



SWAG

**Scottish Workforce & Staff Governance Secretariat Minute
Thursday 3 May 2018
Conference Room A, St Andrews House, Edinburgh**

Present: Jane Anderson, Unison
Anna Gilbert, Scottish Government
Pauline Howie, Scottish Ambulance Service **(By VC)**
Norman Provan, Royal College of Nursing
Caroline Sharp, NHS Dumfries & Galloway **(By Phone)**
Kenneth Small, NHS Lanarkshire
Malcolm Summers, Scottish Government **(Chair)**
Dorothy Wright, NHS Education for Scotland

In attendance: Professor Patricia Findlay, Strathclyde University
John Malone, Scottish Government **(Minute)**
Alison Carmichael, Scottish Government
Stephen Lea-Ross, Scottish Government
Hannah MacKay, Scottish Government (Support)
Susan B Russell, Scottish Government

Apologies: Anne Thomson, Royal College of Nursing

Agenda Item 1 – Welcome, introductions and apologies

The Chair welcomed everyone to the meeting and noted the apologies. The Chair advised that the Secretariat was quorate.

Agenda Item 2 – Minute and Summary of Action Points of meeting held on Friday 26 January 2018 and matters arising

The minute of the meeting and summary of action points were agreed as an accurate record.

Matters Arising

Dorothy Wright provided a verbal update on the progress of the TURAS Appraisal System highlighting that since the launch on 2 April the system has over 167,000 accounts. As at 2 May, 40,000 staff have logged onto the application. The focus is now on migrating historical eKSF data to Turas Appraisal. Each of the 167,000 staff accounts could have several years of personal review documents and personal development plans to transfer. Over 200,000 attachments which staff have uploaded

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to eKSF have been migrated and the plan is to have this data available to staff by late May/early June. It was recognised that the new system is much more user friendly.

Outcome:

- Action point 2 – Feedback received by Scottish Government from Health Boards regarding the Whistleblowing template. It is proposed to link this piece of work with the current review of the Whistleblowing PIN Policy by the Whistleblowing Standards and Policy Group.
- Action point 6 – Norman Provan to provide paper relating to National Staff Side participation in the Annual Review Process

Agenda Item 3 – Once for Scotland Workforce Policies

The chair led a discussion on Once for Scotland Workforce Policies. The following issues were highlighted:

- The Once For Scotland Workforce Policy working group continues to make progress with its current focus being on the model for review. The model will identify differences in the process for development/review and include a timetable. It is hoped that this would be an enabler for a more consistent approach.
- An engagement paper was circulated to members of the Working Group seeking agreement on the sponsorship role with a view to having a more dynamic approach to policy review as well as a focused period of review.
- Working group meetings are scheduled for 10 May 2018 and 6th June 2018 which will continue to develop the business case which is due to be submitted to SWAG Committee on 28th June 2018.
- It was acknowledged that the new model needs to be properly resourced with the suggestion that there could be capacity gained from the work currently undertaken by Boards in reviewing local policies.
- In relation to the work currently underway on process mapping it was accepted that the streamlining of process and policy application can only take place once the Policy has been agreed.

Outcome: SWAG Secretariat members noted the update.

Action – Further discussion to take place regarding the capacity issues and following the working group meetings feedback will be presented to SWAG Secretariat for feedback and comment prior to the SWAG Committee and Secretariat Meetings on 28th June 2018.

Agenda Item 4 – National Staff Experience – Way Forward

Liz Reilly and Anna Gilbert referred to papers on National Staff Experience which had been circulated prior to the meeting 1) Notes from Teleconference Meeting 19th March 2018 and 2) Health and Social Care Staff Experience - Way Forward. These papers highlighted the following:

