

Minutes

Meeting: NHSScotland 'Once for Scotland' Workforce Policies Programme Board
Date: Tuesday 18 February 2020
Location: Meeting Room GE0.8, St Andrew's House, Edinburgh

Attendees:

Present: (SLR) Stephen Lea-Ross, Head of Workforce Practice, Scottish Government
(Chair)
(JA) Jeff Ace, Chief Executive, NHS Dumfries & Galloway (via teleconference)
(JAn) Jane Anderson, Senior Steward, Unison
(JB) Janis Butler, HR Director, NHS Lothian
(AG) Anna Gilbert, Head of Staff Governance, Scottish Government

In attendance: (AC) Adam Campbell, Project Support Officer, NHS NSS **(Minutes)**
(NC) Noreen Clancy, Head of Employee Relations, NHS Lothian
(LH) Lynn Hunter, Programme Manager, NHS NSS
(SL) Steven Lindsay, Full Time Partnership Representative, NHS Grampian

Apologies: (JJ) Jacqui Jones, HR Director, NHS National Services Scotland (NSS)
(SN) Sean Neill, Deputy Director Health Workforce, Scottish Government
(JO'C) James O'Connell, Regional Officer, Unite
(NP) Norman Provan, Associate Director (Employment Relations), Royal College of Nursing (RCN)

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. Staffside Programme Board Members had agreed in advance that Jane Anderson (JAn) would represent Staffside collectively.

2. Minutes and Actions from Meeting on 28 January 2020

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 Actions 02, 04, 06, 07, 08, and 12 (28/01/2020) were complete.

Lynn Hunter (LH) advised the Board that a draft of the Plenary presentation for the upcoming mid-policy engagement events has been drafted and that it would be discussed further under item 5 of this meeting (Action 28/01/20 – 01).

The Board noted that 'Once for Scotland' has been added as a standing agenda item at the Employee Directors Group (EDG) meetings and that LH will attend to provide an update to the EDG on February 26 2020 (Action 28/01/20 – 03).

LH informed the Board that the Programme Team are liaising with Corporate Communications on the launch of phase 1 policies and social media promotion (Action 28/01/20 – 05).

Noreen Clancy (NC) advised the Board that Central Legal Office (CLO) will be asked to reconfirm the position on local authority managers taking action under NHSScotland workforce policies

(included in Scheme of Delegation Principles) following one or two NHS Boards reporting contrary advice from CLO (Action 28/01/20 – 09).

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. Janis Butler (JB) asked when the Programme Board would consider future functionality of the website beyond MVP. LH advised that this had been scheduled for the April Programme Board.

4. National Staffside Paper – Programme Delivery Plan

Stephen Lea-Ross (SLR) noted that the issue of delegated authority and expectations on consultation was not fully resolved at the SWAG Committee meeting on 7 February 2020. National Staffside requested a further paper detailing the process and key milestones for consideration at the Joint Staffside meeting on 27 February 2020.

JB raised a concern that there is a misunderstanding from SWAG Committee and Health Boards that the supporting documentation will go out for consultation alongside the policies. The Board acknowledged the importance of clear communication, within the paper and at the forthcoming engagement events, to clarify that supporting documentation will be drafted following policy consultation.

JAn advised the Board that she will be attending the Joint Staffside meeting on 27 February 2020 and will clarify the process and roles and responsibilities with colleagues.

The Board agreed to retain the timescales proposed for delivery of the third group of policies in Phase 2, recognising that this enters purdah. SLR suggested that overall risk should be low providing that the programme is substantively concluded in advance of purdah.

The Board approved the draft paper with minor amendments. LH agreed to make the amendments and send to Norman Provan (NP) and Jane Anderson (JAn) to finalise.

ACTION 01: LH to amend draft paper and send to NP/ JAn to finalise and present at the Joint Staffside meeting on 27 February 2020

5. Mid-Policy Development Engagement Events

NC referred to the paper submitted by the Policy Development Group containing draft materials for the March Mid-Policy Development Engagement Events. The following points were debated and position agreed by the Programme Board:

- Supporting Work Life Balance - definitions as contained within the Children and Young People (Scotland) Act 2014 will be used to determine entitlement to policies
- Adoption and Fostering Leave - formalised kinship to be included within policy, noting that the Children and Young People (Scotland) Act 2014 definition of Kinship will be utilised and entitlement restricted to formal 'court' agreed kinship arrangements

- Special Leave – in relation to carers, the current scope of work is limited to carers leave. The development of a wider carers policy may be a future consideration on completion of the PIN refresh
- Flexible Working – develop an overarching framework for flexible working that allows individual policies to sit within, similar to the current approach to Special Leave

ACTION 02: LH to update workshop pre-reading materials to reflect the position agreed by the Programme Board

The Board noted that the Tobacco Policy will be updated to align with forthcoming legislation. NC advised that she was seeking a policy steer from Public Health colleagues. NC agreed to follow this up through the Chair of the Directors of Public Health and inform the Board if any escalation is required.

