’t!)’

- Common Themes
- Specific Themes:
  - Conduct
  - Capability
  - Grievance
  - Promoting Attendance
  - Bullying and Harassment
- Single Investigation Process

# Common Themes – ‘You said...’

- Language
  - Clear Definitions
  - Plain English
  - Terminology
- Ease of Use
  - Flowcharts
  - Accessibility
  - Alternate formats
- Person Centred
  - Timescales/ Touchpoints
  - Support
  - Feedback



# Common Themes – ‘You said...’ (Cont.)

- Underpinning Principles
  - Impartiality
  - Culture
- Learning Organisation
  - Trained Contacts
  - Education/ Awareness Raising
  - Lessons Learned/ Continuous Improvement





# Common Themes – ‘We Did...’

## Language

- Clear scope and definitions in each workforce policy
- Standard wording across all policies reinforced by the needs of the digital platform
- Terminology reviewed and amended where appropriate e.g. ‘prompts’ not ‘triggers’ (Promoting Attendance)

## Ease of Use

- Flowcharts will be standard element for each core policy
- Digital platform will consider accessibility but supplemented by paper as required
- Languages, audio etc being considered with digital work

## Person Centred

- Standardised timescales across all core policies where appropriate with key check in points to keep staff informed. Matrix presented at pre-policy development engagement events has been reviewed and policy updated to reflect PIN and be concise. For example, 7 calendar days (not 5 working days)

# Common Themes – ‘We did...’ (Cont.)

## Person Centred (cont.)

- Sources of support available will be contained within overarching principles and values
- Closing the loop not just with the person under investigation but also complainants and witnesses

## Underpinning Principles

- Impartiality is a key principle being adopted through all workforce policies
- Principles and values section underpinning all workforce policies will support the cultural aspects

## Learning Organisation

- Those who offer guidance and support should be trained to undertake the role
- Access to support for managers, staff and trade union representatives on the new policies will be key
- Encouragement for organisations to share anonymised learning

# Conduct

## Suspension

- Review of best practice across Health Boards, ACAS, etc and create supporting guidance and documentation

## Timeframes

- Emphasis on good practice and ensuring ongoing communication with member of staff (even if nothing to tell) to respect health and wellbeing of the individual
- Provide supporting documentation to help guide and clarify process

## Process

- Will have more emphasis on the informal route
- Highlight the need for awareness of persons under investigation and the implications if they hold multiple roles across NHS Boards
- Running processes concurrently already covered in policy

# Conduct (Cont.)

## Process (cont.)

- Confidentiality highlighted at start of policy to ensure all parties involved comply
- Outcome warning letter includes expiry date

## Documentation

- Variety of supporting documents
- Training to support these involved in undertaking their role.

# Capability

## Process

- Guidance on having supportive and/ or difficult conversations
- More emphasis on the informal route and the benefits that can be achieved in addressing issues with this approach
- Guidance should assist managers to consider what mechanisms they can use to evidence base the performance issue
- Clear statement in the policy aims that this relates to cases of ill health which impact on performance rather than attendance
- Supporting documentation will assist managers and individuals understand the process and stages within this in a clearer manner
- Redeployment Policy – ‘Once for Scotland’ approach to address inconsistencies moving forward

## Documentation

- Provide examples of good Supported Improvement Plans
- Consideration to be given to whether guidelines can be produced to cover areas such as mental health, ageing workforce, menopause etc.

