Scottish Workforce & Staff Governance Committee
Thursday 25 July 2019
Room 4ER, St Andrews House, Edinburgh
Minute

Present:
Confirmation of attendees at time of writing:

Name	Organisation
Jane Anderson	Unison
Julie Collins	Chartered Society of Physiotherapy
Caroline Cooksey	NHS Dumfries and Galloway
Emma Currer	Royal College of Midwives
Joyce Davison	BMA
Ewing Hope (for Heather Gilfillan)	Unite
Donald Harley	BMA
Pauline Howie	Scottish Ambulance Services
Gordon Jamieson **(VC)**	NHS Western Isles
Jacqui Jones	NHS National Service Scotland
Scott Keir	British Dietetic Association
Stephen Lea-Ross	Scottish Government
Steven Lindsay	Unite
Caroline McDowall	College of Podiatry
Gordon McKay	Unison
Gerry McLaughlin	NHS Health Scotland
Sean Neill	Scottish Government
Adam Palmer	Employee Directors Group
Norman Provan **(Chair)**	Royal College of Nursing
Susan Robertson	Unite
Susan Russell	Scottish Government
Lorna Sim	Unison
Anne Thomson	Royal College of Nursing
Linda Walker	GMB
Simon Watson	Unison
Dorothy Wright	NHS Education for Scotland

In attendance:

Name	Organisation
Ameet Bellad	NES
Janis Butler	NHS Lothian
Noreen Clancy	NHS Lothian
Lynn Hunter	Scottish Government
John Malone **(Minute)**	Scottish Government

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| James O'Connell | Unite |
| Roxanne Van Zyl | Scottish Government |

Apologies have been received from:

Name	**Organisation**
Stewart Donnelly	Royal College of Nursing
Lynne Douglas	NHS Lothian
Anna Gilbert	Scottish Government
Heather Gilfillan	Unite
Robin McNaught	The State Hospitals Board for Scotland
Claire Ronald	Chartered Society of Physiotherapy
Deborah Shepherd	Society of Radiographers

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 19 June 2019

2.   The minutes were agreed as an accurate reflection of the meeting.

3.   It was confirmed that there was no action points from the last meeting.

Agenda Item 3 – 'Once for Scotland' Workforce Policies – Delivery of Phase 1

4.   Sean Neill, Senior Responsible Officer & 'Once for Scotland' Workforce Policies Programme Board Chair, referred to the paper which had been circulated prior to the meeting which gave an overview of the process undertaken to deliver Phase 1 of the 'Once for Scotland' Workforce Policies ('Core' policies). The following points were highlighted:

- In line with the proposal approved by SWAG Committee on 28 June 2018 a programme of work has been established to review and transform existing workforce policies [previously known as Partnership Information Network (PIN) Policies] in line with our vision:
  - '*Once for Scotland' Workforce Policies will promote NHS Scotland as a modern, exemplar employer; showcasing our core values, and promoting consistent employment policy and practice that supports the implementation of the Staff Governance Standard and effective recruitment and retention.*'

- The first phase of the programme commenced in October 2018. This phase addresses the 'core' workforce policies :

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SCOTLAND

- o Attendance
- o Bullying & Harassment
- o Capability
- o Conduct
- o Grievance, and a
- o Workforce Policies Investigation Process

- The programme of work set out to review and transform workforce policies that have already been agreed in partnership. It is important to emphasise that this is a refresh of policy and not a re-negotiation. The development work seeks to build upon and improve what is already in place through engagement and working in partnership.

- Our ambition is to produce accessible, simplified and person-centred workforce policies that are used consistently across NHS Scotland, underpinning the Staff Governance Standard that staff are treated fairly and consistently.

- A 'Once for Scotland' Workforce Policies Programme Board was established in October 2018. The Programme Board provides senior leadership and governance and consists of tripartite representation from NHSScotland Employers, NHSScotland Staff side and Scottish Government. The Programme Board reports to the Scottish Workforce & Staff Governance (SWAG) Committee and its Secretariat.

- Reporting to the Programme Board are two development groups:
  - o the tripartite Policy Development Group (PDG) was established in November 2018 to undertake a review of existing workforce policies (Phase 1) and transform policies in line with the programme vision for agreement by the Programme Board.
  - o drawing on digital expertise from NHS Education for Scotland (NES), a Digital Development Group (DDG) was formed in December 2018 to work alongside the PDG and deliver a digital solution that supported person-centred, user-friendly, interactive and intuitive access to the refreshed 'Once for Scotland' Workforce Policies.

- The model of policy review and development focuses on moving to more dynamic and interactive engagement with stakeholders within a quicker process and with more direct feedback.

