



Scottish Workforce & Staff Governance Committee
Wednesday 7 November 2018
Royal College of Nursing, 42 South Oswald Road, Edinburgh
Minute

Present:

Confirmation of attendees at time of writing:

Name	Organisation
Jane Anderson	Unison
Julie Collins	Chartered Society of Physiotherapy
Emma Curren	Royal College of Midwives
Anna Gilbert	Scottish Government
Donald Harley	BMA
Pauline Howie	Scottish Ambulance Service
Gordon Jamieson (By Phone)	NHS Western Isles
Steven Lindsay	Unite
Mark Lyon	Unite
Caroline McDowall	Society of Chiropractors & Podiatrists
Robin McNaught	The State Hospitals Board for Scotland
Matt McLaughlin (for Gordon McKay)	Unison
John McLaren (for Adam Palmer)	Employee Directors Group
Norman Provan	Royal College of Nursing
Susan B Russell	Scottish Government
Caroline Sharp	NHS Dumfries and Galloway
Deborah Shepherd (By Phone)	Society of Radiographers
Malcolm Summers (Chair)	Scottish Government
Anne Thomson	Royal College of Nursing
Simon Watson	Unison
Dorothy Wright	NHS Education for Scotland

In attendance:

Name	Organisation
Alison Carmichael	Scottish Government
John Harvey (Support)	Scottish Government
Catriona Hetherington	Scottish Government
Lynn Hunter	Scottish Government
Stephen Lea-Ross	Scottish Government
John Malone (Minute)	Scottish Government
Liz Reilly	Scottish Government
Lianne Scott	Scottish Government



Apologies have been received from:

Name	Organisation
Joyce Davison	BMA
Stewart Donnelly	Royal College of Nursing
Lynne Douglas	NHS Lothian
Heather Gilfillan	Unite
Jacqui Jones	NHS National Service Scotland
Gordon McKay	Unison
Gerry McLaughlin	NHS Health Scotland
Diane Murray	Scottish Government
Sam Watson	GMB

Agenda Item 1 – Welcome, introductions and apologies

1. The Chair welcomed everyone to the meeting. Members were informed of the list of apologies (noted above) and that the meeting was quorate.

Agenda Item 2 – Minute and Action Points from the meeting held on 28 June 2018

2. The minutes were agreed as an accurate reflection of the meeting.
3. It was confirmed that the action points from the last meeting were now complete.

Agenda Item 3 – Staff Governance Monitoring

4. Susan B Russell referred to the presentation which had been circulated prior to the meeting and Anna Gilbert referred to the paper which also was circulated prior to the meeting. During the presentation, the following items were covered:

- The recent Health and Sports Committee Review of Governance of the NHS in Scotland, resulted in a number of recommendations being made in relation to Staff Governance and how this may be improved. In response to those recommendations Scottish Government indicated that the current Staff Governance Monitoring Model was under review to ensure that it is fit for purpose.
- As we go forward, it is proposed that a more ‘blended’ approach to staff governance monitoring is taken, considering local, peer and national information in the round, with Boards working collaboratively to identify and drive improvement, as well as providing peer support, where necessary. This in turn will help identify areas of strength and weakness that may require ongoing national focus, which could help drive improvement at all levels.
- As implementers of the Standard, and with an understanding of how this is done in practice, it is felt that Boards themselves are best placed to recognise and identify



areas of strength and of weakness in continuous improvement in Boards as well as recognising examples of good practice which could be adapted or replicated.

