



# Minutes

**Meeting:** NHSScotland 'Once for Scotland' Workforce Policies Programme Board  
**Date:** Tuesday 24 September 2019  
**Location:** Meeting Room GN0.7, St Andrew's House, Edinburgh

## Attendees:

**Present:**

- (SLR) Stephen Lea-Ross, Head of Workforce Practice, Scottish Government **(Chair)**
- (SN) Sean Neill, Deputy Director Health Workforce, Scottish Government (partial attendance)
- (JAn) Jane Anderson, Branch Secretary, Unison
- (JB) Janis Butler, HR Director, NHS Lothian
- (JO'C) James O'Connell, Regional Officer, Unite (via teleconference)
- (NP) Norman Provan, Associate Director (Employment Relations), Royal College of Nursing (RCN)
- (JJ) Jacqui Jones, HR Director, NHS National Services Scotland (NSS)

**In attendance:**

- (LH) Lynn Hunter, Programme Manager, NHS NSS
- (AC) Adam Campbell, Project Support Officer, NHS NSS **(Minutes)**
- (NC) Noreen Clancy, Head of Employee Relations, NHS Lothian
- (AT) Anne Thomson, National Officer, Royal College of Nursing (RCN)

**Apologies:**

- (JA) Jeff Ace, Chief Executive, NHS Dumfries & Galloway
- (AG) Anna Gilbert, Head of Staff Governance, Scottish Government

## 1. Welcome and Apologies

Stephen Lea-Ross (SLR) welcomed those present and acknowledged the apologies as above. Quorum requirements for the Programme Board are 2/3 of the representative group. SLR advised that Sean Neill (SN) will join the meeting shortly, at which point the meeting will be quorate.

## 2. Minutes and Actions from Meeting on 29 August 2019

Noreen Clancy (NC) noted a correction to the Minute on page 3, paragraph 2, where it reads '...ensure no financial detriment'. This should be amended to read '...ensure no financial benefit'. Subsequent to this correction, the Minutes from the previous meeting were approved as a true reflection of the meeting.

The Actions were discussed and updates added to the Action Log. The Board noted that the Phase 1 Lessons Learned Report will be circulated alongside the papers for SWAG Committee meeting on 23 October 2019 three weeks prior to the meeting.

Janis Butler (JB) advised the Board that Jacqui Jones (JJ) had sought an update at the HR Directors Group on the development of local implementation plans. Partnership arrangements to develop plans must be set up, if not in place, by 1 November 2019 (Action 09 (11/07/2019)).

Lynn Hunter (LH) highlighted that the digital team have had discussions with the majority of NHS Boards on integration. There are still three NHS Board outstanding (Action 02 (28/05/2019)). James O'Connell (JO'C) sought clarification on which Boards are outstanding and where Programme Board members could support.



**ACTION 01: (24/09/19) LH to clarify to the Programme Board the remaining NHS Boards that require an integration discussion with the digital team in respect of the workforce policies digital platform.**

The Board noted that supporting documents for Attendance have been shared with JJ and Wilma Brown as Co-Chairs of the STAC Working Group (Action 05 (28/05/2019)).

### **3. Highlight Reports**

#### **3.1 Highlight Report – Policy**

The Board noted the Policy Highlight Report.

#### **3.2 Highlight Report - Digital**

The Board noted the Digital Highlight Report.

### **4. Supporting Documentation for Review**

Supporting documentation relating to the draft policies was circulated in advance. NC advised the Board that there are two supporting documents outstanding in relation to information sharing and the position of workers. The Board agreed that it does not need to review the letters prior to upload to the digital solution.

The Board noted that the discussion at the July meeting of SWAG Committee had concluded that letters are management tools, developed as part of the process to implement policy, and are therefore not required in order for SWAG Committee to approve the policies. The Board agreed to seek clarification from the most recent SWAG Committee meeting minutes to confirm whether or not SWAG Committee are expecting to have access to the standard letters as part of the policy review.

**ACTION 02: (24/09/19) LH to review SWAG Committee meeting minutes to confirm position on access to standard letters in reviewing Phase 1 workforce policies.**

The Board discussed the need to be aware in advance of anything that could be raised at SWAG Committee which would cause further delay to the programme. It was agreed that Staff Side Board members will check in with their colleagues to determine whether there is anything of which the Board needs to be made aware.

