

# Minutes

**Meeting:** NHSScotland 'Once for Scotland' Workforce Policies Programme Board  
**Date:** Monday 11 September 2023  
**Location:** MS Teams

## Attendees:

### Present:

(FH) Fiona Hogg, Chief People Officer, 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  
(AG) Anna Gilbert, Head of Workforce Practice, Scottish Government  
(CH) Catriona Hetherington, Head of Staff Governance, Scottish Government  
(JJ) Jacqui Jones, HR Director, NHS Lanarkshire  
(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

### Apologies:

No apologies

## 1. Welcome and apologies

Fiona Hogg (FH) welcomed members to the meeting. The meeting was quorate.

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

Members approved the minute of the meeting held on 30 May 2023. It was noted that the outstanding action on developing a guide for managers on writing letters is in draft and will be made available for the next meeting of the Programme Board.

### 3.1 Phase 1 – Queries / Amendments

Noreen Clancy (NC) provided an overview of the technical updates made to Phase 1:

- Letters – Attendance Policy: Stage 3 hearing outcome letter updated to reflect that the notice period runs from the day after that on which the notice was given; Workforce Policies Investigation Process letters – hyperlinks corrected; 3 new letters created for Workforce Policies Investigation Process and the Capability Policy which were missing from the original suite.

- Workforce Policies Investigation Process – clarification that the investigating manager may identify broader concerns and the manager should consider these broader service recommendations.
- Attendance Policy query received on the requirement for self-certificates. No change. Everything that is required for self-certification is covered in the Attendance Policy: return to work form, which is used to record the discussion between an employee and their manager when the employee has returned to work.

Members noted the technical amendments. In addition, a query was received via an Area Partnership Forum on the sharing of cases in Grievance and Appeals, which required a policy decision. Members considered the concerns outlined in respect of timescales and completeness of information. Following considered discussion, the Programme Board agreed that there would be no change to the policy or supporting documentation.

**ACTION 01: PDG to provide a response to the APF raising a query on the sharing of cases in Grievance and Appeals outlining the Programme Board decision to not change policy or supporting documents.**

### 3.2 Formal Hearing Guide

At the meeting on 30 May 2023, the Programme Board discussed the need for a formal record of any hearings in line with the ACAS code and fundamentals of HR practice, as it was highlighted that this was not explicitly stated in the documentation. This was an oversight rather than a material change to approach or practice. Following email correspondence, members agreed to add the following line to the end of the Formal Hearing Guide: “A formal note of the hearing should be prepared and shared with all parties.”

James O’Connell (JO’C) raised concerns that this record was still not being implemented in practice in all Boards. In terms of the specific local example given, and compliance with agreed NHSScotland policy, it was agreed that this should be progressed offline. Jacqui Jones (JJ) and FH agreed to take forward and link with JO’C to update.

**ACTION 02: JJ and FH to progress addressing the concern highlighted regarding practical application of the formal note of hearings, and link with JO’C.**

Anna Gilbert left the meeting at this point.

### 4. Feedback from the ‘soft launch’ of supporting work life balance policies

NC advised that, to date, no collective Board feedback has been received on the ‘soft launch’ of the supporting work life balance policies. A small number of individual queries have been raised. These have been reviewed by the Policy Development Group (PDG) and recommendations for minor amendments outlined in the paper circulated for member consideration.

## Flexible Work Location

A discrepancy has been identified in the review section. The Flexible Work Pattern Policy states that if the agreement is being ended following formal review, then the employee should be given reasonable notice of the date of the change. Whereas the Flexible Work Location Policy currently states that the employee should be given 3 months' notice of the date of the change.

The PDG recommended that the Flexible Work Location Policy is amended to mirror the Flexible Work Pattern Policy, and that further clarification is added to the guides to ensure that the discussion on reasonable notice takes into account any specific circumstances, such as childcare arrangements.

Members considered the implications of amending both policies to state a discussion between the manager and employee to agree reasonable notice of the date of change. The alternative being for both policies to state 3 months' notice of the date of change, or less if agreed by both parties.

NC highlighted that individuals are aware that a formal review of the agreement takes place every 2 years and that this can bring the agreement to an end. This is different from organisational change where no notice is given. The PDG therefore considered the practicalities of arrangements to change a work pattern or return to the office. It was suggested that further detail on these considerations should be added to the guides.

The Programme Board was not in full agreement and instead agreed to revisit at the end of the 'soft launch' period (11 October 2023) to ascertain if any further feedback was received on this matter. It was suggested that, should the wording proposed by the PDG be adopted, an action could be taken to proactively revisit after a period of time. For example, to write out in 6 months' time asking Area Partnership Forums if there have been any issues identified in Boards and keep under review.