- It was proposed that in future a system of peer support is introduced as a component of Staff Governance Monitoring. It is felt that peer support would encourage and promote collaborative working across Board areas as well as offering Boards the opportunity to reflect on how partnership working and staff governance issues are approached in other Board areas. A peer group structure could also offer networking opportunities as well as advice, support, shared learning, and where necessary constructive challenge, with input from National Partnership where felt appropriate.
- It was also proposed that the Peer Groups could constitute those Boards currently falling within the Regional and National structures, given the collaborative working already underway. This would facilitate Boards in considering different approaches to Staff Governance and partnership working in other Board areas, offering the opportunity to identify and adapt, or replicate good practice.
- The Scottish Government and Boards will be able to use current information available to them through the proposed 'Dashboard', in conjunction with any other relevant information available, to continuously assess compliance locally and nationally. This will allow Boards to continuously consider their position but also allow the Scottish Government the opportunity to challenge Boards at any point throughout the year where this is felt necessary.
- Peer Support could also provide the Scottish Government with assurance, or otherwise, that Boards have in place outcome focussed Action Plans, which supports continuous improvement. The Scottish Government may also use the Annual Review process to challenge Boards.
- To inform and drive this work it was proposed that the Short Life Working Group (SLWG) previously commissioned to consider the different approaches to providing assurance locally, is reconvened. Membership of the SLWG consists of partnership representatives from a variety of Boards, and any additional membership required will also be considered. It was proposed that the SLWG will:
 - Consider and identify which indicators should be contained within the Staff Governance Monitoring Dashboard
 - Consider a proposal for a peer support model, ensuring that that any mechanism is both robust and fair with a focus on continuous improvement
 - Scope a pilot to test the proposed peer review model
 - Consider and develop proposals for this year's (2018/19) Staff Governance Monitoring exercise.

5. The Chair gave SWAG Committee members the opportunity to ask questions and offer feedback. During the discussion the following points were covered.

- Members welcomed the direction of travel and acknowledged it was progressing well. There is a lot of data held within NHS Scotland and the opportunity to consolidate this into a 'dashboard' style was welcomed. It was suggested that the dashboard to



be linked to other dashboards held within NHS Scotland. It was recognised that technology to support this exercise currently exists within NHS Scotland and that the SLWG consider this when developing proposals.

- Information on the dashboard would need to be relevant and serve purpose as it could potentially be counterproductive if Health Boards were seen to be competing against each other rather than delivering outcomes. There may also be an increase in workloads with potential capacity issues.
- Peer support was recognised as a good way forward by providing a ‘critical friend’ with the knowledge of the work of Boards but allowing further external scrutiny and support.

Outcome: SWAG agreed that the SLWG should reconvene to progress the proposals outlined and feedback from them would be presented to SWAG Secretariat in 2019.

Agenda Item 4 – Once for Scotland Workforce Policies

6. Lynn Hunter referred to the paper which had been circulated prior to the meeting which gave a update on the Once for Scotland Workforce Polices programme of work. The following points were highlighted:

- A ‘Once for Scotland’ Workforce Policies Programme Board has been established to oversee the work of the programme. The SWAG Committee previously agreed that the Co-Chairs of the SWAG Secretariat would agree the membership of the Programme Board and that the finalised role and remit/Terms of Reference be agreed by SWAG Committee.
- Current PIN Policies will be reviewed, grouped by commonality of theme, by 3 Policy Development Groups, working alongside a Digital Development Group, all of which will be overseen by the Programme Board. Programme Management resource has been secured to coordinate and manage the projects and their agreed outputs that will deliver the programme outcomes and benefits. Indicative timescales for the programme of work is 18 months from initiation (October 2018 – March 2020).
- The First Meeting of the Programme Board was held in October 2018 and the Board agreed:
 - The role and responsibilities of the Policy Development Groups and the Digital Development Group.
 - An ambitious timescale to review all 17 policies, in three tranches, over 18 months, recognising potential challenges.
 - Shared accountability for delivery and full commitment to provide resources to allow this work to proceed at pace.
 - NHS Boards asked not to undertake any further review of policies – this was communicated to all Boards in the Staff Governance Monitoring feedback letters issued in September 2018.



- That no single representative organisation will have the right to veto any decision. For this to happen this must be the majority view of the respective constituent group.
- Governance arrangements and programme infrastructure to establish a structured programme of work.
- The next steps for the Programme Board will include:
 - Secure remaining resources to form the first Policy Development Group (core policies).
 - Develop stakeholder engagement process and delivery plan for the review of core policies.
 - Establish the Digital Development Group and scope requirements.
 - Work with stakeholders to further profile benefits and agree benefits management.
 - Develop Programme Communications Plan.
- A draft Terms of Reference for the 'Once for Scotland Workforce Policies Programme Board' was circulated to Committee members prior to the meeting. SWAG Committee was invited to consider the draft version and approve.