- Regional engagement events were held pre-policy development (January 2019) and mid-policy development (March 2019). The pre-policy development events provided delegates the opportunity to influence the review of current PIN policies and consider areas of good practice. The mid-policy development engagement events formed a mid-point review to check that delegates were comfortable with the

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direction of travel. These focused on "*You said, we heard, we did…*" providing feedback on the discussion themes pre-policy development and engaging on the policy materials in development.

- The engagement events generated considerable discussion and provided valuable information for the PDG to review and incorporate in the draft policy documents for consultation.

- A one month formal consultation on the 'core' workforce policies ran from 17 April – 17 May 2019 inclusive with necessary flexibility to ensure maximum feedback and to recognise local and Staff side consultation mechanisms. The new model of engagement, agreed by SWAG Committee, minimised the need for the traditional 2-3 month formal consultation process. Consultation responses were analysed by a tripartite subgroup of the PDG. For each consultation response received, every point was recorded, themed and considered for policy amendment by the tripartite subgroup. Proposed amendments and any feedback considered potentially contentious were debated and consensus reached and agreed by the full PDG.

- A national EQIA has been undertaken for the 6 draft workforce policies. A working session was held over two days to complete the EQIA process. This was facilitated by an NHS Board Equality Lead and included participants from the NHS Board Equality Leads Network and the PDG.

- There has been ongoing dialogue with the Central Legal Office (CLO) throughout the process. As part of the consultation, CLO provided detailed feedback on each of the policies in draft. Further clarification has been sought as required in the drafting of the final draft policies.

- A formal Lessons Learned Workshop is scheduled for 6 August 2019. This will offer an opportunity for participants to reflect on the process undertaken in Phase 1, what went well and what could be improved in Phase 2. The workshop will include tripartite representation from the SWAG Committee, Programme Board, Policy Development Group and Digital Development Group.

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

- It was acknowledged by members that a significant amount of work has been undertaken to achieve Phase 1. It was highlighted that the process agreed to deliver Phase 1 has been followed and went well. However, it was felt that to allow full SWAG Committee sign off Phase 1 of this work, the supporting documents would also need to be available and circulated to allow members to consider these alongside the Core Policies.

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- It was confirmed that there was no intention to deliberately withhold the supporting documents from SWAG Committee members, but that access to the supporting documents had not been the agreed approach. It was acknowledged that a significant amount of work had been undertaken to-date and the supporting documents were aligned to the 'core' policies to provide consistency of application.

- It was agreed that there was no requirement for the Committee to consider the standard letter templates given that these have been developed as management tools.

Outcome: SWAG Committee members noted the process undertaken to deliver Phase 1 of the 'Once for Scotland' Workforce Policies. Members also noted that a facilitated Lessons Learned Workshop is scheduled to take place.

Agenda Item 4 – Digital Solution

6.   Ameet Bellad was invited to give an overview of the Digital Solution website. The website address had been circulated prior to the meeting which allowed members the chance to view proposals. The following points were highlighted:

- A key component of the 'Once for Scotland' Workforce Policies is to design and develop the digital solution to host the policies that will deliver the vision to promote NHS Scotland as a modern employer, showcase our core values and facilitate recruitment and retention.

- A Digital Development Group was formed to work alongside the Policy Development Group to deliver the solution for the 'Once for Scotland' Workforce Policies. In January 2019, a Digital Discovery Workshop was held to define the key issues, and what is needed from the digital solution, from different user perspectives. Subsequently, the Programme Board supported the development of a custom digital solution that meets the needs of the priority deliverables as identified in the Discovery Workshop and has the ability to integrate with existing systems in use within NHSScotland.

- The Digital solution key initiatives include:
  - Content Management
    - All content can be added and updated in one place;
    - Secure
  - Technology & Security
    - Scalability
    - Security
  - Integration
    - Signposting
    - Render content on existing platforms

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- o Content Design
  - All content presented in simple, relevant language
  - Interactive route maps / flowcharts
  - Video / animated content
- o Content Discovery
  - Searchable content using natural language strings
  - Chatbot / interactive functionality
- o Accessibility
  - Improved usability
  - Responsive design
  - Adaptive technologies

- A first iteration of an example policy landing page wireframe for the digital solution was shared at the March engagement events. Interested delegates were signed up to participate in future testing. The digital solution will be developed in an iterative-incremental manner in collaboration with users. It will evolve over time in response to continuous feedback.

