

SWAG Secretariat
Tuesday 24 September 2024
15.45 – 16.45
MS Teams

Attendees

Confirmation of members in attendance at the time of writing:

Name	Organisation
Fiona Hogg (Chair)	Scottish Government
Jane Hamilton	Scottish Government
Anna Gilbert	Scottish Government
Mary Morgan	National Services Scotland
Tracey Ashworth-Davies	NHS Education for Scotland
Steven Lindsay	Unite
Gordon McKay	Unison
Norman Provan	Royal College of Nursing

Additional attendees:

Name	Organisation
Zachary Deponio (Secretariat)	Scottish Government
Lynn Rance (Secretariat)	Scottish Government
Paul McCann	Disclosure Scotland
Maureen Scott	NHS - Healthcare Improvement Scotland

Apologies: **None**

Agenda item 1: Welcome, Introductions and Apologies

For SWAG Secretariat we require 1 Employer, 1 Staff Side and 1 Scottish Government representative to be present to be quorate.

- Fiona Hogg (FH) (Scottish Government) noted that the meeting was quorate.
- Norman Provan (NP) advised that Catherine Garner from Royal College of Nursing was in attendance in a shadowing capacity only.
- Secretariat were asked to provide all Co-Chairs with a copy of the Chairs brief ahead of every meeting.
- Zachary Deponio (ZD) (Secretariat) advised that the meeting was being recorded. There were no objections..
- Minutes from 27 June 2024 were agreed.

Agenda Item 2: Health, Safety and Wellbeing Working Group

- A verbal update was provided by Anna Gilbert (AG) following the request from Scottish Terms and Conditions Committee (STAC) that the Health and Safety Committee representation sat better under the remit of SWAG with a request that we explore this further.
- Following discussions with employer and staff side representatives from STAC, as well as the Chair of the Health and Safety Group for Scotland it was proposed that rather than establish another sub-group, Claire Ronald (CR) in her capacity as a staff side representative, would approach the Chair of the UK Health, Safety and Wellbeing group to discuss Scottish staff side representation at the UK level group.
- The proposal is, that if this was agreed, it could become a regular agenda item on SWAG Committee where updates could be provided by Scottish Government representative of the UK group with any queries flowing via this channel.
- CR has since indicated that she is due to meet with Norman Provan (NP) to discuss staff side representation on the wider UK group, and that this is still in train.

Comments

- NP felt it would be unusual to have this as a standing item on SWAG if the Scottish Government representative was not a member of SWAG Committee. When meeting with CR he will suggest that one of the current vacant staff side seats on SWAG Committee is filled by the staff side representative selected for the UK Health, Safety and Wellbeing Group.



- It was questioned whether this should be a standing agenda item, and it was agreed that this would be considered further when membership of the wider UK group and what it entailed was established.
- Mary Morgan (MM) felt that this addition to SWAG was a good opportunity as it would allow us to consider wider data as well as staff wellbeing strands which could be tied together with the results of the iMatter staff experience survey to give an indicator of wellbeing.
- The importance of health and wellbeing of staff was discussed more widely. It was agreed that the impact of pressures on staff should not be underestimated and that we need to be aware of all sources of data to allow us to pull together intelligence which allows leaders and managers to focus on this.

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• Outcome

NP will discuss the points outlined above with CR at their forthcoming meeting.

Action: 24092024 (1)

NP will provide feedback to SWAG Secretariat members on the outcome of his meeting with CR.

Agenda Item 3: Allegations Guidance

- Maureen Scott (MS) from Healthcare Improvement Scotland thanked members for the opportunity to discuss the Guidance on the Management of Public Protection Allegations/Concerns against NHS Staff and presented a copy of the draft guidance. This was presented in more detail, in particular, how the guidance relates to supporting health boards manage public protection allegations against their staff.
- MS explained that a consistent approach to guidance on any concerns against NHS Staff of abuse against children by any employee is challenging due to the complexity of legislation and sensitivity of the subject matter. It is felt this is needed to support staff in these circumstances.
- Initially the intention was to follow the 'Once for Scotland' policy route, however it had been explained that this was not currently an option. AG had explained that any way forward would need to be agreed in partnership and as it affected the workforce, would need SWAG sign off.
- Information sharing following any allegations made it an obstacle and it can be ambiguous as it can come from different agencies.

Directorate for Health Workforce

Workforce Practice Unit

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- Josh Stokes has been working on a Data Protection Impact assessment / risk assessment combined with HR colleagues from D&G and will link in with Central Legal Office (CLO).
- This guidance is not to interfere with current HR policies, more in relation how situations may be dealt with before being transferred to HR covered policies.
- This work was commissioned by SEND and is now 80% complete.
- The goal is to ensure a consistent approach when public concerns are raised against NHS Scotland employees.

