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Minutes

Meeting: NHSScotland 'Once for Scotland' Workforce Policies Programme Board

Date: Thursday 21 March 2024

Location: MS Teams

Attendees:

Present:

(FH) Fiona Hogg, Chief People Officer, Scottish Government (Chair)
(JB) Janis Butler, HR Director, NHS Lothian
(NC) Noreen Clancy, Head of Employee Relations, NHS Lothian
(AG) Anna Gilbert, Head of Workforce Practice, Scottish Government
(CH) Catriona Hetherington, Head of Staff Governance, Scottish Government
(JJ) Jacqui Jones, HR Director, NHS Lanarkshire
(SL) Steven Lindsay, Employee Director, NHS Grampian
(GM) Gordon McKay, UNISON Health Committee
(NP) Norman Provan, Associate Director (Employment Relations), Royal College of Nursing (RCN)
(JO'C) James O'Connell, Regional Officer, Unite

In attendance:

(AB) Ameet Bellad, Senior Specialist Lead, NES
(ZD) Zac Deponio, Senior Policy Officer, Scottish Government (minute)
(LH) Lynn Hunter, Programme Manager, NHS NSS

Apologies:

(JA) Jeff Ace, Chief Executive, NHS Dumfries & Galloway

1. Welcome and apologies

Fiona Hogg (FH) welcomed members to the meeting. Apologies were noted from Jeff Ace.

2. Minute from previous meeting and review of actions

Minutes were agreed.

AP 03 (18/01/24) - to note update with links through SG colleagues and Scottish Clinical Leadership Fellows

AP 02 (11/09/23) - agreed to close the action. If this remains a concern, James O'Connell can ask for a new action.

AP 04 (28/02/23) - remains in progress. Guide to managers on writing letters low priority. Continue to review and pick up when capacity comes available.

3. Digital Solution Presentation – Analytics

Ameet Bellad (AB) provided presentation on NHS workforce policies website analytics through the Digital Development Group.

AB highlighted the key initiatives back in 2019 and how it developed since then. The 6 key initiatives included.

1. **Content Management** which focuses on a system that is flexible with system interface and friendly with other systems. Update of website is limited to digital development group, with scope to expand.
2. **Content Design** includes all content presented in simple, relevant language, with interactive route maps, and visually able guides.
3. **Technology and Security** in terms of scalability; started off with 6 core policies which has expanded due to the different phases includes completed work around plain language and shorter, concise sentences.
4. **Integration** focuses on signposting the policies successfully within the different HBs and render content from this website onto other existing platforms is still to be realised.
5. **Content Discovery** consists of having searchable content using natural language strings, essential that search pools are powerful enough to meet user needs. Including a comprehensive chatbot and interactive functionality.
6. **Accessibility** ensures the website is up to standard, screen reader friendly which has been tested on live staff with important feedback being received.

AB outlined what has been delivered so far from the Digital Development Group.

Research has been paramount, from initial user personas, and continued through user needs research. Prototype development has consisted of the developers collating information, followed by a series of testing to ensure its meeting content standards. Content is reviewed, with content design support provided to the Policy Development Group (PDG). Flowcharts, and text alternative, have proved beneficial for different types of visitors to the website dependent on their way of viewing the content. The website has evolved further in Phase 2 with redesign to hold additional content and new functionality, such as the calculators. AB highlighted that roadmap interactions are still to be developed, but this will be delivered to show any recent developments.

AB referred the benefits realisation map and benefits measurable through google analytics.

Over the last 12 months, google analytics shows 226,000 users, and AB provided definitions on users and the different types of engagements which inform improvements. Such as a 'Session' visit, which lasts longer than 10 seconds, or visits more than one page. This resulted in 443,000 'Sessions' over the last 12 months. Average engagement time was 2 minutes 1 second, which shows people are gathering the information they need and not bouncing off the website.

The presentation illustrates spikes in visits, for example due to the launch of the Supporting Work Life Balance policies in November 2023 bring new users to the site. Whilst an obvious dip over Christmas.

