



Minute

Meeting: NHSScotland 'Once for Scotland' Workforce Policies Programme Board
Date: Thursday 7 February 2019
Location: 2nd floor, 2 West Rear Meeting Room 4, St Andrew's House, Edinburgh

Attendees:

Present: (SN) Sean Neill, Deputy Director Health Workforce, Scottish Government (Chair)
(JA) Jeff Ace, Chief Executive, NHS Dumfries & Galloway (via teleconference)
(JB) Janis Butler, HR Director, NHS Lothian
(AG) Anna Gilbert, Head of Staff Governance, Scottish Government
(JJ) Jacqui Jones, HR Director, NHS National Services Scotland (NSS)
(SLR) Stephen Lea-Ross, Head of Workforce Practice, Scottish Government
(JO'C) James O'Connell, Regional Officer, Unite (via teleconference)

In attendance: (LH) Lynn Hunter, Programme Manager, NHS NSS
(DM) David McColl, Head of Service – Digital, NHS Education for Scotland
(LS) Lianne Scott, Project Support Officer, NHS NSS

Apologies: (JA) Jane Anderson, Branch Secretary, Unison
(NP) Norman Provan, Associate Director (Employment Relations), Royal College of Nursing (RCN)

1. Welcome and Apologies

Sean Neill (SN) welcomed those present and acknowledged apologies as mentioned above. Quorum requirements for the Programme Board are 2/3 of the representative group. National Staffside Programme Board members had agreed in advance of the meeting that James O'Connell (JO'C) would represent National Staffside collectively.

2. Minutes and Actions from Meeting on 6 December 2018

The Minutes were approved as a true reflection of the meeting.

Update to Actions

Actions were updated and referenced in the Action Log. Reference Action 11 (11/10/2018) on Promoting Attendance, and the outcome from the negotiations progressed through the Scottish Terms and Conditions Committee (STAC) and issued for consultation with the Trade Unions, JO'C advised that a meeting is taking place with Staffside on Friday 8 February 2019 and the outcome would be made known shortly thereafter.

3. Feedback from Scottish Workforce & Staff Governance Committee (SWAG Committee)

Stephen Lea-Ross (SLR) advised that the paper submitted to SWAG Committee on 25 January 2019 had received broad support, noting:

- The Pre-Policy Engagement Events held in January 2019 had been well received.
- Timescales noted for key deliverables within the 1st phase (core policies) and draft Core Policies to be submitted for discussion at SWAG Committee on 19 June 2019.
- Support given to the proposed approach to the delivery and timescales for the remaining policies.

In respect of the Terms of Reference for the Programme Board, some concerns remained regarding the escalation process. It was agreed that Staffside would submit an alternative form of words to the March SWAG Secretariat.

Reference was made to those policies which do not currently sit within PIN. LH advised that the PDG had reviewed 'other' policies and that if there are any policies appropriate to those already in scope the PDG will seek to incorporate.

Discussion followed on 'guidance' and the potential to include within the digital solution. The Programme Board was clear that the scope of work is to ensure the review of the policy and not the 'how to' guidance. This may be something which can be looked at in the future, however within current resources and timescales the commitment of this programme of work is to the policy only.

It was noted that there is a risk that the local implementation of a 'Once for Scotland' workforce policy leads to further 'local management guidance' introducing variation. This risk has been recorded and will be managed on the Programme Board Risk Register.

Action: 01 (07/02/19) – LH to review the Programme Board Terms of Reference (ToR) to ensure clarity on scope of work to review the policy and not guidance at this stage.

Action: 02 (07/02/19) – LH to ensure that the current risk on 'getting it right first time' with clear, consistent and user friendly national policies accurately captures the potential challenge around implementation and 'how to' guidance in description and mitigating action.

4. Highlight Report

Lynn Hunter (LH) provided an overview of the progress made since the last meeting and next steps, noting key issues in relation to the resourcing and capacity of Policy Development Group (PDG) members to meet the challenging timescales set for engagement events and drafting of policy.

The Programme Board supported protected time for representatives working on this programme of work, and requested that any individual challenges in relation to this be raised with the respective constituency members of the Programme Board to remove blocks.

In relation to Phase 2, additional Employer and Staffside resource for the PDG was approved by SWAG Committee on 25 January 2019. Janis Butler (JB) and Jacqui Jones (JJ) noted the challenge in identifying and releasing the right person to take on the role of the additional Employer Representative with a start date toward end August 2019. Staffside resource has been identified, and invited to participate in the PDG in a shadowing capacity.

