

Minutes

Meeting: NHSScotland 'Once for Scotland' Workforce Policies Programme Board
Date: Thursday 14 October 2021
Location: MS Teams

Attendees:

Present:

- (LZ) Laura Zeballos, Deputy Director Health and Social Care Pay, Practice and Engagement (Chair)
- (JA) Jeff Ace, Chief Executive, NHS Dumfries & Galloway
- (JAn) Jane Anderson, Unison
- (JB) Janis Butler, HR Director, NHS Lothian
- (NC) Noreen Clancy, Head of Employee Relations, NHS Lothian
- (AG) Anna Gilbert, Head of Workforce Practice, Scottish Government
- (JJ) Jacqui Jones, HR Director, NHS National Services Scotland (NSS)
- (SL) Steven Lindsay, Full Time Partnership Representative, NHS Grampian, Unite the Union
- (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

Apologies: (JO'C) James O'Connell, Regional Officer, Unite

1. Welcome and apologies

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

2. Minute from previous meeting and review of actions

Members approved the minute of the meeting held on 15 September 2021. There were no outstanding actions for review.

3. Feedback on Flexible Work Location Policy "soft-launch"

The Flexible Work Location Policy was approved by the Scottish Workforce and Staff Governance Committee on 28 September 2021, and entered a 'soft launch' from 4-29 October 2021. LZ advised that feedback had been received highlighting concerns about the implementation of this policy at this time.

Janis Butler (JB) explained that from an employer perspective that the concerns were twofold. Firstly, the capacity of HR teams to prepare for implementation and secondly, the challenge it has for staff and managers in the absence of an agreed position on the terms and conditions aspects of the policy. Jacqui Jones (JJ) confirmed this position and reflected that the work required to implement the policy effectively was viewed as an additional pressure for the system at an extremely challenging time.

Jane Anderson (JAn) noted previous concerns that whilst the policy provides a framework, in the absence of an agreed terms and conditions position it would be challenging to implement in practice.

National Staffside voiced concerns. Norman Provan (NP) noted the previous request made by employer representatives to fast-track this policy ahead of the other policies within the Supporting the Work Life Balance PIN, and the decision taken by the Programme Board last month to recommend policy approval with a review following the outcome of the work of the STAC subgroup on related T&Cs issues. Steven Lindsay (SL) reiterated this concern in relation to terms and conditions being an obstacle to progress to implementation. SL further noted that whilst the Phase 1 'core' policies had been approved, and we could not anticipate the outbreak or length of time of the pandemic, the Flexible Work Location Policy is the first of the SWLB policies that matter to staff.

Jeff Ace (JA) also reflected that no-one anticipated that the pandemic would last so long, and that he felt it was the right decision at the time to expedite this policy. However, with the NHS on a continued emergency footing until at least the end of March 2022, the system – both in terms of HR and general management to progress requests – does not have the capacity to effectively implement the policy at this time. JA also noted that whilst finance was not a block, understanding the T&Cs implications and having a clear view alongside moving out of the pandemic was important for the Chief Executives.

NP further noted the extensive work undertaken with stakeholders to advance the policy to approval stage, and that learning should be taken from this experience. NP requested clear messaging if the service is saying it does not have the capacity to implement this policy until the spring even if there was an agreed position from STAC at an earlier date.

4. Phase 2

JJ expressed real concerns again about the capacity to proceed with the Flexible Work Location Policy or the remainder of the PIN policies that were to be refreshed in phase 2 of the Programme. From an employer perspective, she advised that there is no spare HR resource to give to policy development. Rather NSS has moved resource to ensure critical support and mutual aid is provided to territorial Boards in need. JJ proposed that policy implementation and phase 2 policy development be placed on pause until April 2022.

SL recommended that the policy and terms and conditions are teed up for moving out of the pandemic. Staff have questions about home working in the context of remobilisation and moves to bring staff back into employer premises.

The Board agreed that the difficult reality is that we are unable to fully resource programme activity or policy implementation at this time. The only realistic option is therefore to pause this work over the next few months to ensure that we have full partnership commitment and focus to restart in April 2022. There was a clear expectation that the STAC subgroup will deliver an agreed T&C position over this period.

LZ noted that the membership and capacity for the STAC work to progress will draw on similar membership, and there is a need to explore capacity and timing with STAC.

ACTION 01: Scottish Government officials to explore membership / capacity and timescales for STAC to undertake work on the terms and conditions elements of flexible working remitted.

Members acknowledged that the extant policy is in place. SL noted that Scotland is out of sync with the rest of the UK and Section 33 until the work through the 'Once for Scotland' Workforce Policies Programme is complete. Noreen Clancy (NC) advised that Boards do have extant home working policies, and most have additional guidance to include wellbeing. The changes under the new Section 33 in terms of eligibility have been messaged and apply. There is also however a change to the limits on applications.

SL raised the practical consideration for programme restart in respect of the time delay between pre-policy / mid-policy engagement conducted early 2020, with a follow up survey to delegates in the summer of 2021, and restart in April 2022. JB acknowledged that this would need consideration. JB suggested that two questions inform re-engagement: firstly, whether there has been any legislative changes and secondly what impact the pandemic has had on learning.

5. Highlight Report

The Highlight Report was circulated in advance for information. Lynn Hunter (LH) advised that the Policy Development Group had agreed the remaining supporting documents, namely the flowchart and personas. These would be circulated to the Programme Board for electronic sign off. This will allow the complete package to be prepared on the test website ready for implementation.

ACTION 02: Programme Team to circulate personas and flowchart for electronic sign off by the Programme Board to complete the supporting document materials for the Flexible Work Location Policy

LH also advised that work was near completion on the Phase 1 'tidy up' providing clarification on issues of interpretation. A record and communication will be circulated to the Programme Board for electronic sign off.

ACTION 03: Programme Team to circulate record and communication on points of clarification as part of the Phase 1 'tidy up' to the Programme Board for electronic sign-off

6. Stakeholder Communication

It was agreed that the Chair would write out to Chief Executives, HR Directors and the Scottish Workforce and Staff Governance Committee on behalf of the Programme Board to communicate the difficult decision reached to further pause the programme of work. This should include the following key messages:

- decision in response to significant pressures facing the service
- unable to resource policy implementation or Phase 2 policy development
- absolute commitment across the partnership to deliver the refresh of the remaining workforce policies
- celebrate our recent success in receiving a high commendation at the CIPD annual awards
- restart the programme no later than April 2022

ACTION 04: Programme Team to draft communication on decision reached to pause the 'Once for Scotland' Workforce Policies Programme until April 2022 for review by members prior to issue

7. Any Other Business

This was the last meeting of the Programme Board for Jane Anderson as she retires. LZ thanked Jane on behalf of the Programme Board for her valued service and contribution to the work of the 'Once for Scotland' Workforce Policies and the Programme Board over the years. Members wished Jane a happy and healthy retirement and all the very best for the future.

JJ also gave thanks to Lynn Hunter and Roxanne Van Zyl for the programme management provided to drive and deliver the work to this stage.

Members look forward to coming back together in the spring to complete this valuable and successful programme.

8. Date of Next Meeting

Meetings will be scheduled from April 2022.

ACTION 05: Programme Team to schedule meetings for Programme Board and Policy Development Group working sessions commencing April 2022