AB continued to highlight that users find the website by a direct search more than any other way, which is positive as it shows users know how to find it directly. The search workforce policies is the number 1 search to find the website, as per google.

Top 10 pages the average user visits most is the 'Workforce Policies', followed by the 'Supporting Documents' page and then the 'Overview' page. This shows that users are using the search engine or favourites bar successfully to view the content.

Search terms shows that "annual leave" is the most searched within the website. This tool again demonstrates user engagement within the website.

Data shows that 69.9% of users visit while on their desktop, with mobile being 29.7% and tablet 0.5%. This is not surprising as the link between when users visit during the day shows that users are primarily visiting the site during working hours, or perhaps on their commute to work.

Fiona Hogg (FH) recognised the work to develop the website and the substantial increase in visits since November. LH highlighted the significant work on the calculators, and that this was well received and utilised as shown by ABs presentation.

Noreen Clancy (NC) commented that the calculator has been a good way to attract users into the website. The synergies between the content and accessibility, and as a product it works collectively for staff of NHSScotland.

4. Policy Interpretation

Retirement Policy – Retire and return

Gordon McKay (GM) raised an ongoing issue around the retire and return arrangements that had previously been raised at SWAG Secretariat. This was around some staff not being given a permanent post when re-appointed through these arrangements, having originally been restricted to a fixed term contract only.

GM relayed that SWAG Secretariat had confirmed that with regards to permanency, all staff are entitled to be managed on the basis of the extant policy and members confirmed their agreement of this position.

Workforce Policy application issue

Norman Provan (NP) highlighted a potential miss-interpretation and incorrect NHSScotland workforce policy application within an NHS Board. A conversation between a trade union representative supported by the Employee Director and the HRD achieved no traction. NP explained the situation and welcomed members thoughts how to take this forward.

Jacqui Jones (JJ) offered to discuss this with the Board HR Director and Deputy HR Director in her HRD capacity and with a trade union member of the programme board.

James O'Connell (JO'C) confirmed his support for that approach and offered to be that trade union Programme Board member.

Janis Butler (JB) commented that if this action does not resolve the issue, then it would be for the Chief People Officer Fiona Hogg (FH) to intervene on behalf of The Scottish Government.

GM commented that it was important to note the difference between wilful misapplication from misunderstanding. He confirmed support for the approach suggested by JJ.

ACTION 01: JJ to contact the NHS Board concerned in respect of the policy implementation issue raised. Due date: 25 April 2024. (Owner: JJ)

Retirement Policy- retire and return – subscription payment including union membership

Steven Lindsay (SL) raised an issue with subscription payments through Deduction of contributions at source (DOCAS) and requested a minor amendment to the retire and Return arrangements in the Retirement Policy, specifically the need for colleagues to reapply for memberships that have not been carried over.

JJ highlighted that HR departments also need to be aware, potentially through workforce portals, or by letter where it confirms arrangements for a colleague's retire and return.

ACTION 02: Policy Development Group to review Retirement Policy and Guides to reflect impact on subscription payments through Deduction of contributions at source (DOCAS). PDG to consider potential template letter. Due date: 1 May 2024 (Owner: PDG)

5. Consultation Interim Report

LH provided an update on consultation to the group.

A further 2 responses had been received following publication of the meeting papers. This brings the final count to 53 responses from organisations and individuals on the 8 policies. The consultation consists of 4 standard questions for each policy.

Responses on whether there are any gaps in the policy gives an indication of the policies requiring most work. The PDG has started analysis on the Facilities Policy and the Equality, Diversity and Inclusion Policy.

LH confirmed a more detailed presentation on the outcome of consultation will be provided at the next meeting in April.

SL provided an update on question 1, regarding any gaps in the Facilities Policy which had the highest degree of responses and content. Broadly, most of comments require no change to the policy, other than a few minor changes or consistency of language. The consultation has highlighted trends in the responses which feed into the supporting guides.

SL flagged the need to add in a section on “Resolution of disagreements” and confirmed that the PDG would consider how to address this rather than just linking to the Grievance Policy.