# Grievance

## Timeframes

- Timeline for appeal has now been incorporated to prevent the open ended aspect that existed before

## Process

- Have incorporated into the policy that the line manager is required to acknowledge the informal grievance in writing/by email). This is to assist the manager in recognising this is not just a corridor conversation
- Will add to Manager/Individual/Trade Union responsibilities to highlight need to attempt resolution
- Create guidance for staff and managers to highlight issues under which a grievance may be raised
- Sign post to supporting documentation regarding mediation

## Documentation

- Guidance on Process/ Behaviour/ Values/ at Formal Hearings

# Promoting Attendance

## Informal stages

- Reinforce informal through supportive return to work discussions
- Policy will iterate the purpose of 'triggers' as a supportive prompt for informal discussions in the first instance

## Proactive not punitive

- Focus on how to support the employee to maintain and improve attendance

## Support staff to be well at work/ effective use of OHS

- Reference to guidance on wider managing health at work
- Policy, Manager and Employee Guide includes Occupational Health Service (OHS) self-referral and management referral
- In OHS role and responsibilities: add wording regarding timescales and review of recommendations

# Promoting Attendance (Cont.)

## Manager accountability and duty of care

- Manager roles and responsibilities revisited to ensure that it refers to their duty of care

## Service delivery vs. health and wellbeing

- Employee responsibility for their health and wellbeing to maintain a satisfactory level of attendance at work has been added to roles and responsibilities

## Guidance on pay/ final review/ industrial injury

- These areas will be covered in the guidance for managers



# Bullying and Harassment

## Informal stage

- Changed emphasis to early resolution
- Mediation to be signposted where available
- Self-reflection documents

## Managing expectations

- Wording within the policy and supporting documents including guidance for staff and managers and self-reflection documents

## Review process

- Clarity regarding the basis of the review process as currently left loose

## Managing the relationships

- Normal expectation would be parties remain in situ with support
- Key focus on the need to rebuild relations once matter is concluded
- Recognition that issues can be between colleagues, manager and staff member and vice versa
- Clarity about what might be deemed a “vexatious” complaint

# Single Investigation Process

## Proposed Name:

- NHSScotland Workforce Policy Investigation Protocol

## Policy Aims:

- To provide a clear process to undertake full and thorough investigations timeously, and to assist with the establishment of the facts in any case
- To support informed, fair and transparent decision-making for cases being considered under NHS Scotland Workforce Policies

## ‘You said...’:

- Issues such as timescales, support and training reflect the common themes
- Process issues: stage the staff member is involved; clarity of allegations; witness role; representation; investigation team membership; note-taking; access to documentation