- Prior to 2017, under the oversight of the Scottish Workforce and Staff Governance Committee, there have been a number of national staff surveys in an attempt to capture the experience of staff working for the NHS in Scotland.
- Following a number of discussions at SWAG, where options on the future measurement of staff experience were explored, the Cabinet Secretary for Health and Sport agreed with a recommendation that in 2016 the national staff survey be paused to allow iMatter to be fully implemented across NHSScotland.
- In 2016, given its success and level of uptake, it was proposed the iMatter Continuous Improvement Model be adopted as the National Staff Experience Measure for NHSScotland. Some members of SWAG Committee, however, remained concerned that using iMatter only would result in information gaps, particularly around staff experience of dignity at work issues and staffing levels. To address this, agreement was reached that for 2017 the national staff survey be replaced with the iMatter questionnaire complemented by a Dignity at Work (DaW) Survey which would be distributed via the IT system used to run iMatter.
- The Health and Social Care Staff Experience Report 2017 published on 2 March 2018 (The Report) provides the first measure of integrated staff experience albeit representing partial participation by local authorities. The iMatter results contained within the Report provide a picture of staff experience across Health and Social Care reflecting cohort runs throughout 2017.
- There is general consensus that DaW Survey results did not offer significant differences from those provided from data collected in previous years either in level of uptake or responses to the questions.
- Given the approach taken in 2017 the Scottish Government is in the process of commissioning an independent external evaluation which will consider both the iMatter model and the DaW Survey. This exercise will consider these mechanisms retrospectively with a view to recommending any required changes to our future approach.
- The paper outlined the proposals for measuring Health and Social Care Staff Experience for 2018. It presented three options – (1) iMatter only in 2018; (2) iMatter and Dignity at Work (in the same format as 2017 report); and (3) iMatter plus tailored pulse survey. Within the options listed was a summary of the benefits, risks and resource implications.

Anna Gilbert led a discussion on the proposed options and the following points were raised:

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- Option 1 gives Boards time to concentrate on the positives achieved by iMatter maintaining high levels of engagement and investing in the team reports. This option also creates time for Boards to take action on local results and thereby staff will feel engaged by seeing tangible outcomes.
- Boards would be comfortable with Option 1 as it allows partners to read across areas and work up solutions to previously highlighted issues.
- It was recognised that the results of the Dignity at Work survey showed little progress in most areas apart from the whistleblowing question. This highlighted the benefits of allowing time for Boards to embed policies which have a specific focus.
- It was also highlighted that any future measurement should be developed taking account of the refreshed Staff Governance Standard Monitoring approach currently being developed as well as taking cognisance of the external academic evaluation.
- Since iMatter has proved to be a success as a partnership product, evaluation will provide an independent view and will be helpful to set the longer term vision.
- Options 2 and 3 were also discussed in more detail but there was consensus that for 2018 Option 1 was the preferred option.

Outcome: SWAG Secretariat members noted the update and having discussed all the options were unanimous that Option 1 (iMatter only should be used in 2018) should be recommended to SWAG Committee at their meeting on 28th June 2018.

Action – Members of SWAG Secretariat to engage with their constituencies in advance of the SWAG Committee Meeting on 28th June 2018

Agenda Item 5 – Employee Engagement Index (EEI)

Liz Reilly presented a paper on the Employee Engagement Index. The following issues were highlighted:

- On 28 March 2018, the Health and Sport Committee (HSC) sent a letter to Cabinet Secretary for Health and Sport challenging the reporting of the iMatter EEI score in the Health and Social Care Staff Experience Report 2017. Mainly, the EEI score was presented as a percentage and the accuracy of this was questioned.
- Following receipt of HSC letter, Scottish Government officials contacted Professor Snowden, as the lead study evaluator for the University of West of Scotland validation report, to seek his comments on the weighting question. Professor Snowden acknowledged his mistake, namely that for a 1-6 weighting to be applied a different formula than that which he had presented previously, and which had been agreed by SWAG, would be required to transfer the EEI score into a percentage.