**ACTION 03: (24/09/10) Staff Side Programme Board members to check in with colleagues to ascertain if there are any concerns that the Board needs to be made aware of prior to the next meeting of SWAG Committee.**

A concern was raised around timescales between the supporting documents being approved and then subsequently being signed off by the Cabinet Secretary. SN confirmed that the Cabinet Secretary will continue to be briefed at each stage of the process to allow final sign off within the timescales agreed.

Discussion followed on the purpose of the 'soft launch' and what exactly it entails in terms of scope for feedback and changes to the policies and supporting documentation. The Board agreed that the purpose of the 3 month period is to give Boards time to prepare for the launch with staff and managers on 1 March 2020. This is not a testing of the policy; however, any matters of interpretation requiring clarification will be addressed. The Programme Board will provide oversight during the 'soft launch' period.



JB highlighted the risk that the programme is inundated with queries that would divert resource from and impact on timescales to deliver Phase 2. The Board noted the difference between policy and process. The Programme will seek to address interpretation issues in relation to policy; however, process queries will differ by Board and must be resolved at Board level. JB and JJ agreed to clarify this point with the HR Directors.

**ACTION 04: (24/09/19) JB and JJ to clarify route for queries on Phase 1 implementation with HRDs i.e. the programme will seek to resolve policy queries in relation to interpretation; however process issues must be resolved at NHS Board level.**

The Board agreed the following position in their presentation to SWAG Committee:

- SWAG Committee is asked to substantively agree policies as they stand. We do not expect significant revision as a result of the 'soft launch'
- Purpose of the 'soft launch' is about NHS Board preparedness and defining what needs to be done at a local level for launch with staff and managers on 1 March 2020
- It is expected that the process of Board preparation will identify any interpretation issues where minor policy amendment may be required

The Board agreed to seek an adjustment to the scheduling of SWAG Committee meeting for start of 2020 to allow discussion on any final amendment to the policies which may be required prior to submission to the Cabinet Secretary.

**ACTION 05: (24/09/19) SLR to ensure SWAG Committee dates are adjusted to allow for a final discussion on policy amendment-considerations, as a result of any interpretation issues raised during the 'soft launch', prior to submission to the Cabinet Secretary.**

The Board reviewed the supporting documentation for the 5 workforce policies, Workforce Investigation Process and overarching supporting documentation. Minor amendments were noted, and recorded in copy. The Programme Board approved the supporting documentation for upload to the digital platform.

**ACTION 06: (24/09/19) NC to insert sentences 'Employees can opt to use their annual leave entitlement during sickness absence. Requests for this should be raised with the manager.' into the Attendance Policy.**

**ACTION 07: (24/09/19) NC to add 'identify and where possible' to point 5 in the early resolution steps for ensuring best possible outcome within the Capability Employee Guide.**

NC advised that all changes following feedback received post-July 2019 are logged in the record of change / no change document for sharing with SWAG Committee.

The Board discussed the issue of national training which has been raised by a number of stakeholders during this process. The Board agreed that as each NHS Board has a different starting point standardised training beyond overarching principles would not be helpful. It was agreed that the Programme will provide national communications materials; however, it is the responsibility of each NHS Board to identify in partnership local requirements and the necessary awareness raising and soft skills training.

**ACTION 08: (24/09/19) LH to include agreed position of Programme Board in relation to training within the paper on implementation for SWAG Committee on 23 October 2019.**

SN suggested that the Programme Board contact Boards to understand implementation arrangements. The Board agreed to seek assurance from NHS Boards that local implementation plans have been developed in partnership.



**ACTION 09: (24/09/19) Programme Board to seek assurance from NHS Boards that local implementation plans have been developed in partnership.**

## 5. Miscellaneous Items

A new medical and dental policy on conduct is expected to be published around March 2020. The Board agreed that a copy should be uploaded to the NHSScotland Workforce Policies Digital Platform.

The Board had previously agreed that the employing organisation has a duty to safeguard staff, however bullying by patients would not be addressed through the Bullying and Harassment policy. The Board discussed the appropriate route/national group for considering how the issue of bullying and harassment from patients, relatives, and carers is addressed. SLR suggested that, as a starting point, Scottish Government approach the Scottish Executive Nurse Directors (SEND) Secretariat. SLR noted that this issue was also likely to be raised through the Ministerial Short-Life Working Group on improving NHS workplace culture.