# Single Investigation Process (cont.)

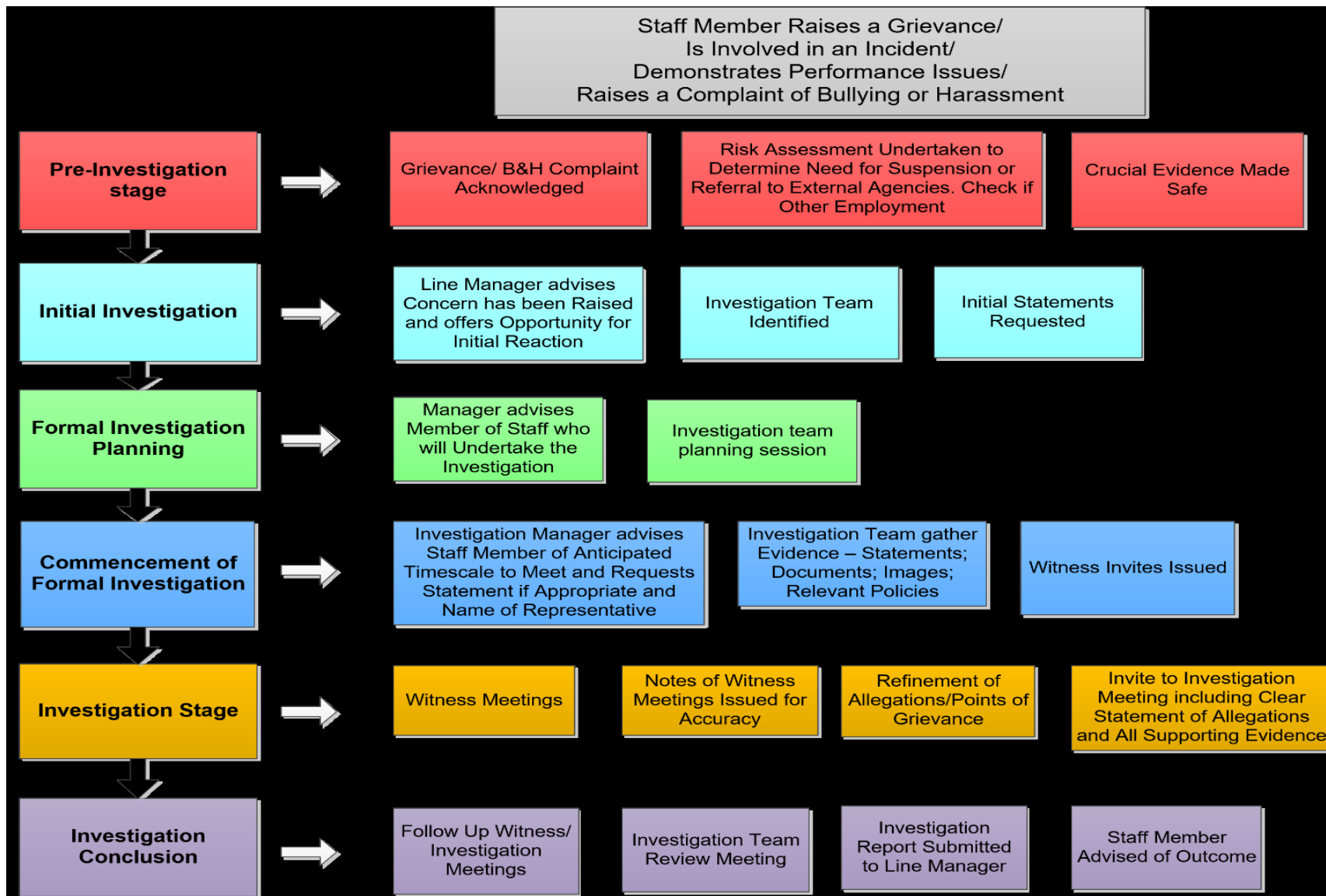
## ‘You said...’ (cont.)

- Decision-making/risk assessment: related to decision to undertake the investigation and once investigation concluded

## ‘We did...’

- Updated legal advice being sought to underpin safe practice
- Guidance on how professional matters (non-medical) can be addressed by the employer
- Guidance for witnesses regarding their involvement
- Retaining standard Trade Union/Professional Organisation/work colleague
- Recognition of need to involve professional/technical/educational advisers as appropriate
- Standardised information sharing protocol to underpin all the policies
- Risk assessment and decision-making logs
- Guidance on concepts of “fair blame”/just culture to support decision-making

# Single Investigation Process



# Key/ Controversial Issues (SIP)

- Policies covered:
  - Disciplinary/ capability/ bullying & harassment and grievance cases which require an investigation
  - Whistle-blowing investigations to remain separate
- People feeling unclear about what might be the end result for them e.g. is it discipline or capability?
- Timescales
  - Do we recommend timescales or recognise this will be case dependent with provisional timescales but give key update timescales for staff?
  - Does this need to be by agreement?

# Key/ Controversial Issues (SIP)

- Witnesses
  - Requirement to participate
  - Professional codes/implied contractual terms
- References to Counter Fraud Service and police – should they be within this process or the conduct policy?
- Recording of interviews
  - Is this acceptable?
  - Should this be subject to individual agreement?

# Single Investigation Process Discussion

- There is not a specific workshop on the Single Investigatory Process, however it is intended to:
  - Use the Q&A session in the afternoon plenary to explore
  - Delegates are invited at the end of first workshop to record thoughts/questions on post-its
  - Post-its will be reviewed and submitted to the Panel for the afternoon plenary

**Its over to you now...**

**Please use this opportunity to have your say**