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- The Cabinet Secretary responded to the HSC indicating that she remained of the view that the iMatter continuous improvement model remains a valid and robust employee experience measurement. She did, however, ask for the formula and scale used to generate the EEI to be explored further and Scottish Government officials sought advice from internal analysts who presented a range of options for consideration.
- Cabinet Secretary also informed the HSC that given the development of the iMatter model was overseen in full partnership by the Scottish Workforce and Staff Governance Committee, who are also currently in the process of developing recommendations to her on the intended approach for 2018 and beyond, she has asked them to consider HSC's comments in light of any potential misperceptions around the EEI.
- An external evaluation of our approach to staff experience through the iMatter and Dignity at work surveys is already planned and a review of the measurement of the EEI will now also be built into the scope of that work.

Outcome: SWAG Secretariat members acknowledged and accepted that this was an honest mistake and did not compromise the integrity of the original information. It was agreed that guidance should be issued to NHSScotland Boards advising them that the EEI ranges remain unchanged i.e. 67 - 100 (strive to celebrate), 51 - 66 (monitor to further improve), 34 - 50 (improve to monitor), and, 0 - 33 (focus to improve), but that these should be presented as a score/level as opposed to a percentage.

Action – SWAG Secretariat Co-chairs to develop a form of words which could be issued by Cabinet Secretary to all NHSScotland Boards.

Agenda Item 6 – Whistleblowing Policies and Procedures update

Alison Carmichael presented a paper on Whistleblowing Policies and Procedures update. The following was highlighted:

- Development of a new whistleblowing policy for NHSScotland;
- Development of Standards comprising of Principles and a Model Whistleblowing Procedure;
- Introduction of the new role of Independent National Whistleblowing Officer for NHSScotland (INWO).

Alison Carmichael informed members that work was well underway. The Scottish Government and a range of partnership representatives are working with the SPSO to develop a set of Standards comprising of Principles and a Model Whistleblowing Procedure to support the introduction of the INWO role. This is progressing at pace with legislation to confer the new role and functions of the INWO upon the SPSO intended to be introduced to Parliament in 2018. The intention is that the INWO will



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provide an independent, external review function where the whistleblower makes a complaint about the handling of their case.

There is an increased recognition as well as an appetite for the scope of the role of the INWO to extend to primary care and other contracted services. This would ensure parity in the arrangements for those working across our NHS. Given the complexity of the arrangements for this sector further engagement and scoping is required. It is therefore very unlikely that the role will be established as originally planned i.e. by November 2018. The Cabinet Secretary is due to be updated on the proposals shortly which will include a revised timetable for establishing the role in 2019.

The whistleblowing policy working group is scheduled to meet on 9 May 2018 to discuss the first draft of the new policy for NHSScotland staff.

The Chair gave SWAG Secretariat the opportunity to comment/feedback to Alison on any issues/concerns and asked members to consider when this item should be taken to SWAG Committee.

- It was acknowledged that it was important to promote the role of trade unions/professional organisations in this process given the high levels of skills available in representing staff in these situations

Outcome: SWAG Secretariat members acknowledged the update and agreed to revisit this at a future meeting.

Agenda Item 7 – NHS Scotland Adverse Weather Policy

Stephen Lea-Ross presented a paper on a review of Health Board arrangements for staff in the event of disruption to work due to adverse weather conditions (NHS Scotland Adverse Weather Policies). The following issues were highlighted:

- During the recent bout of cold weather (during which Scotland experienced its first ever “Red Weather Warning”) the Scottish Government received a significant number of enquiries from staff concerned that they were potentially disadvantaged by local policies in relation to adverse weather.
- In particular, a number of these enquires highlighted apparent disparities in the application of special leave arrangements between different health boards. In correspondence with Chief Executives (6 March 2018), Paul Gray clarified Scottish Ministers’ expectation that a Board exercise a degree of tolerance in providing local leave arrangements, ensuring that, insofar as practicable, staff were not disadvantaged by the adverse conditions.
- Subsequently, Scottish Ministers gave a commitment to consider the introduction of national arrangements, should such circumstances arise again.

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The Chair gave SWAG Secretariat the opportunity to discuss the proposal to consider the introduction of interim national arrangements.

