

# Minutes

**Meeting:** NHSScotland 'Once for Scotland' Workforce Policies Programme Board  
**Date:** Tuesday 30 May 2023  
**Location:** MS Teams

## Attendees:

### Present:

(AG) Anna Gilbert, Head of Workforce Practice, Scottish Government (Chair)  
(JB) Janis Butler, HR Director, NHS Lothian  
(NC) Noreen Clancy, Head of Employee Relations, NHS Lothian  
(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  
(FH) Fiona Hogg, Chief People Officer, Scottish Government  
(LS) Lorraine Stronach, Staff Governance Associate, Scottish Government

### Apologies:

(JA) Jeff Ace, Chief Executive, NHS Dumfries & Galloway  
(CH) Catriona Hetherington, Head of Staff Governance, Scottish Government  
(JJ) Jacqui Jones, HR Director, NHS National Services Scotland (NSS)

## 1. Welcome and apologies

Anna Gilbert (AG) welcomed members to the meeting. Apologies were noted from Jeff Ace, Catriona Hetherington and Jacqui Jones. AG advised that Lorraine Stronach, Staff Governance Associate would be in attendance in place of Catriona Hetherington. Fiona Hogg, Chief People Officer, Scottish Government will also join the meeting as a Scottish Government representative. Fiona will take on the role of Chair of the Programme Board from the next meeting.

Quorum requirements for the Programme Board are 2/3 of the representative group. Employer Board members had agreed in advance of the meeting that Janis Butler would represent Employers collectively.

## 2. Minute from previous meeting and review of actions

Members approved the minute of the meeting held on 24 April 2023, with the following amendment:

- 3.1 Retirement Policy – remove action. Norman Provan (NP) had raised a theoretical concern that the SPPA changes on partial retirement may have unintended consequences for leadership development and career progression. In the absence of a recording mechanism for partial retirement, NP agreed to no further action currently and to revisit if concerns materialised.

### **3.1 Cover Paper - Key questions**

AG invited Noreen Clancy (NC) to speak to the paper previously circulated outlining the key points for the Programme Board to note and agree.

#### **Flexible Work Location Policy / Flexible Work Location Policy**

NC advised that the Flexible Work Location and Flexible Work Pattern policies and guides have been updated to reflect the agreed position provided by STAC. The STAC response had been shared as an appendix to the paper for the Programme Board to review. NC highlighted the key points, including the agreed position on base and allowances and review. NC emphasised the position that any agreement is for a period of 2 years, which may be extended on review.

In respect of the engagement process, members agreed with the programme response to STAC acknowledging receipt. This highlighted that the revised Flexible Work Location Policy will be submitted together with the full suite of Supporting Work Life Balance policies for SWAG Committee approval on 29 June 2023. Papers will be published 3 weeks in advance with access to the test website hosting both the policies and supporting documents. All draft policies have been through the process of public consultation, analysis and redraft. There will be no further public consultation. However, SWAG members will be asked to engage with their constituent organisations in advance of SWAG Committee review of the policies.

#### **Health, safety and wellbeing self-assessment**

The Programme Board accepted the draft self-assessment, noting that further technical amendments may be made following review by the Heads of Health and Safety Group on 15 June 2023.

#### **Career Break**

Following discussion at the Programme Board on 24 April, further advice was sought from Central Legal Office (CLO) on the distinction made within the draft Career Break Policy and Manager Guide between “continuity of service” and “reckonable service” in respect of the Agenda for Change Terms and Conditions Handbook (Scotland). CLO agreed the draft wording in the Career Break Policy and guides, which is consistent with PIN.

NC outlined that the UK NHS Terms and Conditions of Service Handbook (Section 34: Employment Break Scheme) refers to an agreement between employers and staffside on how a career break scheme will operate. Section 35 of the Scottish AFC Handbook - Balancing work and personal life - states that this is covered in Scotland by PIN / ‘Once for Scotland’ Workforce Policies. The agreed position for Scotland is detailed in PIN, and the draft policies are a refresh of PIN.

Gordon McKay (GM) disagreed with the rationale set out in the paper, however was in agreement on the conclusion. GM referred to section 34.18 of the UK NHS Terms and Conditions of Service Handbook noting “other provisions depending upon length of service, i.e. contractual redundancy payments, leave entitlements etc, should be suspended for the period of the break”.