The Board noted that the RAG status of the Programme is currently Green although this will continue to be monitored closely.

Regarding communications, a programme briefing will be prepared following the Programme Board for issue to key stakeholders.

Action: 03 (07/02/19) JB and JJ to identify an additional Employer Representative to join the PDG late August 2019 (or earlier if possible in a shadowing capacity).

Action: 04 (07/02/19) LH to prepare Programme Briefing for issue to key stakeholder groups.

5. Engagement Events & Policy Development

Lynn Hunter (LH) introduced the Engagement Events and Policy Development paper (Doc 5). The Programme Board commended the professionally facilitated engagement events successfully delivered in January 2019 and asked for this to be acknowledged to the PDG.

The Board were asked to consider the proposal for the March Events and agreed with the following focus:-

- You said, we heard, we did...
- Strengthen and clarify that we are not changing PIN policy, although elements of good practice are being considered

Following consideration, the Board also approved the advance content to be made available to delegates for discussion at the March Engagement Events mid-policy development i.e.

- Policy Aims
- Process/ Procedure (Key Steps) – flowchart of stages
- Supporting Documentation (useful additions)
- Any key/ controversial areas requiring amendment within the parameters set
- Update on Single Investigatory Process

Following the pre-consultation engagement events in January and review of the themes, the Board were asked to consider the following questions. A note of their comments and recommendations is as below.

1. *How fixed are we on terminology? Throughout the engagement sessions employer and Staffside representatives indicated that language makes a difference.*

The Programme Board agreed that language is important in changing culture. The Board is not fixed on terminology and agreed that it makes sense to review. However, it was also noted that, for example, under the 'raising a concern' banner that this is a formal policy. Neither should all concerns end up here, where informal/ low level resolution should be encouraged.

Where there is flexibility, the Board agreed that we should look at language (1) in the spirit of what the policy is trying to achieve and (2) employ more neutral language e.g. in the context of Employee Relations – Trade Union representation as opposed to Staffside. However, some language will be set, for example 'Whistleblowing' because of the Standards and required legal definitions as advised by Central Legal Office.

JJ advised that the recommendation made to STAC to change language from 'trigger' to 'prompt' had been accepted.

2. *Promoting attendance – there is varied practice in terms of support for phased returns to work. Some NHS Boards offer paid leave whereas others ask staff to use annual leave. Are the PDG to make recommendations in this regard?*

There is clear expectation on how the policy is applied however it is a Board (Employer) decision. The Programme Board agreed that a statement should be included to clarify that we do not expect phased returns to be made up entirely of annual leave.

3. *There is a requirement to be clear for all policies on the escalation mechanism. On the basis that policies will be applied consistently across NHSScotland, what would be the escalation process where it was felt that a Board was not applying them appropriately?*

The Programme Board confirmed that the escalation process will be consistent with what is currently in place i.e. NHS Board HR Director and Employee Director to SWAG Committee.

4. *As the Whistleblowing policy will have defined timescales in line with the SPSO standards, is the Programme Board comfortable with applying different timescales to other policies via the Single Investigatory Process?*

The Programme Board agreed that if the Whistleblowing timescales do not align, then Whistleblowing will sit separately from the timescales for policies within the Single Investigatory Process.

5. *Other than Whistleblowing, is the Programme Board comfortable to support wherever there is an investigation required, that the Single Investigatory Process will be followed?*

The Programme Board agreed that, with the exception of Whistleblowing, where an investigation is required the Single Investigatory Process will be followed.

6. *The PDG anticipate in due course a suite of standard letters would be appropriate. Would the Programme Board be happy to support, if possible, that the current eESS templates are updated?*

The Programme Board supported an update current eESS template letters.

7. *What is the expectation in terms of the formal consultation period: is it the model policy/procedure only that will go out for consultation (see Once for Scotland Policy Template in Appendix 1) or are standard headings to be consulted on too? And if so, what are acceptable timescales?*

There was a general view that formal consultation should be the main policy headings only. As JO'C was the only Staffside representative present he agreed to discuss with his colleagues and advise on position.

8. What will be the process for formal consultation? i.e. distributed via Board Chairs, Chief Executives, HRDs, Employee Directors etc.

The Programme Board agreed that formal consultation should follow the standard route which includes Board Chairs, Chief Executives, HRDs, Employee Directors and Trade Unions/ Professional Organisations.

