

Minutes

Meeting: NHSScotland 'Once for Scotland' Workforce Policies Programme Board
Date: Tuesday 28 January 2020
Location: Meeting Room GE0.8, St Andrew's House, Edinburgh

Attendees:

Present: (SN) Sean Neill, Deputy Director Health Workforce, Scottish Government (**Chair**)
(JB) Janis Butler, HR Director, NHS Lothian
(AG) Anna Gilbert, Head of Staff Governance, Scottish Government
(JA) Jeff Ace, Chief Executive, NHS Dumfries & Galloway
(SLR) Stephen Lea-Ross, Head of Workforce Practice, Scottish Government
(JO'C) James O'Connell, Regional Officer, Unite (via teleconference)
(NP) Norman Provan, Associate Director (Employment Relations), Royal College of Nursing (RCN)

In attendance: (AC) Adam Campbell, Project Support Officer, NHS NSS (**Minutes**)
(RVZ) Roxanne Van Zyl, Project Manager, NHS NSS
(NC) Noreen Clancy, Head of Employee Relations, NHS Lothian
(AT) Anne Thomson, Staff Side, Royal College of Nursing (RCN)

Apologies: (JJ) Jacqui Jones, HR Director, NHS National Services Scotland (NSS)
(LH) Lynn Hunter, Programme Manager, NHS NSS
(JAn) Jane Anderson, Branch Secretary, Unison

1. Welcome and Apologies

Sean Neill (SN) welcomed those present and acknowledged the apologies as above. Quorum requirements for the Programme Board are 2/3 of the representative group. This meeting was quorate.

2. Minutes and Actions from Meeting on 12 December 2019

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

The Actions were discussed and the Board noted that the one outstanding action would be addressed under agenda item 5. In which the Programme Board would review poster artwork, graphics for social media, and the generic article for the communications toolkit at this Board meeting (Action 31/10/19 – 04).

3. Highlight Reports

3.1 Highlight Report – Policy

The Board noted the Policy Highlight Report.

Noreen Clancy (NC) advised the Board that the format of the Managing Health at Work Workshops for the mid-policy engagement events in March will be different to the format at the pre-policy events in January. Rather than covering all policies in one workshop, which is repeated in the afternoon. Delegates will attend both morning and afternoon workshops, and all policies contained in the Managing Health at Work PIN, will be covered over the course of the day. The Board approved this change.

3.2 Highlight Report - Digital

The Board noted the Digital Highlight Report.

4. Phase 1 - Training

A discussion was held around the recurring requests being received from Health Boards for training on the Phase 1 policies to support implementation and how the Programme Board should manage these requests. The Board acknowledged that this feedback came through strongly during the January pre-policy engagement events and this is also a matter that has been raised frequently by stakeholders out with the engagement events. The position of the Programme Board has been that local Health Boards are required to undertake their own gap analyses to ascertain where changes need to be made and to develop local plans for implementing those changes.

Stephen Lea-Ross (SLR) advised the Board that he had discussed the matter with Jacqui Jones (JJ) and suggested that members of the Programme Board visit APFs to carry out post-implementation check-ins to understand the progress of local processes. However, SLR acknowledged that this approach would require careful thought and would represent a significant ask on the time of Programme Board members.

Janis Butler (JB) questioned the effectiveness of this approach, suggesting that a more efficient approach may be to conduct post-implementation check-ins via email. JB added that whilst this approach to staff governance monitoring is feasible and may prove valuable, there will also be ongoing feedback regarding the implementation of the Phase 1 policies received from Staffside colleagues on the ground. This will mean the Programme Board will receive early warning from Staffside colleagues should there be any issues that arise around Phase 1 implementation.

SN reminded the Board that the development and delivery of training for the 'Once for Scotland' workforce policies is out of the scope of this programme of work. SN highlighted that there is no means by which the Programme Board can resolve local training challenges.

The Board then discussed the question of what exactly Health Boards are seeking when they request the provision of training. It was noted that the Programme Board through the Policy Development Group has provided clarification on interpretation issues for the policies, identified during the 'soft launch', which in essence constitute training on the policies themselves. Through discussion, the Board agreed that it is not training on the policies per se that is being sought. Rather it is support around developing the softer skills of staff in local boards and of improving cultural practices locally. Ultimately, the Board agreed that this is not something that falls within the scope of this programme of work and therefore is not something that can be delivered by the programme.