James O’Connell (JO’C) requested that for clarity, the guides to the Career Break Policy should refer to “salary increment point” and not “salary increment”.

**ACTION 01: PDG to review Employee and Manager Guides on the Career Break Policy to ensure sufficient clarity i.e. “salary increment point” and not “salary increment”.**

### **Special Leave Policy**

Members approved the revised wording in the guides:

*“You can also approve time off in situations that reflect the spirit of the policy such as time off for partners, step-parents or kinship carers to undertake their parental responsibilities. The reasons for the leave should be for exceptional and unusual circumstances not already covered by this policy. However, they should be consistent with the general approach to special leave to ensure equity for all staff within your area of responsibility.”*

### **Adoption, Fostering and Kinship Policy**

Members noted the updated wording in the guides to confirm that the employee can choose to start their adoption leave from the date of adoption or date of matching.

### **Standard sections on the website**

Members agreed the following wording for inclusion within the standard section of the website relating to Principles and Values:

#### ***“Contractual entitlements***

*The NHSScotland workforce policies largely reflect the terms and conditions of employment for the various staff groups. However, NHSScotland has agreed to enhance some provisions that employees are contractually entitled to beyond the minimum established in law.”*

### **Minor outstanding technical matters**

Since the papers were published, CLO have confirmed that reference to an additional check for statutory annual leave compliance for a reduced working year employee should be removed as this is not a settled legal position.

**ACTION 02: PDG to update Manager and Employee Guides on the Flexible Work Pattern Policy to remove reference to an additional check for statutory annual leave compliance for a reduced working year employee.**

NC advised that clarification is sought from payroll on technical matters which underpin practice in NHSScotland to finalise some guides and forms. For example, spreading of payment for maternity and adoption leave.

### **3.2. Manager and Employee Guides**

The Programme Board approved the Manager and Employee Guides for the Flexible Work Location Policy and Shared Maternity and Shared Adoption Policy.

### **3.3 Employee Guides**

The Programme Board approved the remaining Employee Guides for the Supporting Work Life Balance suite of policies.

### **3.4 Flowcharts and Forms**

The Programme Board approved the process flowcharts and forms to accompany the suite of Supporting Work Life Balance policies.

Members thanked the Policy Development Group for their time, effort and skill in refreshing the suite of policies and developing the supporting documentation for review by SWAG Committee. The Board commented that the volume of high quality work undertaken in just under one year is remarkable, and that the product will greatly support staff and managers.

## **4. Draft SWAG Committee Paper**

Lynn Hunter (LH) introduced the draft paper prepared for submission to SWAG Committee for review on 29 June 2023. LH outlined the background to the work, the process for policy development and the key points of note for SWAG. In particular:

- Focus on development of refreshed policies in partnership
- Reflecting feedback from the engagement events, formal consultation, and additional advice sought from subject matter experts
- Inclusion of Flexible Work Location Policy incorporating the agreed STAC position (added as appendix)
- Supporting documents available on the test site to support the process to approve policies
- Letters are a management tool. Further development proposed to create a standard letter template and/or guide to drafting letters for managers
- standardised appeals process to support Flexible Work Location Policy, Flexible Work Pattern Policy, Retirement Policy and Career Break Policy
- Paragraph added to the guides to recognise predominantly female workforce and particular importance of the Supporting Work Life Balance policies

- Retirement policy expanded beyond PIN to incorporate the NHSScotland Interim National Arrangement on Retire and Return and include a section on partial retirement to reflect updates to the NHS pension scheme

Discussion followed on the approach and timetable for implementation. Members agreed that, subject to SWAG approval, the policies will move to a 3-month 'soft launch' from 12 July – 11 October and a provisional 'go live' for staff and managers from 1 November 2023.

JO'C asked if the margin was sufficient to build in any changes resulting from interpretation queries identified in the soft launch. LH advised that the intention is for NHS Boards to review and identify any material issues early in the process and feedback as identified. Boards should not wait until the end of the 'soft launch' period. It was agreed that communications are key. This is not about inviting wholesale comment, but NHS Boards using the soft launch' as an opportunity to consider the materials in detail and feedback on any fundamental issues.

