



**SWAG**

**Scottish Workforce & Staff Governance Secretariat Minute  
Thursday 29 November 2018  
Room GW.04, St Andrews House, Edinburgh**

**Present:** Jane Anderson, Unison  
Anna Gilbert, Scottish Government  
Pauline Howie, Scottish Ambulance Service **(VC)**  
Norman Provan, Royal College of Nursing **(Chair)**  
Malcolm Summers, Scottish Government  
Anne Thomson, Royal College of Nursing  
Simon Watson, Unison **(VC)**

**In attendance:** John Harvey, Scottish Government **(Support)**  
James How, Scottish Government  
Stephen Lea-Ross, Scottish Government  
John Malone, Scottish Government **(Minute)**  
Susan B Russell, Scottish Government

**Apologies:** Caroline Sharp, NHS Dumfries and Galloway  
Dorothy Wright, NHS Education for Scotland

**Agenda Item 1 – Welcome, introductions and apologies**

1. 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 7 November 2018 and matters arising**

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

**Matters arising**

3. **Action point 2 – NHS Scotland Adverse Weather Policy.**
- Stephen Lea-Ross will be attending a meeting with the working group on 29 November to discuss further. The initial consensus is that the draft interim guidance is broadly achievable. The next steps will be to send a final draft version to SWAG Secretariat to be signed off. It was highlighted by members that winter is fast approaching and there should be a plan B, given the previous disruption from 'beast from the east'.

## SWAG

- Caution was raised by members that staff's terms and conditions may need to be amended following the guidance. The Secretariat were assured that the working group is aware of the concerns around terms and conditions.
  - Concerns were also raised about the current policy for special leave as it is felt that it is unclear and questionable whether this is being applied fairly/consistently across all 22 Health Boards.
4. **Action point 3 – Trade Union Act 2016 - recording of facility time.**
- John Malone updated members that he has contacted Annie Ingram to clarify who will be taking this over from George Doherty, who formerly presented on this subject. Still awaiting confirmation.
5. **AOB – Update on NHS Highland independent review**
- Malcolm Summers updated members with the current status of the NHS Highland review into bullying and harassment allegations. The Cabinet Secretary announced on 28 November that John Sturrock, QC will lead this review and the scope of the review will be to:
    - create a safe space for individual and/or collective concerns to be raised and discussed confidentially with an independent and impartial third party
    - to understand what, if any cultural issues have led to any bullying, or harassment, and a culture where such allegations apparently cannot be raised and responded to locally
    - to identify proposals and recommendations for ways forward which help to ensure the culture within NHS Highland in the future is open and transparent and perceived by all concerned in this way.
  - The review will produce a set of recommendations which will be based on the review's findings and will include any learning and how any issues raised could be addressed. The report will be due early 2019 to Scottish Government.

### Agenda Item 3 – Shortage Occupations list

6. Stephen Lea-Ross led a discussion on the papers which had been issued prior to the meeting. The following points were raised:
- In June 2018, the Government commissioned the Migration Advisory Committee (MAC) to carry out a full review of the composition of the Shortage Occupation List (SOL). The SOL comprises of occupations and job titles held to be in shortage either across the UK, or in Scotland only, where it would be sensible to fill through non-EEA migration. Job titles on the SOL are not required to undertake the resident Labour Market Test or meet the five-year salary threshold for settlement.

## SWAG

- To be eligible for the SOL occupations and job titles must:
  - Show demonstrable national shortages that cannot be filled from within the domestic labour market;
  - Be skilled to the required level set by the Home Office; and
  - Demonstrate that it is sensible to seek to fill vacancies with migrant labour outside of the EEA.
- MAC have made a request for evidence to support an ongoing review of the SOL by the UK Government, and to prepare for changes in migration legislation that are occurring in the wake of withdrawal from the European Union. This call for evidence will provide a basis for the design of a new SOL, to be introduced after the end of the proposed post-Brexit transition period in 2021.
- The Scottish Government hopes that NHSScotland Boards will participate, providing evidence on the skills shortages that are experienced at a board level, so that information can be collated at a national level, that allows us to present a strong and clear case for an arrangement consistent with the best interests of NHSScotland.

7. The Chair gave SWAG Secretariat the opportunity to ask questions and offer feedback. The following points were raised:

- SWAG Secretariat welcomed the update. It was noted that if the pound drops following Brexit then there is a possibility that migrants might return to their country of origin and NHS Scotland would end up losing staff.
- It was highlighted that Trade Unions could encourage staff to help Health Boards to collect evidence.
- Also highlighted was that the Scottish Government's priority is to ensure that individuals' rights and place in Scotland are protected, as well as offering information and assistance. There is also a cost for individuals to confirm their status.

**Outcome:** SWAG Secretariat noted the update.

### Agenda Item 4 – Staff Governance Monitoring Arrangements

8. Susan B Russell and Anna Gilbert updated members on the Staff Governance Monitoring Arrangements for 2018/19. The following points were raised:

- The short life working group has met to consult on the interim proposals for 2018/19 Staff Governance Monitoring Arrangements. It is proposed that a dashboard style system could accommodate live data from different sources. However, there needs to be testing of the system, to ensure the proposed dashboard is fit for purpose.
- It was proposed that each Health Board will receive their own data and therefore potentially not every Health Board will be asked the same questions.

