

**Scottish Workforce & Staff Governance Committee Minute
Wednesday 24 August 2022
14:00-15:00
MS Teams**

Present:

Name	Organisation
Norman Provan	Royal College of Nursing (Chair)
Margo Cranmer	Unison
Caroline Cooksey	NHS Dumfries and Galloway
Steven Lindsay	Unite
Gordon McKay	Unison
Suzanne Thomas	Scottish Government
Kate McDermott	Unison
Anna Gilbert	Scottish Government
Catriona Hetherington	Scottish Government
Laura Zeballos	Scottish Government
Jacqui Jones	NHS National Services Scotland
Claire Ronald	Chartered Society of Physiotherapy
Joyce Davidson	BMA
Ian Cant	Employee Directors Group
Gordon Jamieson	NHS Western Isles

In attendance:

Name	Organisation
Lynn Hunter	Scottish Government

Apologies:

Name	Organisation
Pauline Howie	Scottish Ambulance Service
Tracey Ashworth-Davies	NHS Education for Scotland
Robin McNaught	The State Hospitals Board for Scotland
Leigh Murray	Royal College of Nursing

Agenda Item 1 – Welcome, Apologies, Minute and Summary of Action Points of meetings held on 24 May 2022 and 9 August 2022

The Chair welcomed everyone to the meeting. Apologies were noted from Pauline Howie, Tracey Ashworth-Davies, Robin McNaught and Leigh Murray. The Chair confirmed that Donald Harley, BMA had now retired.

The minute of the meeting of 24 May 2022 was approved as an accurate record. The Chair noted that all actions had been completed.

The minute of the meeting of 9 August 2022 was approved as an accurate record. The Chair advised that any actions would be added to the Action Log.

Agenda Item 2 – NHSScotland Interim National Arrangement on Retire and Return

Steven Lindsay introduced the draft NHSScotland Interim National Arrangement on Retire and Return for SWAG Committee review and approval. Steven advised that the draft has been developed following approval from SWAG to extend the scope of the 'Once for Scotland' Workforce Policies Programme to include 'retire and return', a new dimension not covered in the extant Retirement PIN. SWAG had also agreed to an agile approval mechanism to agree this arrangement for immediate implementation, ahead of the programme schedule. The content of the Interim National Arrangement on Retire and Return will form part of the refreshed Retirement Policy within the Supporting the Work Life Balance suite of policies.

Steven Lindsay noted that correspondence had been received from BMA and Unison. The Chair suggested that the Committee review the draft arrangement, and then come back to proposed changes to wording.

Caroline Cooksey raised the issue of Executive Directors, noting that Executive Directors cannot return to their previous post, as this requires ministerial appointment, and suggested adding this exclusion. Discussion followed on the need to add an exclusion to the arrangement for returning to the same post. It was agreed that Executive Directors wanting to return to the same post would be subject to the same ministerial approval as before, or they may retire and return to a different post in the same job family. Scottish Government Officials agreed to confirm the Ministerial appointment process and suggest wording to be added to the arrangement.

Action

- Scottish Government Officials to confirm the Ministerial appointment process for Executive Directors. Draft text for inclusion in the Interim National Arrangement on Retire and Return to clarify the position for Executive Directors retiring and returning to the same or a different post in the same job family.

Gordon McKay requested that reference to the policy addressing the issue of an ageing workforce should be removed. Steven Lindsay confirmed that this would not be included in the agreed arrangement.

Members agreed that under the section on Return to a different role or grade that "may" would be replaced by "should" to read: "The employee should approach their manager to see if there is a suitable vacancy to match their skills and experience. If so, their application for the vacancy should be considered before others."

A query had also been raised in relation to the two options of bank work and applying for a post for a job in a different job family being included in the retire and return application form as these are separate processes. Steven Lindsay confirmed that the application form included all options as a reminder to the employee completing the form of the breadth of options available to discuss with their manager. Members were content with the application form.

Gordon McKay noted that the arrangement speaks of redeployment being a potential barrier to retire and return to existing post, adding that it would be helpful to clarify that redeployment of staff into appropriate positions should take precedence over retire and return. The Chair opened this point up to members for a collective view. Members were in full agreement that someone on redeployment would be considered first, and the redeployment register is the first port of call. Applicants requesting to retire and return must be aware of this.

The Chair reiterated that there has to be a post to return to. Therefore unless a vacancy is created, there is no post to return to. Catriona Hetherington noted that retire and return is not included in the priority list in the Redeployment Policy. Furthermore vacancies will only be visible after redeployment assessed. Members agreed to cross-reference the Redeployment PIN in the body of the agreement.

Action

- Replace “may” with “should” under the section Return to a different role or grade
- Draft text to cross reference / hyperlink to the Redeployment PIN Policy in the section on returning to existing post.

The final point raised by Unison related to monitoring arrangements to ensure transparency and fairness of application. Steven Lindsay advised that this would be covered as part of the Staff Governance monitoring. Clare Ronald noted that from an equalities perspective it would be helpful to understand the demographics of staff returning through this route.

Discussion followed on monitoring. Caroline Cooksey and Jacqui Jones noted the limitations of the data systems and requested that information is not asked for that can't easily be accessed from an automated system. Norman Provan suggested that the uptake of retire and return could be cross-referenced to the workforce plans which each Board is required to produce. He added, that there is a responsibility to monitor from an equalities perspective and ensure, for example, that this approach does not obstruct career progression. Jacqui Jones reiterated the limitations of HR systems such as eESS and Jobtrain for capturing this data. The Chair concluded that it is desirable to track at some level, and that this should be explored out with this meeting.

Action

- Scottish Government Officials to explore with Health Boards simple and / or automated options for monitoring and tracking benefits resulting from the implementation of the Interim National Arrangement on Retire and Return.

The Chair invited Joyce Davidson to outline the concern put forward by the BMA in relation to the current draft. Joyce Davidson advised that this was two-fold. Firstly, the BMA have concerns that as the agreement stands Consultants are being treated differently, where they can only return on a locum basis whereas all other staff will be employed on a permanent contract. Secondly, in relation to Associate Specialists, the draft policy position is that returning Associate Specialists would normally be placed on a speciality doctor grade, which would result in a drop in salary and status.

Joyce Davidson explained that further work had been undertaken in advance of the meeting to propose a form of words that would resolve the concerns highlighted. Anna Gilbert shared the proposed wording in the chat box: "Employers should work with Medical and Dental Consultants to agree the most appropriate way for them to be re-employed in the service. Associate specialists will be re-employed on a locum Consultant basis." Members agreed to the proposed wording.

The Committee approved the NHSScotland Interim National Arrangement on Retire and Return subject to the agreed amendments. The Programme Team agreed to recirculate the final version with changes tracked.

Action

- Recirculate the final version of the NHSScotland Interim National Arrangement on Retire and Return with changes tracked.

The Chair confirmed that the NHSScotland Interim National Arrangement on Retire and Return will move to immediate implementation. This arrangement will be incorporated in the refresh of the Retirement Policy as part of the Supporting the Work Life Balance PIN review. At the point that the Retirement Policy is agreed for implementation, the interim agreement will cease.

Agenda Item 3 – Any Other Business (AOB)

Laura Zeballos thanked members for their consideration of the 'Improving Workforce Cultures' paper and advised that timescales had been extended to allow deeper engagement. Laura Zeballos advised that the paper will be brought back to SWAG Committee for discussion. Jacqui Jones requested that the work is referred to as 'workplace' and not 'workforce' i.e. Improving Workplace Cultures.