

Minutes

Meeting: NHSScotland 'Once for Scotland' Workforce Policies Programme Board
Date: Wednesday 15 September 2021
Location: MS Teams

Attendees:

Present:

- (LZ) Laura Zeballos, Deputy Director Health and Social Care Pay, Practise and Engagement (Chair – Items 1 and 2)
- (AG) Anna Gilbert, Head of Workforce Practice, Scottish Government (Chair – Items 3 onward)
- (JAn) Jane Anderson, Unison
- (NC) Noreen Clancy, Head of Employee Relations, NHS Lothian
- (CH) Catriona Hetherington, Acting Head of Staff Governance, Scottish Government
- (JJ) Jacqui Jones, HR Director, NHS National Services Scotland (NSS)
- (SL) Steven Lindsay, Full Time Partnership Representative, NHS Grampian, Unite the Union
- (JO'C) James O'Connell, Regional Officer, Unite
- (NP) Norman Provan, Associate Director (Employment Relations), Royal College of Nursing (RCN)

In attendance: (LH) Lynn Hunter, Programme Manager, NHS NSS
(RVZ) Roxanne Van Zyl, Project Manager, NHS NSS

(JD) Jenni Duncan, Programme Director – East Region Recruitment Transformation

Apologies: (JA) Jeff Ace, Chief Executive, NHS Dumfries & Galloway
(JB) Janis Butler, HR Director, NHS Lothian

1. Welcome and apologies

Laura Zeballos (LZ) welcomed those present and acknowledged the apologies as above.

Quorum requirements for the Programme Board are 2/3 of the representative group. Employer members had agreed that Jacqui Jones (JJ) would represent Employers collectively.

2. Draft Flexible Work Location Policy

2.1. Noreen Clancy (NC) advised on key amendments to the draft policy following feedback from the Programme Board on 6 September 2021. NC asked members to note the wording added to the draft policy to state that the employee will be entitled to all terms and conditions relevant to the flexible work location agreement.

James O'Connell (JO'C) suggested that the section on 'Request by the employer' stating that the manager should have an initial conversation with the employee be expanded to include trade union representation if appropriate. This was discussed and agreed that no change would be made to the draft policy as the right to be represented is a standard section of the website which applies to all policies.

The Programme Board approved the draft policy for submission to the Scottish Workforce and Staff Governance (SWAG) Committee.

2.2.1 The Programme Board reviewed the Manager guide. Jane Anderson (JAn) raised the issue of permanency of the agreement in the context of the review. NC advised that this was a key question remitted to the Scottish Terms & Conditions Committee (STAC). STAC have been asked to provide a view on whether the review, as outlined in the updated Section 33 of the Agenda for Change Handbook, is the process to make any changes to a permanently agreed arrangement. The Policy Development Group have taken the view that an annual review is required to check-in with the employee, discuss health, safety and wellbeing and any change to circumstances. The additional question as to whether the review is also the process to formally end an agreement has been remitted to STAC. The draft policy also allows for home or hybrid working arrangement to be temporary or permanent.

The Programme Board approved the Manager guide as a supporting document to the Flexible work location policy.

2.2.2 The Programme Board reviewed the Employee guide. Jane Anderson (JAn) asked for clarity on the difference in rights for the employee requesting as different from a request by the employer. NC referenced the statutory right of the employee to request and inclusion in the updated Section 33 of the Agenda for Change Handbook. NC described the reasons why an employer may refuse a request under adverse service impact, adverse impact on work colleagues or health, safety and wellbeing of the individual. Reasons are also included where the employee can reasonably refuse an employer request to change work location to home.

The Programme Board approved the Employee guide as a supporting document to the Flexible work location policy.

2.2.3 The Programme Board reviewed the Flexible work location request form. It was noted that in developing this form, the PDG were mindful of future work to refresh the flexible working policies under the Supporting Work Life Balance (SWLB) PIN. An approach was taken that this form should be used to request a change in work location, which may or may not include a request to change a work pattern. However, employees requesting a change in work pattern only, should refer to local Board policy.

The Programme Board approved the Flexible work location request form as a supporting document to the Flexible work location policy.

2.2.4 The Programme Board reviewed the Flexible work location agreement. Members agreed that the agreement covered the key areas that employees needed to be aware of in the terms of the agreement.

The Programme Board approved the Flexible work location agreement as a supporting document to the Flexible work location policy.

2.2.5 The Programme Board reviewed the Health, safety and wellbeing self-assessment. Members noted inclusion of practical requirements, workstation assessment and wellbeing questions. It was acknowledged that some questions could not be completed until the individual was set up for home working. Jacqui Jones (JJ) noted that this was comprehensive and similar to the self-assessment in place for NHS NSS.

The Programme Board approved the Health, safety and wellbeing self-assessment as a supporting document to the Flexible work location policy.

2.3 The Programme Board reviewed the draft submission to the Scottish Workforce and Staff Governance (SWAG) Committee to review the draft Flexible work location policy for approval on 28 September 2021.