## SWAG

- In relation to iMatter, a major focus will be placed on all directorates within each Health Board submitting team stories on a regular basis throughout the year and this will be monitored on an ongoing basis.
- The Scottish Government's 2020 Workforce Vision, Everyone Matters, sets out the core values for NHSScotland staff. They are:
  - Care and compassion; dignity and respect; openness, honesty and responsibility; and quality and teamwork. Health Boards will be asked to provide a summary of the progress made against the specific actions outlined in the 2018/19 Vision.
- The concept of iMatter tailored responses will allow SG to compare responses against iMatter results from the 2017/18 monitoring exercise.
- Questions within the individual strands of the Staff Governance Standard will include questions on well informed; appropriately trained and developed; involved in decisions; treated fairly and consistently and provided with a continuously improving and safe working environment, promoting the health and wellbeing of staff, patients and the wider community. The last strand will include Promoting Attendance and Health, Wellbeing & Resilience.
- SWAG Secretariat were asked if they would approve the concepts that were outlined in the presentation.

9. The Chair gave SWAG Secretariat the opportunity to ask questions and offer feedback. The following points were raised:

- It was acknowledged that the work completed to date has progressed well. The focus is on improvement over time. Some data results, i.e. i-Matter could include comparative information from previous years (i.e. having 2 years of results which would allow boards to monitor progress or otherwise).
- Also acknowledged was the good balance to get the information in the right place with relevant questions asked supported by data. This will provide the opportunity to have a mechanism in place which monitors returns and progression over the coming years.
- It was noted that Employee Directors had also been updated on the proposals and that they had indicated that they would like to be represented on the short life working group going forward. Norman Provan indicated that he would like to attend the next ED's meeting to discuss this further.

**Outcome:** SWAG Secretariat noted the update and approved the concepts outlined in the presentation.

**Action:** Norman Provan to be invited to the next Employee Directors meeting.

## **Agenda Item 5 – Brexit**

10. James How updated members on the latest information regarding Brexit. The following points were raised:

- On 27 November 2018, Scottish Government published “Scotland’s place in Europe: assessment of UK Government’s proposed future relationship with the EU”.
- In 2016, Paul Gray, Director General Health & Social Care and Chief Executive of NHS Scotland wrote to all CEO’s asking them to pass on assurances that the contribution of all staff was valued, regardless of their nationality. Shirley Rogers, Director Health Workforce, Leadership and Service Transformation wrote to all Health Boards at the end of June 2018 asking them to identify the Brexit risks they are facing and to begin to work on potential mitigations. In October 2018, the Scottish Partnership Forum (SPF) agreed that an EU Withdrawal Workforce Survey be issued to help gather more information on staffing levels.
- On 11 October The Home Office laid Immigration Rule changes for a second pilot of the EU Settlement Scheme, to include all health and social care staff from late November 2018. This is the scheme, which will enable resident EU citizens and their family members to obtain the UK immigration status, which they will need in order to remain here permanently. This scheme will be live from 3 December and all staff within NHS Scotland should be aware of this opportunity. There is also a cost for individuals to confirm their status which will be refunded by the Scottish Government. Staff should be informed to keep their receipts and they will be reimbursed in due course.

11. The Chair gave SWAG Secretariat the opportunity to ask questions and offer feedback. The following points were raised:

- SWAG Secretariat members thanked James How for his presentation and acknowledged that the work undertaken is very complex and that the update provided was helpful. There are approximately 10,000 EU workers within the care setting and it is of concern if large numbers decide to leave after Brexit.
- The Scottish Government is trying everything possible to encourage EU workers to stay and it would be helpful if Trade Unions also placed emphasis on encouraging EU workers to remain in Scotland.

**Outcome:** SWAG Secretariat noted the update.

## **Agenda Item 6 – Set Agenda for SWAG Committee on 25 January 2019**

12. The following items were agreed for the SWAG Committee meeting on 25 January 2019:



**SWAG**

- Youth Employment Strategy
- Partnership Research Reflection
- Whistleblowing
- Once for Scotland
- Trade Union Act 2016 Funding time
- Adverse Weather

### **Agenda Item 7 – Set agenda for SWAG Secretariat on 25 January 2019**

13. The following items were agreed for the SWAG Secretariat meeting on 25 January 2019:

- Honours
- Review of SWAG Committee meeting on 25 January 2019
- HR Working group
- Global Citizenship
- STAC Pay streams

### **Agenda Item 8 - AOB**

14. Paul Gray, Director General Health & Social Care and Chief Executive of NHS Scotland has announced his retirement at the end of February 2019. Malcolm Wright, currently Chief Executive of NHS Tayside, will be the interim DG Health and Social Care and Chief Executive of Scotland when Paul leaves.

15. Concern was raised that staff side from NHS Grampian are not replying to issues relating to the membership of the Once for Scotland group. Jane Anderson understood that HRD's had been advised that posts will be backfilled to allow those staffside representatives identified for the Policy Development Groups dedicated time to focus on the Once for Scotland programme of work. Jane indicated that she would raise this issue with NHS Grampian directly.

### **Date of Next Meeting**

SWAG Committee – 25 January 2019, Room 4ER, St Andrews House, Edinburgh  
10:00 – 12:30.

SWAG Secretariat – 25 January 2019, Room 4ER, St Andrews House, Edinburgh  
13:00 – 15:00.