

Minutes

Meeting: NHSScotland 'Once for Scotland' Workforce Policies Programme Board
Date: Tuesday 28 February 2023
Location: MS Teams

Attendees:

Present:

(AG) Anna Gilbert, Head of Workforce Practice, Scottish Government (Chair)
(JA) Jeff Ace, Chief Executive, NHS Dumfries & Galloway
(JB) Janis Butler, HR Director, NHS Lothian
(NC) Noreen Clancy, Head of Employee Relations, NHS Lothian
(CH) Catriona Hetherington, Head of Staff Governance, Scottish Government
(JJ) Jacqui Jones, HR Director, NHS National Services Scotland (NSS)
(SL) Steven Lindsay, Employee Director, NHS Grampian
(GM) Gordon McKay, UNISON Health Committee
(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

1. Welcome and apologies

Anna Gilbert (AG) welcomed members to the meeting. AG advised that the primary purpose of the meeting was to complete outstanding business from the meeting on 7 February 2023.

2. Minute from previous meeting and review of actions

Members approved the minute of the meeting held on 7 February 2023. Norman Provan (NP) reflected on the attendance of additional non-participating observers to the Programme Board. It was requested, and agreed by the Programme Board, that any observers invited to the Programme Board in future fully understand the scope of work, ways of working, remit and role of members and observers.

Members reviewed priority actions. In relation to Action 01 (07-02-23) Jacqui Jones (JJ) advised that engagement with HRDs to reach a unified position on the terms and conditions issues related to flexible working was to take place. NP has raised with the Staffside Chair of STAC Secretariat, and James O'Connell (JO'C) has also highlighted the potential for this issue to delay this suite of policies and the urgency to resolve. The next meeting of STAC Secretariat is 8 March 2023.

3. Supporting Work Life Balance Consultation

3.1 Key issues arising from the consultation for Programme Board review

Parental Leave Policy

AG recapped on the discussion at the meeting held on 7 February 2023. The consultation asked respondents if the entitlement to paid parental leave should be extended to include step-parents. No majority view was evident. In the qualitative feedback, there was a focus on parental responsibility, legal foundation and evidence.

A further paper had been circulated in advance of the meeting outlining the statutory entitlement, current position and uptake in NHSScotland including estimates of associated costs to inform the debate. Noreen Clancy (NC) highlighted the key points to the Programme Board, and PDG recommendation to apply parental leave access where a Parental Order has been issued. Currently, birth and adoptive parents provide evidence of eligibility in the form of a birth or adoption certificate on which they are named.

Members debated the way forward recognising the need to balance doing the right thing as a progressive employer, reflecting modern society, the legal position and due diligence to assess the impact of any extension to entitlement.

There was discussion on a potential way forward to make explicit reference and instruction for managers that step parents and kinship carers responsible for a child can access time off through the Special Leave Policy. This would be dealt with through the Special Leave Policy and therefore would not require the evidence of eligibility asked for in the Parental Leave policy. Managers would also be clear on which policy to use.

There was not full agreement on this approach, and members asked to review further wording. Gordon McKay (GM) asked for monitoring to be put in place to allow a review to provide reassurance that step-parents were able to access paid special leave to spend quality time with their children. Challenges were noted in terms of recording and monitoring.

Discussion followed on unpaid parental leave. It is understood that this is not accessed as readily. However, robust data is not available. Unpaid parental leave is often recorded as authorised unpaid leave and does not differentiate if this is for unpaid parental leave or another reason.

It was noted that step-parents who have caring responsibilities should be able to access short term leave. To extend 4 weeks paid leave for every child for all step parents is a significant increase and with operational difficulties and financial implications.

ACTION 01: PDG to formulate wording that would allow step parents responsible for a child to access time off through the Special Leave Policy.

If agreement cannot be reached by the Programme Board, the issue will be escalated to SWAG. Steven Lindsay (SL) highlighted the risk for delay to the delivery of the Supporting Work Life Balance suite of policies where agreement is not reached.