7. The Chair gave SWAG Committee members the opportunity to ask questions and offer feedback. During the discussion, the following points were covered.

- Members welcomed the update as well as the next steps that the Programme Board were planning to undertake. It was highlighted that the purpose of the programme is to review and transform workforce policies that have already been agreed in partnership.
- Concern was raised that the section on escalation in the Terms of Reference, as drafted, could be open to interpretation. This was discussed in more detail and it was agreed that the wording be revisited to clearly set out the escalation process. It was also agreed that once finalised, in line with the discussion, this should be sent to SWAG Secretariat for final sign off on behalf of SWAG Committee.

Outcome: SWAG Committee members noted the update and the Terms of Reference needed to be redrafted and sent to SWAG Secretariat members for consent.

Action: Scottish Government to send amended Terms of Reference to SWAG Secretariat. **Completed.**

Agenda Item 5 – Trade Union Act 2016

8. Norman Provan led a discussion on the work which was carried out regarding the recording of facility time in relation to the Trade Union Act 2016. Background on the position to date was provided as well as clarification that there would be further opportunity to shape recording mechanisms going forward. The following points were highlighted



- It was raised at the previous SWAG Secretariat meeting of 28 June 2018 that following discussions members acknowledged the finding from the Short Life Working Group.
 - The best method of recording facility time and its cost is via the SSTS payroll system. This would also facilitate the reporting of the other provisions such as the percentage of the cost of activities in relation the total bill. Within NHS Greater Glasgow & Clyde, facility time is captured by means of the Facility Time Request Form. Once agreed this is recorded on SSTS by means of a single payroll code. It was recommended that this form was to be amended to provide a more detailed confirmation of the activity for which time off is being requested.
- It was noted that evidence needs to be submitted to the UK Government, from all public sector organisations, by 31 July. However the Scottish Government cannot become involved in the process as this is driven by Westminster.

9. The Chair gave SWAG Committee members the opportunity to ask questions and offer feedback. During the discussion, the following points were covered.

- There is still some concern about the current form as some Employee Directors have not had the opportunity to see this. Also, it appears that the form contradicts some actions from instructions from Trade Unions. It was suggested that this subject should be discussed further at the next SWAG Secretariat meeting.

Outcome: SWAG Committee members welcomed the update and recommended that this agenda item needs to be discussed further at SWAG Secretariat.

Action: Add to SWAG Secretariat agenda (AOB) on 7 November 2018 - **Completed.**

Agenda Item 6 – iMatter staff grouping

10. Catriona Hetherington referred to the paper which had been circulated prior to the meeting which gave a update on the iMatter staff groupings. The following points were highlighted:

- In response to the National Staff Experience Way Forward paper presented at the SWAG Committee on 28 June 2018, members re-iterated their views around the benefit of iMatter results being available by staff grouping category. It was acknowledged that these had been included within the Dignity at Work Survey questionnaire and members were advised that work is underway to explore the addition of staff groupings within the iMatter questionnaire.
- To ensure that that all of the potential benefits of this data are realised to allow actions to be taken to improve staff experience, contributions from staff side were sought.



- Feedback invited from Boards, through iMatter Op Leads and iMatter Business Administrators, indicated that in view of potential benefits, the majority of Boards (85%) are supportive of staff groupings being added to the questionnaire.
- Opposition to the proposal was based on a view that respondents' perceived concerns around confidentiality may impact on questionnaire completion. It is recognised that whilst staff groupings would be reportable at Directorate and Board level only, responses of 10 or less would not be reported. It is recognised that there is a need for the data reporting approach to be clearly communicated to Boards and within Boards.
- The Staff Experience Group agree that it would not be appropriate or reflective of the iMatter principles for the staff grouping questions to be mandatory and are confident that meaningful data could be achieved through this approach.
- SWAG Committee was invited to consider:
 - That staff grouping information is captured in future and the eESS staff groupings are used.
 - The staff groupings are presented in the same way as in the Dignity at Work Survey.
 - Descriptors for some staff groupings are offered within the questionnaire.
 - Staff grouping questions are positioned at the end of the iMatter questionnaire.
 - Staff grouping questions are not mandatory.
 - Staff groupings are included in the questionnaires for 2019.
 - The introduction of staff groupings in the questionnaire will be supported by communications to Boards.