Comments

- SWAG Secretariat discussed their concerns about the proposed guidance in more detail. This included:
- The need to consider where this sits in the context of the domestic abuse policy.
- The title of the guidance needs to be considered further as it is not clear when this should be used as opposed to other policies.
- Not clear that this is about safeguarding of children as guidance appears to be too broad.
- Concerns expressed about how this could be used in an incorrect or malicious manner which could have dangerous implications
- There is a worry that guidance could push people into a detrimental process.
- It was questioned whether it was SEND's place to commission this work.
- Concern that this could sit in isolation and may cause confusion – needs to have overlay of other current processes.
- Scope needs to be clearer as this could cause significant concern to staff.
- Concerns about where this would be hosted and a need for it to be aligned to other related policies
- Co-Chairs acknowledged that the intention is good but too many concerns about complexities.
- It was queried if any research had been done into what other public sector bodies do in these circumstances.
- Need to link in with HR Directors for views also.
- The draft guidance needs to be considered in more detail before this can be progressed.
- It was concluded that the issues identified would not be resolved at this meeting and suggested that follow up partnership conversations are required.

Outcome

Whilst recognising the good intent, it was agreed that follow up partnership engagement was required

Action: 24092024 (2)

MS to progress offline and to refine with HR input and SWAG Secretariat representative input.

Agenda Item 4: eVisa and Biometric Residence Permit (BRP)

- NP advised that RCN have quarterly training in relation to immigration and highlighted that, since 13 February 2024, high civil penalties have been imposed for any 'illegal' employees.
- This has been administered through a BRP card with a share code for right to work, and some people have physical papers stamped onto passport to prove right to work.
- From 1st January 2025 this will be implemented by means of an electronic visa (approved by UK Govt). The current BRP, or physical paper method will expire on 31 December 2024. This may have a range of implications, including access to housing. Urgent action will be required with guidance from CLO. Slides are available which highlight the issue and provide more detail. It should be noted that these are legally privileged but will be shared with this group.

Comments:

- There will be a wider Scottish Government impact on the public generally and not just within Health.
- SWAG will need to follow this up after slides are shared to the group.
- NP reiterated that this would become law, and international employees will not be able to change their right to work statement and will not be able to prove their immigration status.
- The Centre for Workforce supply will run a session for international recruiters in Boards and Tracey Ashworth Davies (TAD) offered to set up a session with NES.
- It was noted that Junior Doctors may present more challenges as they are recruited on rotation.

• Outcome

Agreed this requires urgent attention and will be taken forward with SG colleagues and slides will be shared with the group to inform advice to Ministers.



Action: 24092024 (3) SG Secretariat to circulate the slides on eVisa and Biometric Residence Permit (BRP) to members of the group [Zac Deponio]

TAD to consider a session to be run by NES.

Agenda Item 5: Disclosure Scotland Fees

The Chair welcomed Paul McCann (PMc) from Disclosure Scotland who was seeking views on how fees might be structured for 2025–2026.

It was explained that after 2026 there will be a time limited membership scheme for a period of 5 years and not a 'lifetime' membership. A slide deck was shared with the group and summarised the following:

- A consultation was conducted into: a fee waiver for voluntary sector, care experienced and fees for accredited bodies.
- There was a significant response to the consultation and the results will be published later this year.
- Costs have been the same since 2011 when the scheme started but these now need to be reviewed with affordability and balance considered.
- Different sectors are being asked to consider the impact of the proposed rise in fees. As a guide and starting point for discussion on costs the following should be considered:
 - Option 1: Fees remain the same as current but accredited bodies fee would be raised (although the same cost across each option)
 - Option 2: Modelled on full cost recovery of information and analysis required.
 - Option 3: Based on what affordability would look like but set at lower limit for PDG check for example.

Comments:

- TAD advised that many pre-employment checks are conducted for Junior Doctors and Dentists but provided details for Sarah Chow who could link in PM on this.
- NP stated that costs should not be borne by employees but recognised that this, in turn, would incur a significant expense for public bodies, including Health Boards.
- MM highlighted that modelling of costs would be required on who is responsible for renewal of membership after 5 years. At the moment, it ties in with recruitment or job changing position.
- NP also highlighted the implications when a 5-year membership is applied from a certain date in time, then consideration would be needed on the impact of hundreds of thousands of people looking to renew at one time.
- PMc advised that all the points raised would be noted and considered alongside comments from various sectors in the lead up to these proposed changes in April 2026.
- There are many implications that need to be considered, and it would be helpful to update via this channel when details become known.

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- **Outcome**

Contact will be maintained with Disclosure Scotland. Further information on costs etc will be fed back to SWAG Secretariat

Agenda Item 5: AOB there was no further business to discuss.

Date of next meeting on 3 December 2024, 15:00 – 16:00

[END]