Breastfeeding Policy

There were no issues to raise with the Programme Board from the consultation feedback

Adoption, Fostering and Kinship Policy

Consultation feedback noted that the focus on this policy is adoption, with the same rights as maternity. There is limited content on fostering and kinship. The question outlined in the paper for access to parental leave for employees with a Parental Order including kinship carers and foster carers is no longer relevant given the earlier discussion. As debated above, there was no appetite to follow a Parental Order route to evidence parental responsibility.

Overarching / general

Consultation feedback from Close the Gap stated that a gender-neutral approach to policies can make the issues experienced by women invisible. It was requested that the challenges faced by women are called out explicitly. The Programme Board was asked for a view on continuing with the current gender neutral approach to policies and supporting documents.

Members debated and considered the position. There was agreement that the policies should remain gender neutral and identify with all employees and across all protected characteristics. It was suggested that a statement is developed to highlight the predominantly female makeup of the NHS workforce and the need for managers to consider the specific circumstances and caring responsibilities of women when applying these policies.

ACTION 02: PDG to develop wording to highlight the predominantly female makeup of the NHS workforce and the need for managers to consider the specific circumstances and caring responsibilities of women when applying these policies.

Members agreed to the intention to publish the results of the EQIA assessment (Results Report) on the Scottish Government website. It was noted that this is a final summary report produced as a result of the EQIA record. The record itself will not be published as this is a working and live document. A link to the Results Report when published will be added to the NHSScotland Workforce Policies website.

The Programme Board noted some consultation feedback received to ask for supporting documents to be reviewed and sense checked by an experienced operational user group before published. The Programme Board was clear that this expertise exists in the PDG, Programme Board and SWAG Committee. The 'soft launch' provides a preparatory period for local implementation and opportunity to highlight any interpretation issues or concerns to be addressed prior to the policies

going 'live' for staff and managers. For any issues that may arise during implementation there is a clear escalation process which has been communicated to the service.

NC outlined that consultation feedback had requested a range of letters to accompany the Supporting Work Life Balance suite of policies. The PDG has considered and suggested the development of a guide to support managers in constructing letters as an alternative to template letters.

JO'C was supportive of a guide for managers. However, asked that the Programme Board see a snapshot of letters from across NHSScotland. This would provide assurance that managers were following the guidance. AG suggested that this was something that could be looked at through Staff Governance monitoring.

ACTION 03: CH to explore evidence of policy and process application consistency and compliance with Boards through the Staff Governance Monitoring exercise.

NP also reflected on the value of the template letters produced in phase 1. NP suggested that to not have letter templates would remove a pillar of assurance. However, managers should have guidance to support them to amend the template letters.

Due to time constraints, the position on letters will be revisited at a future meeting of the Programme Board.

ACTION 04: PDG to draft outline guide for managers on writing letters to support discussion at Programme Board on requirement for letters to accompany the suite of Supporting Work Life Balance policies.

3.2 Supporting Work Life Balance Consultation Analysis Summary

The Programme Board noted the updated paper with the addition of late submissions to the consultation and the recommended change and no change logs.

4. Formal Hearing Guide Position Paper

Due to time constraints, it was agreed that a further short meeting be scheduled to focus on this single item.

ACTION 05: Programme Team to schedule 30 minute call to discuss Formal Hearing Guide.

5. Programme Highlight Report

Due to time constraints, it was agreed that this item would be circulated by email for comment.

6. Draft Communication

Due to time constraints, it was agreed that this item would be circulated by email for comment.

ACTION 06: Programme Team to circulate the Programme Highlight Report and draft communication for comment.

7. Any other Business

No further business was raised.

8. Date of next meeting

The next full meeting of the Programme Board will be held on Monday 24 April 15:00-17:00.

The purpose of this meeting is to review the updated policies and associated manager guides drafted following consultation feedback.