The Programme Board discussed policy review / approval in the context of further work to be undertaken by STAC on terms and conditions issues raised through the policy consultation. Norman Provan (NP) reiterated the ask of employers and staffside to refresh the homeworking policy at pace and ahead of formal restart of the programme of work. The policy provides a framework to move forward, and review as required on the outcome of the work of the STAC subgroup.

ACTION 01: Norman Provan to request from STAC Committee a timetable for the STAC subgroup to undertake work on the terms and conditions issues remitted to STAC in relation to the Flexible work location policy.

Steven Lindsay (SL) noted precedent where the Phase 1 Attendance Policy required a similar statement on entitlement until the national terms and conditions position had been clarified.

JJ advised that HR advice in Boards would maintain the position to await the outcome of the STAC subgroup.

The Programme Board suggested 30-40 minutes on the SWAG Committee Agenda to review the Flexible work location policy. NP agreed to act as the Programme Board Staffside Representative. JJ will be on annual leave, and agreed to discuss Employer representation with colleagues. Papers will be published on Tuesday 21 September 2021. Programme Board members agreed to discuss the draft policy with their constituencies in advance of the SWAG Committee meeting on 28 September 2021.

ACTION 02: Programme Team to request 30-40 minutes on the SWAG Committee Agenda on the 28 September 2021 to review the draft Flexible work location policy.

ACTION 03: Jacqui Jones to secure Employer Representative to speak to the submission alongside Norman Provan as Programme Board Staffside Representative.

ACTION 04: ALL Programme Board Members to discuss the draft policy with their constituencies in advance of the SWAG Committee meeting on 28 September 2021.

The Programme Board thanked the Policy Development Group for the excellent work undertaken to refresh the policy and develop supporting documentation at pace.

3. Draft Chief Executive Letter

The Programme Board reviewed the draft communication to be issued to the service, detailing the 'soft launch' of the Flexible work location policy subject to SWAG Committee approval.

The Programme Board approved the draft letter with a minor amendment to paragraph 2 to change managers to employers to read "The policy provides the process for employees and employers to request changes to work location..."

ACTION 05: Programme Team to amend paragraph 2 of the Draft Chief Executive Letter to read "The policy provides the process for employees and employers to request changes to work location..."

4. Highlight Report

Lynn Hunter (LH) provided an overview on the progress achieved and outstanding tasks to complete phase 1. For Phase 2 policies, responses from the additional survey with delegates who had attended or registered to attend the March 2020 engagement events will now be incorporated into the draft policy outlines for the next set of policies to be reviewed.

LH noted that this item was to provide context to a discussion on risk and approach to phase 2. System pressures and resourcing are risks to the delivery of Phase 2.

5. Review of Risk Register and Approach to Phase 2

The Board acknowledged significant pressure in the system. JO'C suggested that an extra meeting be scheduled in the next 2 weeks to hold a discussion on risks and the approach to Phase 2. In terms of position, members acknowledged that there needed to be a realism and perhaps slower timescale for delivery. SL reminded the Programme Board of the revised DL and changes to Section 33 of the handbook which impact on other policies scheduled for refresh. NP also reiterated the importance of the total package of policies being refreshed.

Anna Gilbert (AG) asked the programme team to develop a paper to support an open discussion on the approach to Phase 2 policies in the next 2-3 weeks.

ACTION 06: Programme Team to schedule a further meeting, and prepare a paper in advance, to discuss the approach to phase 2 in context of current service pressures

6. National Recruitment Guidance Content

Jenni Duncan (JD) outlined the work of the national transformation of recruitment services programme and the request, as previously approved in principle by the Programme Board, to develop the NHSScotland Workforce Policies website to host Recruitment guidance content.

A request was made to the Programme Board to review and consider the potential content as outlined in the paper circulated and to consider capacity within the Programme Team to provide programme management support to deliver the development.

LH added that further context had been provided in the cover paper from the Programme Team for members to consider scope, resource and governance as part of reviewing the request.

JD advised that the East Region Recruitment Services will be the first to launch October to December 2021.

JJ was supportive of a once for Scotland approach; however questioned whether there was an appetite in the system to go Scotland wide on recruitment. It may be that the East Region is a test of change.

NP stated that he was supportive of most of the suggested national content as outlined in the scope; however employers would need to present a consolidated position.

Members noted that in terms of resourcing, their primary responsibility is to deliver the 'Once for Scotland' Workforce Policies Programme of work. Given the previous discussion on system pressures, capacity and timescales for delivery, the Programme Board would be unable to commit to additional work packages at this time.

AG suggested that the national transformation of recruitment services request feed into discussions on resourcing and approach to Phase 2.

ACTION 07: Jacqui Jones agreed to pick up a discussion on the national transformation of recruitment services, and request made to host content and seek programme management resource to develop the NHSScotland workforce policies website, with Anne MacPherson and Janis Butler.

7. Stakeholder Communication – Key Messages

It was noted that the Draft Chief Executive Letter (Item 3) would form the communication to the service, subject to SWAG Committee approving the draft policy.

8. Any Other Business

None

9. Date of Next Meeting

To be scheduled in the next 2-3 weeks.