NC suggested that the justification for the position of the Programme Board regarding training be explained to stakeholders at the mid-policy engagement events in March. It was agreed that representatives from the Programme Board will present at the mid-policy events, setting out the reasoning behind why training cannot be delivered by the programme, providing assurance about expectations, and explaining how monitoring will be carried out. The Board agreed that this would take the form of two separate slides – one to cover the knowledge and skills element, and another to cover staff governance monitoring.

ACTION 01: Plenary presentation by Programme Board members at forthcoming mid-policy engagement events to set out the reasoning behind why training cannot be delivered by the programme, provide assurance about expectations, and explain how monitoring will be carried out.

Further to this, the Board discussed other fora wherein the rationale behind the Board's position of training ought to be explained. The Board agreed that JB will remind the HRDs of the Board's

position on training at the HRDs meeting later in the week and that a representative from the Programme Board will raise it at the Employee Directors Group.

ACTION 02: JB to remind HRDs of the Board's position on training at HRDs meeting w/c 27 January.

ACTION 03: Representative from the Programme Board to explain the Board's position on training at the Employee Directors Group.

5. Phase 1 – Communications Toolkit (Launch)

Roxanne Van Zyl (RVZ) presented the Communications Toolkit, designed to provide NHS Boards with materials to communicate all necessary information regarding the launch of the Phase 1. JB highlighted that the heading ought to read 'NHS Scotland Workforce Policies' rather than 'NHS Workforce Policies' and the Board agreed to that amendment.

ACTION 04: RVZ to amend heading to read 'NHS Scotland Workforce Policies' rather than 'NHS Workforce Policies' prior to distribution to NHS Boards.

The Board discussed utilising a hashtag to enhance engagement with the communications materials on social media. It was agreed that RVZ will engage with the Digital Development Group (DDG) regarding social media promotion of the communications materials.

ACTION 05: RVZ to engage with DDG regarding social media promotion of communications materials.

The Board approved the Communications Toolkit, subject to the above mentioned amendment being made.

6. SWAG Committee

6.1 Lessons Learned

SN reminded the Board of their previous agreement to add section 9 to the initial Phase 1 Lessons Learned report to cover learning subsequent to the development of the initial report. RVZ advised the Board that this section has now been added to reflect the additional lessons learned. The Board approved the layout and content of the new Lessons Learned Report for presentation to the SWAG Committee (SWAG) on 7 February 2020.

A discussion took place around the possibility of presenting the final grouping of Phase 2 policies to SWAG for approval prior to the 2021 purdah period - and as such prior to the completion of the supporting documentation for those policies. The Board agreed that this is a desirable position. However, it was acknowledged that SWAG Committee are unlikely to be willing to accept this position currently. The Board agreed that as the programme progresses, and further trust and confidence is built, there may opportunity to review.

Furthermore, the Board agreed to propose to SWAG Committee that they agree in principle to approve the final grouping of policies prior to completion of the relevant supporting documentation and prior to the 2021 purdah period – with the caveat that if there are any substantive concerns with those policies the Programme Board would accept the need for a delay and review at that time.

The Board agreed to ask JJ to present the Lessons Learned Report and proposed approach to delivery of final grouping of Phase 2 policies to SWAG in February.

ACTION 06: RVZ request JJ present Lessons Learned Report and proposed approach to delivery of final grouping of Phase 2 policies to the SWAG Committee on 7 February 2020.

6.2 Plan (Milestone Chart)

SN highlighted the fact that there is little to no scope for slippage in regards to the programme timescales and asked that the Board remain mindful of this fact as the programme of work progresses. The Board acknowledged this and approved the current programme plan as set out in the milestone chart, agreeing to continue to review at regular intervals.

6.3 NHS Board Implementation – Recommended changes identified during ‘soft launch’

NC advised the Board that she had attended the Deputy HRDs meeting on 17 January 2020 to deliver a presentation explaining the progress of the ‘Once for Scotland’ workforce policies work and the rationale behind various positions relating to the policies taken by the programme. The Board heard that the session was very positive and valuable to all involved. NC suggested the programme provide further updates on progress at future meetings of the Deputy HRDs, to which the Board agreed.

ACTION 07: Programme Team to provide further updates on the progress of ‘Once for Scotland’ workforce policies programme at future meetings of the Deputy HRDs.