- SWAG members commended the dedication of NHSScotland staff during this unpredictable period.
- The proposal of national arrangements would appear to be an extremely challenging task as there is no clarity on what a red weather warning means - i.e. warnings by the police not to travel, however, Police, Fire and Health services are expected to remain operational.
- There also needs to be clarification on the strategic framework operational principles and individual circumstances.

Outcome: SWAG Secretariat members noted the proposal and acknowledged that this issue needs to be approached strategically and before another adverse weather issue. It is important that this is scoped correctly and that the Director General is well briefed with a set of agreed principles.

Action – It was agreed that this matter would be revisited following a full analysis of local policies. A short-life working group will be convened to review the local policy position and provide recommendations on the substance of interim arrangements.

Agenda Item 8 – Agenda for SWAG Committee on 28 June 2018

The following items were agreed for the SWAG Committee meeting on 28 June 2018:

- Future Staff Experience reporting
- Update on work to support the role of INWO (Whistleblowing Principles and Procedures only)
- Once for Scotland Workforce Policies
- Partnership Research Update
- Youth Employment Strategy

Agenda Item 9 – Agenda for SWAG Secretariat on 28 June 2018

The following items were agreed for the SWAG Secretariat meeting on 28 June 2018:

- Review of SWAG Committee meeting on 28 June 2018
- Trade Union Act 2016 - facility time recording
- Adverse Weather Policy
- Set Agenda for next Secretariat meeting on 6 September 2018



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Agenda Item 10 - AOB

Kenny Small wished to inform the meeting that his last meeting will be on 28 June 2018 as he is due to retire. The chair and SWAG Secretariat members acknowledged this.

Employee Director Election Process

Norman Provan highlighted that recently an NHS Board had disputed the process to be used for the election of Employee Directors in the event that agreement could not be reached at local level. Norman wished to record thanks to Anna Gilbert & Susan B Russell for their handling of the situation.

It was noted that NHS Boards are entitled to develop their own Employee Director Election Process however if agreement cannot be reached on the application of that process then the national guidance should be applied.

The National Guidance had been previously prepared but it was recognised that it would be helpful to have this re-circulated to HR Directors and Employee Directors. This should be accompanied by a letter signed by the Co-Chairs of SWAG

Action: Anna Gilbert to draft letter with guidance attached for approval and signing by Co-Chairs.

Interpretation of Fixed Term Contract PIN

The Chair led a discussion on interpretation of the Fixed Term Contract PIN following a request from NHS Ayrshire & Arran about access to the redeployment register for those on a fixed term contract of less than 12 months.

SWAG Secretariat members discussed contractual periods and agreed the PIN Policy was clear that the contractual notice period/ contract period was immaterial as the PIN was clear **“that access to redeployment be granted in the case of all instances of such non-renewal of a fixed-term contract.”**

Action: Anna Gilbert to draft letter to NHS Ayrshire & Arran confirming SWAG Secretariat’s view for Co-Chairs approval and signing.

Trade Union Act - recording of facility time

SWAG members raised a discussion on the work which was carried out regarding the recording of facility time in relation to the Trade Union Act. It was acknowledged that this piece of work was tabled at SPF Secretariat and is being led by George Doherty,



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HR Director, NHS Tayside on behalf of the HR Directors Group as the publishing of facility time was the responsibility of the employers.

A small working group was commissioned by the HRD's to develop a paper and a template for the recording of facility time as well as partnership working as it is not yet clear what information will be required. It was also agreed that this paper would be consulted upon via each NHS Board's Area Partnership Forum with comments being considered at a future meeting of SPF Secretariat.

At the recent meeting of the SPF Secretariat held on 19th April 2018 it was recognised that there had not been the level of partnership working which would have been expected and it was agreed that the matter would be referred back to HRD's for further engagement at local level.

It was also recommended that this matter should be referred to SWAG to monitor progress and take forward.

Outcome: SWAG Secretariat members acknowledged the recommendation and agreed to follow this up at a future meeting.

Date of Next Meeting

SWAG Secretariat – Thursday 28 June 2018, Conference Room 003, Victoria Quay, Edinburgh 13.00 – 15.00.