SL referred to a request that new employee details be passed to trade unions for potential membership reasons and explained that GDPR and Information Governance implications are unlikely to support this.

SL highlighted one of the comments that the Employee Director (ED) isn't always the Staff Side Chair, highlighted that this indicates it may be practice in a Board.

The group agreed that the Staff Side Chair is the ED and this is clearly set out in [CEL\(2013\)18 Guidance on the role and support for employee directors](#).

JB proposed that the Board was identified to enable FH as Chief People Officer to address.

ACTION 03: Programme Team to follow up with respondent who suggested through the consultation that the Employee Director is not always the staff side chair and that this can be two different people. Note: CEL 18 (2013) states “The Employee Director is the elected chair of the staff side organisations. In addition to being a representative of their own union/professional body they are also an appointed non-executive director of their board.” Due date: 25 April 2024 (Owner: Programme Team)

6. Programme Highlight Report

LH advised that the programme is currently on track. Consultation analysis is underway. During the consultation period the PDG has prepared a first draft on accompanying manager guides on 8 of the policies. There was also work on usability and small tweaks such as a button to PDF and print calculator results.

The current focus over March and April is on consultation analysis. The PDG has prepared first drafts of all accompanying Manager Guides for development following consultation feedback and final policy drafts. NES Digital are currently reviewing these from a content perspective.

Further to the changes made to the New Parent Support policy in view of legislative updates, the need for one further change has been highlighted. This is in view of the notice to requirements whereby the notice period for employees taking leave has been reduced from 15 weeks to 28 days' notice. This will be addressed urgently and shared with the Programme Board.

ACTION 04: Policy Development Group to make recommendations to Programme Board on amendments to the New Parent Support Policy and Guides to fully comply with the Paternity Leave (Amendment) Regulations 2024. Due date: 6 April 2024 (Owner: PDG)

NC highlighted a current discussion at the PDG regarding the Carers Leave Act 2023 which comes into place on 6 April 2024.

Carers leave in the NHSScotland Special Leave Policy relates to unforeseen circumstances such as emergencies. However, the Carers Leave Act is about unpaid planned leave to care for someone with illness, or disability as defined in the Equality Act or care needs relating to old age. Whilst the extant policy is generous it doesn't cover the ability to request in advance unpaid leave.

The group therefore need to consider how Carers Leave is updated to reflect new guidelines.

FH suggested in the short term to ensure that the minimum legal rights are in place by April 6 deadline, but then to consider where we go above normal legal requirements. NP suggested that we either offer something more generous i.e. paid or specify if planned leave would be unpaid.

FM commented that it feels we need to split out to ensure basic legal principle is in place by 06/04/2024, which is for unpaid leave, whilst this is resolved.

ACTION 05: Policy Development Group to make recommendations to Programme Board on amendments to the to the Special Leave Policy and Guides to comply with the Carer's Leave Act 2023, which comes into effect on 6 April 2024. (Owner: PDG)

GM highlighted that NHS England are to provide up to 10 days paid bereavement leave for miscarriages under 24 weeks as an entitlement. The provision in NHSScotland is that paid leave will be considered. He asked if there was an intention to issue guidance that leave should be granted to NHS staff (and partners) following a miscarriage in line with NHS England.

NC confirmed that for 'special leave' within NHSScotland, it is recognised that miscarriages should fall under this category.

CH confirmed that NHSScotland has signed up to the Miscarriage Association's Pregnancy Loss Pledge, before NHS England, on the basis that extant NHSScotland workforce policies met these criteria.

ACTION 06: Policy Development Group to advise Programme Board on what is referenced in the Special Leave Policy in relation to miscarriage leave. Due date: 25 April 2024 (Owner: CH)

LH reminded the group of the current programme timeline.

- Consultation analysis – March / April
- Key Issues for Programme Board steer – 25 April
- Board Meeting – end of May – first set of redrafted policies and guides
- Board Meeting – Mid July - second set of redrafted policies and guides
- Final sign off – end of August
- SWAG - late September
- Soft launch – final 3 months of 2024.