**ACTION 03: Programme Board to reach agreement on notice requirements of the date of change to an individual's work pattern or work location where the agreement is being ended following formal review. This must be consistent across the Flexible Work Location Policy and Flexible Work Pattern Policy.**

The Programme Board agreed to amend the Flexible Work Location Policy review section under request by employer to mirror the review section under request by employee by adding "A formal review of the agreement should take place every 2 years.

**ACTION 04: Programme Team to amend the Flexible Work Location Policy review section under request by employer to mirror the review section under request by employee.**

## **Flexible Work Pattern**

As agreed above, the decision on consistent wording on notice requirements of the date of change to an individual's work pattern or location will be agreed at the end of the 'soft launch' period.

## **Parental Leave**

The Parental Leave Policy outlines eligibility, stating that to have responsibility for a child the employee must be the biological or adoptive parent. Members agreed to remove reference to parental agreement from evidence of entitlement in the guides.

**ACTION 05: Programme Team to amend Parental Leave Policy: Guide for Managers and Guide for employees to remove "or agreement" from evidence of entitlement.**

## **Retirement Policy**

Members approved the amendment to remove section 5 "impact of the new working arrangements" from the Retire and return application form. This is consistent with the Flexible Working Request Form drafted to comply with the Employment Relations (Flexible Working) Act 2023.

**ACTION 06: Programme Team to amend the Retire and return application form to remove section 5 "impact of the new working arrangements"**

## **Career Break Policy**

The Programme Board agreed to amend the Career break application form to show any previous period of career break taken. The policy states that the total periods of absence cannot exceed 5 years.

**ACTION 07: Programme Team to amend the Career break application form to show any previous period of career break taken.**

## **5. Programme Highlight Report**

Lynn Hunter (LH) spoke to the Highlight Report for the period from June to August 2023. Following governance approval, a soft launch of the Supporting Work Life Balance Policies is underway between 12 July and 11 October 2023 in preparation for 'go live' with staff and managers on 1 November 2023.

LH noted the focus on formal write up of the EQIA records and summary results for publication on the Scottish Government website. Positive feedback has been received from the Mainstreaming and Strategy Unit in the Directorate for Equality, Inclusion and Human Rights at Scottish Government who reviewed a sample EQIA Record and Results. Members praised the team for the EQIA work undertaken which had been commended by the Mainstreaming and Strategy Unit.

Digital colleagues have undertaken further usability testing on the revised website. Feedback has been extremely positive, in particular on the new calculator tools. The website achieved a Standard Usability Score of A+.

A programme plan has been developed for the delivery of Phase 2.2 for Programme Board review. The PDG has commenced scoping of the policies within this grouping.

## 6. Programme Plan (Phase 2.2)

LH outlined the proposed programme plan for the delivery of the next phase. The Programme Board agreed to include the following policies for refresh in the next phase:

1. Embracing Equality, Diversity and Human Rights
2. Gender-Based Violence
3. Facilities Arrangements for Trade Unions and Professional Organisations
4. Personal Development Planning and Review (PDPR)
5. Use of Fixed Term Contracts
6. Safer pre- and post-employment checks
7. Redeployment
8. Secondment

The Programme Board approved the draft timetable to deliver the 8 refreshed policies for governance approval in September 2024. Members supported the proposed consultation dates February into March 2024, however noted that this should be kept under review as winter progresses.

The Programme Board reflected on the stakeholders identified recognising a range of subject matter experts and national groups with an interest in this group of policies for refresh. Further suggestions were made to add to the stakeholder mapping.

**ACTION 08: LH to update stakeholder mapping and schedule Programme Board meetings to reflect the agreed Programme Plan.**

## 7. Risk Management

LH spoke to the risk register for the next phase. Members reviewed the risks and mitigating actions. A further risk was identified that winter pressures and a rise in covid cases could place increased load on the service which may require a delay or extension to the consultation timetable to ensure full engagement.

**ACTION 09: LH to update Risk Register to add a further risk on winter pressures and a rise in covid cases and the potential impact on the service to fully engage in the consultation at the provisional dates scheduled.**

## 8. Communications – Draft Newsletter

The Programme Board approved the draft communication for issue to the service.

**ACTION 10: LH to issue the NHSScotland Workforce Policies Newsletter – September 2023 edition to stakeholders.**

**9. Any other Business**

None.

**10. Date of next meeting**

The next meeting of the Programme Board will be held on Tuesday 31 October from 13:00-15:00.

The Programme Board will communicate electronically during and at the end of the ‘soft launch’ as further feedback is received. The PDG will review all feedback and circulate recommendations.