NC shared with the Board five points raised by Deputy HRDs in the meeting regarding the Phase 1 Policies. These were:

1. That the Bullying and Harassment Policy must mirror the Grievance Policy with respect to managing incidents wherein staff have left the organisation.
2. That the scope of the Bullying and Harassment Policy must be widened to include Volunteers.
3. That the Hearings Guidance that applies to all policies must be amended so that the appeals process for all policies mirrors the Grievance Policy with respect to members of staff – as opposed to management - leading off in appeals hearing.
4. That clearer wording must be included in the Hearings Guidance to emphasise the fact that appeals are not full re-hearings of original cases.
5. That some of the Health Boards have received advice from the Central Legal Office (CLO) that conflicts with the advice received by the Programme Board regarding whether or not Non NHS Managers have the right to dismiss NHS Staff.

The Board agreed that points 1 and 2 must go forward to the SWAG Committee for agreement, on the grounds that they are substantive policy amendments. However, points 3 and 4 need only to go forward to the SWAG Committee for noting, on the grounds that they are amendments to the supporting documentation and not to the policies themselves. Regarding point 5, the Board agreed that NC will re-consult with Central Legal Office (CLO) for final clarification on the correct legal position.

ACTION 08: RVZ to ensure wording of Bullying & Harassment Policy and Hearings Guidance is amended in line with the points (1-4) raised by Deputy HRDs and that the amended wordings are provided to the SWAG Committee for agreement (points 1 & 2) and noting (points 3 & 4).

ACTION 09: NC to re-consult the CLO for final clarification on the correct legal position regarding whether Non NHS Managers have the right to dismiss NHS Staff.

7. Programme Plan Phase 2

RVZ highlighted the tight timescales for Phase 2 and the new section in the programme plan to cover the work of the DDG. RVZ outlined the proposed approach of undertaking content usability

testing on a duplicated Beta test site that will run parallel to the published workforce policies website. Updated policy content will go to the Beta test site on a three-phased incremental basis. Changes will be made to the live published site following user feedback, at the end of the three-phased incremental content testing process. RVZ then highlighted that there will be a requirement for further guidance on the development of the website at a future meeting of the Programme Board. The Board noted this approach.

A discussion took place around the changes that have been made to the membership of the PDG. NC, Chair of the PDG confirmed that she was comfortable with the new arrangements. However, NC highlighted that delivering each of the individual policies that make up Phase 2 within the timescales will be challenging.

NC advised that the policy writer, Elaine Hughes, has agreed to work with subject matter expert groups that support the PDG to ensure that the policy format is followed consistently. There are various groups of subject matter experts and the Board acknowledged that having access to the necessary resources from those groups will be another challenge.

SN suggested that, from a Programme Board perspective, the risk register should be reviewed regarding resources required to complete the work and the volume of work to be completed in the timescales set. However, the Board agreed to raise this matter again at the April meeting of the Programme Board.

ACTION 10: Programme Board to discuss risks regarding resources required to complete the work and review volume of work at the Programme Board meeting on 9 April 2020.

A discussion took place around benefits realisation and Anna Gilbert (AG) suggested that a question be included in the Staff Governance Monitoring Questionnaire to gauge whether it is felt that the Phase 1 policies have made a positive difference in practice.

ACTION 11: AG to work with the Programme Team to agree the content of a question to be included in the Staff Governance Monitoring Questionnaire regarding understanding benefits of Phase 1 Policies.

8. Risks & Issues

The Board agreed to close the risk 'that the programme is inundated with implementation queries' and the risk on 'different partners having different expectations on approach to policies'.

The Board agreed to continue to review the risk on 'failure to get it right first time with clear, consistent, and user friendly national policies...'. Risk level Green unchanged.

The Board discussed whether there should be a risk raised regarding the challenges currently being faced by the Programme Board regarding requests for training from Health Boards. RVZ suggested that a risk on differences in interpretation leading to inconsistencies in implementation be drafted with reference made to NHS Board responsibility for awareness raising and soft skills training.

9. Programme Board Communication – Key Decisions

The Board agreed to circulate a follow up communication to the stakeholder distribution list to include: reminder of the implementation timescales and their responsibilities in ensuring successful implementation; communications toolkit; and registration for the March events.

ACTION 12: RVZ issue communication to stakeholder distribution list to include key messages agreed by Programme Board

10. Any Other Business

AG advised the Board that the previously ongoing issue regarding backfill from NHS Grampian for their representative on the Policy Development Group (PDG) has now been resolved. NHS Grampian have now provided backfill.

SN advised the Board that Anne Thomson (AT) is stepping down from her role as Vice-Chair of the Policy Development Group (PDG). The Board thanked AT for her hard work and the significant contribution that she has made to the 'Once for Scotland' Workforce Policies Programme.

11. Date of Next Meeting

The next meeting of the Programme Board will be held on Tuesday 18 February 2020.