- In creating a Minimal Viable Product (MVP), the design of the website has considered every suggestion and tests have been undertaken by: domestic porter; ward Clerk; domestic supervisor; senior charge nurse; deputy catering manager; nurse manager; occupational health nurse; eLearning developer; practice education facilitator; and HR administrator. The website will be accessible to users irrespective of time, location or device. To help improve the website, there is feedback questions for the user to answer that will allow for improvements to be considered.

7.   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 and praised how interactive the website looks and feels. It was felt that the search function is quick and easy to use

- Members were encouraged that the website could be displayed on mobile phones, which would allow users to access the website anywhere with all its content. It was questioned if the website meets the minimum accessibility standards and it was confirmed it does. All government websites from 2018 meet the minimum accessibility standards.

Outcome: SWAG Committee members welcomed the Digital Solution and were content with the Minimum Viable Product.

Agenda Item 5 – Core Workforce Policies

8.   Janis Butler & James O'Connell lead a discussion and referred to the final draft 'Core' Policies which had been circulated prior to the meeting. The following points were highlighted:

- Following regional engagement events pre-policy and mid-policy development and national consultation, the Programme Board presented the draft 'core' workforce policies developed in partnership for approval.

- The refreshed 'Once for Scotland' Workforce Policies developed in partnership have been simplified, standardised and are considered to be person-centred for consistent application across NHS Scotland.

- The refreshed policies reflect feedback from the engagement events and the consultation exercise. Timescales contained in the policies reflect the average number of days as currently applied by NHS Boards. Draft policies state that correspondence to staff should be issued within 7 calendar days and any correspondence inviting action e.g. to appeal, should allow 14 calendar days.

- In relation to the Attendance Policy, there are outstanding points currently being addressed through STAC:

  o Phased return – STAC has confirmed that the period of paid leave (in relation to varied practice in the use of paid leave and/or annual leave in phased return to work) is a terms and conditions issue. A form of words is being drafted for review and approval at the next STAC meeting on 18 September 2019. Providing agreement is reached, a circular will subsequently be published (and become the "terms and conditions" referred to in the Attendance Policy – 6.5.16.1).

  o Working days – The Programme Board has a clear view in policy terms that to be fair and equitable, and align with other policies, that the application of 8 working days as a trigger or prompt should be on a pro-rata basis. The Programme Board recognises that this is linked to Pay Reform and has requested that the issue is raised with the STAC Secretariat. It is anticipated that STAC Secretariat will provide a view on whether this is an issue for STAC at an informal meeting of STAC Secretariat on 8 August 2019.

- In relation to the Capability Policy, there is one outstanding point currently being raised with STAC:

  o Notice of termination and redeployment - The consultation asked: "Where redeployment is the outcome at Stage 3, should notice of termination run concurrently with the 12 week redeployment period?" The consultation responses were split with no clear consensus. The Programme Board is of the view that this is a Terms & Conditions issue and requires informed discussion to reach an agreement. It is anticipated that STAC Secretariat will provide a view on whether this is an issue for STAC at an informal meeting of STAC Secretariat on 8 August 2019.

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

- Some Staff side members were clear that that they would not be willing to sign-off the 'core' policies until the relevant supporting documents were made available for their consideration. They felt that this would ensure that all documentation relating to Phase 1 was available for full consideration. The Committee were reminded that from the outset the Programme Board had been asked to form a group to review the PIN Policies only. To-date everything agreed within the Terms of Reference had been completed by the Programme Board within the agreed timescales. The Core Policies were refreshed using an open and transparent partnership process which included senior and experienced representatives from all constituent partnership groups, i.e. Scottish Government, NHS Employers and Staff side.

  It was highlighted that the volume of consultation responses were higher than had been expected. The analysis of those responses, however, was completed within the agreed timescales. It had previously been agreed that the supporting documentation would not be included in the consultation exercise, but that this would focus on the 'Core' Policies and Single Investigatory Process only. This was made clear at the engagement events. The supporting documents follow the policy content. With this in mind the supporting documents are currently in draft format only with the understanding that these would be approved by the Programme Board.

- It was agreed that the standard letters will not need to be considered by SWAG Committee as these are management tools developed as part of the process to implement policies. Members did feel however, that it was important to see the supporting documentation in order to sign off Phase 1 workforce policies.

- Following approval of Phase 1 a revised implementation plan and timescales will be produced for Phase 2.

Outcome: SWAG Committee members agreed that the supporting documentation will need to be available to view to allow Phase 1 workforce policies to be signed off. It was agreed that the Committee would not need to see the standard letter templates.