Janis Butler (JB) highlighted work required with constituent groups to ensure engagement and preparation for implementation. Programme Board members have a key role to play in communications and management of implementation.

NP suggested a further section in the SWAG paper to highlight the expectations of NHS Boards in respect of implementation. Members agreed that expectations include, to:

- plan and manage local implementation in partnership
- undertake a self-assessment of NHS Board practice against the refreshed policies
- conduct joint briefings for managers and trade union representatives

NP agreed to act as the Staffside Programme Board sponsor at SWAG Committee. JB will check with Jacqui Jones to confirm the Employer Programme Board sponsor.

**ACTION 03: LH to update paper for SWAG Committee to highlight the expectations of NHS Boards in respect of implementation of the refreshed SWLB policies.**

**ACTION 04: LH to draft communications for Programme Board members to review.**

**ACTION 05: JB and JJ to confirm the Employer Programme Board sponsor to the refreshed SWLB policies submission for review by SWAG Committee on 29 June.**

## 5. Programme Highlight Report

Lynn Hunter (LH) spoke to the Highlight Report for the period April – May 2023. LH noted that timescales and communications have been discussed earlier in the meeting. LH advised that as work has focussed on delivery of the product and test site for SWAG Committee, there is a body of work to fully complete this phase and respond to queries and style consistency for Phase 1. The Programme Board supported this

position. The programme team will develop a plan for the next group of policies for the Programme Board to review in September.

**ACTION 06: Programme Plan for the next group of policies to be developed for Programme Board review on 11 September 2023.**

## 6. Change Request to NHSScotland Conduct and Capability Policies - Public Dental Service

NC outlined the requirement for a technical update to the NHSScotland Conduct and Capability policies to reflect the different terms and conditions for the Public Dental Service from other medical and dental staff. The Programme Board approved the following amendments:

- The 'Scope' section of the NHSScotland Capability Policy should state: *This policy applies to all employees, with the exception of medical and **some** dental staff, other than when a doctor or dentist has had their registration suspended by the regulator as the result of an interim orders panel (IOP), in which case the suspension of registration provisions outlined below will apply.*
- The 'Scope' section of the NHSScotland Conduct Policy should state: *Where concerns are raised about the professional conduct or competence of medical or dental staff, please refer to the relevant circulars - 1990 (PCS) 81 amended by 1990 (PCS) 322, PCS (DD) 1994/113, PCS (DD) 1999/74, PCS (DD) 2001/95, SGHD/CMO (2013) 226 and [Scottish Public Dental Service Terms and Conditions of Service 2013](#). For more information, read the [Guide for managers](#).*
- The 'Scope' section of the NHSScotland Workforce Policies Investigation Process should state: *This policy applies to all employees, with the exception of medical and **some** dental staff in relation to their professional conduct or competence, for which the relevant policy applies.*

**ACTION 07: Programme Team to make technical update to NHS Scotland Capability Policy, NHSScotland Conduct Policy and NHSScotland Workforce Policies Investigation as agreed by Programme Board and record in the Change Log.**

## 7. Any other Business

JO'C raised an issue where a Board is not providing a minute taker for a stage 2 grievance where this has been requested. The individual Board has taken the position that it does not need to provide a minute taker as it is not a requirement of the NHSScotland workforce policies.

The Programme Board discussed the fundamentals of HR practice, and that this operates in the application of NHSScotland workforce policies. The Programme Board asked that the PDG consider a form of words to add to the formal hearing guide in respect of a formal record of the meeting. It was suggested that wording is also added to the SWLB communication to reinforce the fundamentals of HR practice.

**ACTION 08: PDG to review Phase 1 Query on minute taking for a stage 2 grievance and consider a form of words to add to the formal hearing guide in respect of a formal record of the meeting.**

**ACTION 09: Include wording on the fundamentals of HR practice as part of the communication on the 'soft launch' of the SWLB suite of policies.**

## **8. Date of next meeting**

The Programme Board once again thanked the Policy Development Group and Digital Team for the exceptional work produced in a short period of time.

AG noted the work to be undertaken in the coming weeks as discussed earlier, and that a programme plan for the next phase will be submitted to the Programme Board after the summer for their review.

The next meeting of the Programme Board will be held on Monday 11 September from 10:00-12:00.