Action: 05 (07/02/19) LH to review documentation detailing the current escalation process for policies (i.e. NHS Board HR Director and Employee Director to SWAG Committee) to assure the Programme Board that this is in place and can be applied to 'Once for Scotland' workforce policies in the event, for example, that it was felt that a Board was not applying the policy appropriately.

Action: 06 (07/02/19) JO'C to speak with Staffside colleagues and confirm if Staffside is content that the consultation will focus on the (Model) Policy Headings only as detailed in the draft 'Once for Scotland' Workforce Policy Template.

The Board were also asked to consider the following Appendices, noting the following comments/recommendations:-

Appendix 1 – 'Once for Scotland' Policy Template

The Programme Board was encouraged that at the 'Standard Headings' would be written once and made available through the digital solution.

The Board requested that "what can be raised under a policy?" is added under the (Model) Policy Headings i.e. who and what the policy applies to.

Action: 07 (07/02/19) LH to add "what can be raised under a policy?" to the (Model) Policy Headings.

The Board noted an expectation for consistent application and therefore specific guidance would relate only as the policy applied to an individual NHS Board structure. This should be noted in the forward.

Discussion followed on support. It was agreed to keep 'support' in the standard headings and review as digital solution develops.

Appendix 2 and 3 – Aims & Objectives and Draft Programme

The Programme Board approved the Event Aims & Objective and Draft Programme for circulation with the registration link to key stakeholder groups outlined in Appendix 4.

Action: 08 (07/02/19) LH to email all stakeholder groups with registration link to March Engagement Events, Aims & Objectives and Draft Programme.

Action: 09 (07/02/19) LH to advise PDG regarding the Boards' comments and recommendations in relation the Engagement Events and Policy Development and action as required.

6. Digital Discovery Workshop

David McColl (DM) gave an overview of paper (Doc 6); Digital Solution Proposal detailing the approach to understanding user needs, the Digital Discovery Workshop held on 30 January 2019 and the key priorities from this, and recommendations to the Programme Board on the requirements for the digital solution.

The Programme Board thanked David and NHS Education for Scotland (NES) colleagues for the discovery work undertaken and detailed paper with a proposed way forward. Sean Neil (SN) commended the approach to develop the solution from a user perspective, aligned to the vision for 'Once for Scotland', and delivering on the specific requirements of this work with the ability to integrate with existing HR systems.

The Board approved the recommendations below:

1. 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
2. An agile approach is adopted in the development of the digital solution (developed in an iterative-incremental manner, evolving over time and developed in collaboration with the users) with a minimal viable product (MVP) in place for the completion of the first phase of core policies (June 2019)

Discussion followed on the resourcing of the digital team to take this work forward. In particular, a request was made to the Programme Board to identify a 'Product Owner' who can work with key stakeholders and translate the needs of the user for the technical team.

JB and JJ agreed to give further thought to appointing to the role of 'Product Owner', perhaps advertised as a fixed term opportunity.

Action: 10 (07/02/19) JB and JJ to consider how to resource the role of Product Owner for the Digital Development Group.

7. Risk Register

Lynn Hunter (LH) presented the Risks & Issues paper (Doc 7) discussing the following risks and updates:-

Amber risk - reference "there is a risk that specific skills and/or resources are not made available to inform the work of the Development Groups"

Update: Sourcing an Employer Representative is currently work in progress - **Action: 03 (07/02/19)** above. Regarding role of Product Owner for the Digital Development Group (DDG) this will be explored - **Action: 10 (07/02/19)** above.

Escalated risk from PDG - reference "there is a risk that PDG members are not given protected time to undertake 'OfS work'.

The Board reiterated the need to be made aware of specific individual issues in order to be able to remove any blocks. The Board also noted a learning point, in terms of nominations, to ensure that in terms of Staffside nominations that this is discussed with the Employer and National Staffside in advance of the nomination to ensure protected time to undertake the 'Once for Scotland' work.

Update: Nominating constituent partner to ensure release commitment of future nominated representatives. JO'C to follow up with the newly nominated Staffside representatives to understand any potential release issues.

Escalated risk - reference "there is a risk of a 'single point of failure' with only one individual identified to undertake the policy writer role.

Update: JJ advised that a conscious decision had been made to identify a single person to write the policies to ensure that all policies read from a 'single voice'. However, JJ advised that she would seek to release further resource and build resilience in to the policy writer role.

8.Any Other Business

None.

9.Date of Next Meeting

The next meeting of the Programme Board will be held on Friday 5 April 2019 from 2-4 pm.