7. Risks and Issues

FH informed that within the SG Workforce Directorate, there is a review of the arrangements for programme management. There is a dedicated Programme Management team being set up in the Health Workforce Directorate and a decision has been made to move the work of this programme into that team. This means that the Service Level Agreement with NSS for the current programme management, would not be renewed again, when it ends on 2 April 2024 and the work would move to the HWF Programme Management Team.

FH explained that all SLA's were being scrutinised as they came up for renewal, as part of ongoing budget and efficiency reviews, and that having all Health Workforce Programme Management sitting in one team made sense moving forward, which was the rationale for this decision. She outlined that this was no reflection on the work that had been done, and recognised the huge contribution that the current Programme Manager Lynn Hunter (LH) had made to the success of the group and delivery of the programme over 6 years working on the SLA.

The group collectively shared their appreciation for the contribution made and thanked LH for all her work. However, all members of the programme board expressed disappointment and frustration at the short notice of the change and the lack of early engagement with programme board and partnership before the decision was taken, They highlighted significant risk to the future of the project due to the loss of knowledge, experience and skills and the lack of clear handover and transition plan. There was a collective ask that Scottish Government reconsider their decision and the timing of the changes.

FH recognised the concerns from the group and committed that these would be fully reflected to senior colleagues in Scottish Government. A note of the concerns is made below and Fiona would follow up with programme board once further information was available.

JJ commented that given how important this programme of work is to NHSScotland it is short sighted to remove a Programme Manager who is central to delivery. JJ also commented that the cost of a Programme Manager is not significant and that she was making a plea on behalf of the HRDs that the Scottish Government review this position.

NP noted the outstanding contribution of the PM to this work. He commented that the programme is at phase 2.2 having completed two phases. He referred to the pauses in the programme post covid that has impacted on delivery timescales. He noted that this would not have been agreed by staffside, had they been aware that the resource for the programme was at risk. He advised that the end of December 2024 would be the natural time or this to be reviewed rather than now. He commented that this will be greeted with huge disappointment from staffside both the decision and that there was no engagement with partnership in the decision making.

SL echoed the positive comments about LH. He urged this to be reviewed. He noted that this programme of work was commissioned by SWAG in partnership. He commented that the current situation is counter productive and noted that regardless of the expertise of a new Project Manager the timelines will be impacted as the pace of work will be slowed for an inevitable handover and transition.

JB asked what risk assessment had been done around the decision. She iterated that Employers cannot pick up any extra work associated with this change.

NC reflected that this programme has achieved every deadline and noted her concerns about the risk to timescales that this change, without an adequate transition plan would lead to.

GM recognised that the Scottish Government are budget holders but noted his concerns about handling and about the failure to discuss and engage in partnership before decision making. He suggested that there should be a pause of this decision to enable engagement with major partners.

JO'C Reflected that LH has already picked up an increased workload following the loss of the Project Manager and Project Support Officer in place for Phase 1. He noted the consistency of commitment from staff side and employers. He stated that the Scottish Government needed to review this decision.

NP asked FM to relay these comments and requests.

FM confirmed that the risks, issues, and comments raised will be feedback to SG colleagues and a response provided, along with a further session to more fully consider and update the risks and issues for the programme in light of this change.

NC referred to the resources risk on the risk log and announced her retirement on the 31 December 2024.

ACTION 07: FH to feedback concerns to SG colleagues in respect of Programme Management changes and ask for decision to be reviewed. FH to feedback to Programme Board on the response. Due date: 11 April (Owner: FH)

8. Discussion about opportunities for 'Once for Scotland' approach to wider reform agenda

FH had intended to raise this issue, before the decision and timing of the PM change was known. She suggested that this is picked up at the next session, as part of a wider discussion on the risks to the programme.

She had wanted to note that there may be a number of revisions to policies and guidance needed, as the Non Pay Agenda for Change reforms progress, and that this should be noted in the risks and issues moving forward.

9. AOB.

Date of next meeting:
Thursday 25 April 14:00 – 16:00