**ACTION 10: (24/09/19) SLR to approach the SEND Secretariat to consider the policy approach to addressing the issue of bullying and harassment from patients, relatives, and carers.**

The Recruitment HR Shared Services programme approached the 'Once for Scotland' Workforce Policies programme to request hosting all supporting documentation on the workforce policies digital platform. The Board approved this request.

NC advised the Board that the query around payroll system processes in respect of staff entitlement to annual leave during sickness absence needs to be discussed at the National Payroll Group. NC agreed to provide further update following that discussion.

**ACTION 11: (24/09/19) NC to confirm payroll system processes in respect of staff entitlement to annual leave during sickness absence with the National Payroll Group and subsequently to provide an update to the Board.**

## 6. Project Plan

The Board noted the updated project plan and the changes that had been made to the previous version based on feedback given by the Programme Board. LH highlighted to the Board that the plan is based on 3 consultations on grouped policies during 2020. The addition of supporting documentation to the scope of work has extended the timescales. Timelines for completion of Phase 2 are currently scheduled to run beyond the 2021 Purdah period.

A discussion took place around the possibility of adjusting the timelines so that the final policies in Phase 2 would be delivered prior to Purdah, with the supporting documentation to follow. James O'Connell (JO'C) advised the Board that it is unlikely that SWAG Committee will approve policies without reviewing the supporting documentation. LH suggested that the Programme Board review with SWAG Committee following delivery of the first two work packages. The Board agreed to keep the project plan and the milestone chart under review.

The Board discussed the policies contained within Phase 2. It was agreed that Additional Employment should form part of the Safer Pre & Post Employment Checks Policy as opposed to developing a separate policy on this.



## 7. SWAG Committee

### 7.1 Draft Agenda

The Board was asked to confirm leads to present the policies at SWAG Committee on 23 October 2019. Jane Anderson (JAn) and JJ agreed to lead on this agenda item.

### 7.2 Item 3 – Revised Policies

The Board discussed the feedback received from the Scottish Terms and Conditions (STAC) Committee in relation to the queries raised by the Programme Board.

Members felt that there may have been some misunderstanding from STAC in relation to triggers applied pro-rata for less than WTE staff. There was agreement that the Board should go back to STAC with greater detail and examples for STAC to further consider.

The Board accepted the response from STAC Secretariat that redeployment and notice period should not run concurrently. It was noted that the Programme Board did not fully agree with this position.

**ACTION 12: (24/09/19) NC to write to STAC secretariat with greater detail and examples on the query relating to triggers applied pro-rata for less than WTE staff to provide further clarification and seek further consideration from STAC.**

The Board approved the Cover Paper for reviewing draft policies.

### 7.3 Item 5 – Implementation, Review and Phase 2

The Board approved the updated Phase 1 implementation and approach to Phase 2 paper with revised timescales.

NP suggested that a Staff Side pre-meeting should be held directly prior to the SWAG Committee meeting. NP requested that a room be made available for this.

**ACTION 13: (24/09/19) LH to arrange facilities for a Staff Side pre-meet from 8.30am-10am prior to the SWAG Committee meeting.**

## 8. Risks & Issues

SN provided an update on discussions that have taken place at senior management level on re-prioritisation in response to Brexit uncertainty. The Board agreed to continue to review the risk on “resources being taken away from this work to mitigate and understand the result of Brexit...”. Risk level Red unchanged.

The Board noted that NHS Grampian have allocated backfill and, as such, agreed to close the risk on “concerns raised on facility time and backfill for Staffside representative on the PDG...”.

LH advised the Board that a number of mitigating actions have been completed for the risk on “failure to get it right first time with clear, consistent and user friendly national policies...”. The Board agreed to add a further action relating to the Programme Board seeking assurance from NHS Boards and visibility of local implementation planning. Risk score unchanged.

**ACTION 14: (24/09/19) LH to update Risk Log to add further mitigating action on Programme Board assurance and visibility of local implementation planning to risk on consistent application.**



The Board agreed that, until the Lessons Learned Report is discussed by SWAG Committee at the first meeting of 2020, the risk on “different partners having different expectations on approach to policies...” remains in place and as it is. Risk score unchanged.

## **9. Any Other Business**

SLR asked if the Board is content that the policies be published only via the digital platform, as opposed to through APS as well. The Board noted that the policies will not have an ISBN if they are not published through APS. It was agreed that, providing version control is in place, that an ISBN was not necessary. The Board agreed to publish the policies via the Digital Platform only.

## **10. Date of Next Meeting**

The next meeting of the Programme Board will be held on Thursday 31 October 2019.