Agenda Item 6 – Implementation

10.   Stephen Lea-Ross referred to a paper that was circulated prior to the meeting. The following items were covered:

- The 'Once for Scotland' Workforce Policies Programme has taken steps nationally to prepare for the launch of the 'Core' Workforce Policies. They include:

  - Digital:
    - NES Digital engagement is underway with individual NHS Boards on integration solution.
    - Agreement to provide 'early bird' access to the digital solution to HR Departments and Staff side to allow NHS Boards to make preparations prior to launching with staff and managers.

  - Communications Toolkit
    - Discussion at Heads of Communications Meeting on 18 June 2019 on materials to include in a national toolkit for NHS Boards.
    - Communications toolkit will include – generic article, visuals (including use for social media), poster artwork for local printing.
    - The Programme will also prepare a national communication and slide deck for NHS Boards to include 1. overall guidance from the Programme and 2. key updates to PIN e.g. a change in terms of focus on 'early resolution'.

  - NHS Boards
    - Implementation discussion at HR Directors Meeting on 26 June 2019. It was agreed that 'early bird' access will be provided to the digital solution to allow NHS Boards to make preparations.
    - The Programme Board agreed that all supporting documentation should be in place to accompany the refreshed workforce policies prior to 'early bird' digital access for NHS Boards.
    - HR Directors are responsible for managing the implementation of the refreshed workforce policies in their respective Boards. Each NHS Board will require a local implementation plan with partnership input
    - It is recognised that training requirements include both awareness raising (short term) and soft skills (ongoing as part of Board leadership and management development arrangements).

- It is anticipated that a full launch of Phase 1 policies is in place by 1 January 2020.

    o National work to be completed prior to the soft launch/'early bird' access
- The remaining supporting documentation and standard sections will be reviewed by the Programme Board and uploaded to the digital platform in stages. It is anticipated that this will be completed by mid-September 2019.

- It is recognised that there is a requirement to allow a period for the refreshed policies to be implemented in the Boards with oversight provided by the 'Once for Scotland' Workforce Policies Programme to oversee and address any issues that may arise.

- There will be opportunities for feedback through the digital solution and through user-testing in addition to the formal governance structure.

- The digital solution is presented as a Minimal Viable Product (MVP) for the completion of the first phase of 'core' workforce policies. It will evolve over time in response to continuous feedback.

- To allow time for the refreshed policies to settle in, it is proposed that the formal publication of the refreshed polices by the Scottish Government will take place at the end of the 2019. The policies, as approved by SWAG Committee, will be available on the digital solution in html format and pdf for download from the soft launch/ 'early bird' access proposed mid-September 2019.

- Following approval of the 'Core' policies and agreement to commence to the next phase of work, the remaining Partnership Information Network (PIN) policies will be addressed. The policies to be refreshed in Phase 2 are:
    - Additional Employment
    - Embracing Equality, Diversity & Human Rights
    - Gender-Based Violence
    - Managing Health at Work
    - Personal Development Planning & Review
    - Redeployment
    - Safer Pre & Post Employment Checks
    - Secondment
    - Supporting the Work-Life Balance
    - Use of Fixed Term Contacts
    - Facilities Arrangements for Trade Unions & Professional Organisations

11.   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 presentation. Due to the 'core' policies not being signed off by SWAG members, the Phase 1 implementation timetable will need to be amended. Subsequently the Phase 2 timetable will have to be revisited by the Programme Board.

- It was questioned whether all Health Boards would go live on the same date. It was confirmed that this would be the case. It was agreed that the 3 month proposed timescale for Health Boards to prepare for implementation will be sufficient.

- The approach to staff who were being managed under existing PIN Policy during the transition period was queried . It was confirmed that if the process has started prior to the 'go live date' then this process should continue under the appropriate local Board policy. It was felt that this scenario will apply to a minimal number of cases.[1]

Outcome: SWAG Committee members welcomed the implementation timetable but agreed that it needs to be reviewed and revised. Programme Board will revisit timescales for the completion of Phase 1 and delivery of Phase 2.

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It was highlighted that a Staff side member of the Policy Development Group, within NHS Grampian has still not been back-filled. Anna Gilbert had previously agreed to look into this and would confirm the outcome in due course.

Date of Next Meeting

The next SWAG Committee meeting will be held on 23 October 2019 in Conference Room C, D & E, St Andrews House, Edinburgh from 10.00 to 12.30.

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[1] Post meeting note: The Programme Board agreed on 29 August 2019 that for Attendance and Capability policies only, an individual could move across to the refreshed policy on the completion of Stage 1 if all parties are in agreement. Central Legal Office has confirmed that this is appropriate and added that, if there is agreement to change to the new policy, that this should be recorded in writing.

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