11. The Chair gave SWAG Committee members the opportunity to ask questions and offer feedback. During the discussion, the following points were covered.

- SWAG Committee members welcomed the presentation recognising that Boards, as employers, have a responsibility to progress actions from information contained within the report which will help create improved staff experience.
- It was acknowledged that Staff Groupings may need to be revised in the future to take account of the outcome of the independent evaluation. SWAG Committee were, however, fully supportive of the 7 items outlined above.

Outcome: SWAG members noted the update and consented to the proposed recommendations.

Agenda Item 7 – Whistleblowing and Bullying and Harassment update



12. Alison Carmichael referred to the paper which had been circulated prior to the meeting which gave a update on whistleblowing and bullying and harassment. The following points were highlighted:

- Following recent and regular media coverage and political perceptions of a hostile environment for whistleblowers, there was agreement that more could be done to create a culture where all staff feel they can speak up when things go wrong.
- There is no evidence to suggest there is a widespread or endemic problem in relation to whistleblowing or bullying and harassment across NHSScotland. Evidence has shown that more staff than ever before feel it is safe to speak up and raise concerns.
- Staff Experience data shows that the vast majority of staff are indicating they have not experienced bullying and harassment and do feel it is safe to speak up and raise concerns.
- At a national level, Scottish Government are taking steps to drive improvements through a commitment to deliver new policies and measures including:
 - Introducing legislation to establish an Independent National Whistleblowing Officer (INWO) for NHSScotland.
 - New Whistleblowing Standards
 - New 'Once for Scotland' whistleblowing and bullying and harassment policies.
 - New approach to Whistleblowing Champion's role.
 - Additional resources to support staff and managers:
 - Further promotion of the Whistleblowing alert and advice line
 - E-learning
 - More regional training sessions.
- Following the Cabinet Secretary's statement on 8 October, there appeared to be some confusion and misinterpretations. To confirm, Ms Freeman has been clear that she wants staff in our NHS to come forward and report any concerns to Health Boards, safe in the knowledge that they will be investigated thoroughly and appropriately.

13. The Chair gave SWAG Committee members the opportunity to ask questions and offer feedback. During the discussion, the following points were covered.

- It was highlighted that whistleblowing is a complex area and organisations tend to be put on defence mode rather than investigation mode.
- When the new INWO goes live, members felt it would be challenging to conclude cases in the proposed 20 day timescale . It was felt that more staff need to have the confidence to raise whistleblowing concerns with managers and everyone, from trade unions to employers needs to play a part in raising awareness.

Outcome: SWAG members noted the update and future challenges.

Agenda Item – Adverse Weather Policy



14. Stephen Lea-Ross led a discussion on the draft adverse weather policy. The following points were highlighted:

- A draft policy was circulated to SWAG Committee members and asked that feedback was to be passed to the working group. The feedback received was fairly positive with no significant issues raised. The main issues raised included:
 - How the policy articulates depending on the Health Boards location.
 - Border Boundaries.
 - Application of Special Leave.
- The next steps will be to revise the draft policy and share this with SWAG Committee members during the week commencing 12 November 2018.

15. The Chair gave SWAG Committee members the opportunity to ask questions and offer feedback. During the discussion, the following points were covered.

- SWAG Committee members acknowledged that this was not an easy policy to apply consistently given the varied nature of Boards across Scotland . Health Board managers should have already reflected from ‘the Beast from the East’ and what lessons will be learned if the adverse weather was to strike again.
- It was acknowledged that the geographical locations of some Health Boards, i.e. Orkney and Shetland, would need to be considered differently to other Health Boards, for example central belt, when creating the policy. It was also acknowledged the dedication from staff members who managed to make it into work given the circumstances.
- There is a need to ensure that there is appropriate national guidance in place as soon as possible, particularly as we are already in the winter months.

Outcome: SWAG members noted the update and that SWAG Secretariat would consider the content of Guidance for issue for the forthcoming Winter months.

AOB

16. No other business matter arose.

Date of Next Meeting

The next SWAG Committee meeting will be held on 25 January 2019 in Conference Room 4ER, St Andrews House, Edinburgh from 10.00 to 12.30.