ACTION 03: NC to seek policy steer regarding the Tobacco Policy through the Chair of the Directors of Public Health group

Discussion followed on the 'Once for Scotland' approach to refreshing the Managing Health at Work PIN. Concern has been raised through the Health and Safety subject matter experts (SMEs) on the approach to the refresh and the different nature of health and safety. In particular, the requirements of Health Boards as the employing entity and responsibilities of the Chief Executive, responding to local risk profiles and the requirement to cover patients and visitors to a site in addition to staff health and safety.

NC highlighted that this presents an immediate challenge for the forthcoming engagement events in terms of SME engagement and the approach to the workshop.

Jeff Ace (JA) suggested that he meet with a representative group of HR Directors responsible for Health and Safety, subject matter experts and PDG members to understand the concerns and work through the issues specific to Managing Health at Work.

ACTION 04: LH to arrange an urgent meeting for JA and representatives from HRDs with responsibility for Health and Safety, Health and Safety subject matter experts and Policy Development Group to explore the concerns particular to Managing Health at Work in taking a 'Once for Scotland' approach

The Board noted that because the workplace childcare voucher scheme was closed to new entrants in October 2018, the Childcare Guidance included in the Supporting the Work-Life Balance PIN is no longer applicable.

The Board approved the content for the plenary presentation at the Mid-Policy Engagement Events, agreeing that it sufficiently covers the knowledge and skills requirements, as well as the governance and monitoring process.

6. NHSScotland Workforce Policies Website Regulatory Requirements

SLR referred to the paper on regulatory requirements for the NHSScotland Workforce Policies website. NES manage and host the site. Clarity is requested on the 'owner' of the site. The owner of the site is the organisation responsible should a challenge be made.

The Board agreed that the legal owner of the website is the Scottish Government (SG). The Programme Team should work with SG Legal to develop the privacy notice, crown copyright and terms of use. As a minimum, the privacy notice and crown copyright should be in place for 'go live' on 1 March 2020.

ACTION 05: LH to work with Scottish Government Legal Team and NES to develop the privacy notice, crown copyright and terms of use for the NHSScotland Workforce Policies website.

7. Risks & Issues

The Board agreed to close the risk on 'failure to get it right first time with clear, consistent and user friendly national policies...' on the basis that all mitigating actions and 'soft launch' are complete.

The Board discussed the new risk 'that local NHS Boards differ in their interpretation of the refreshed Phase 1 workforce Policies'. The Board scored the risk (Risk Level Amber), agreed mitigating actions and confirmed that the owner is SLR.

The Board discussed the risk on 'resources being taken away from this work to mitigate and understand the result of brexit' and agreed that the immediate risk has been removed, therefore the Risk Level has reduced to Green.

The Board agreed to continue to review the risk 'that the volume of policies and tight scheduling in Phase 2 does not allow for any flexibility/contingency'. Risk Level Amber unchanged.

The Board discussed the new risk 'that funding is not available to resource the digital team' and agreed that the Risk Level is Amber given that the likelihood is low but the impact would be significant.

The Board agreed to continue to review the risk 'that resources are not made available to support the work of the Policy Development Group'. Risk Level Green unchanged.

ACTION 06 – LH to update the risk log based on review by Programme Board

8. Programme Board Communication – Key Decisions

The Board agreed that a formal communication from this meeting was not required.

9. Any Other Business

Anna Gilbert (AG) advised that questions were being developed on Phase 1 implementation to include in the Staff Governance Monitoring Questionnaire. The Board discussed the proposed questions and agreed to include: (1) confirmation that policy awareness sessions have taken place, (2) what has gone well in the implementation process, and (3) what the challenges have been. The drafting of these questions will be progressed as part of Action 11 (28/01/20).

10. Date of Next Meeting

The next meeting of the Programme Board will be held on Thursday 9 April 2020.