SWAG Committee

Tuesday 22 April 2025

14:00 – 15:35

MS Teams

Attendees

Name	Organisation
Mary Morgan (Chair)	NHS National Services Scotland
Norman Provan	Royal College of Nursing
Jane Hamilton	Scottish Government
Anna Gilbert	Scottish Government
Anne Armstrong	Scottish Government
Michelle McPhail	NHS Western Isles
Gordon Jamieson	NHS Western Isles
Alex Stephen	NHS Grampian
Elaine Watson	NHS Tayside
Jennifer Wilson	NHS Ayrshire and Arran
Samantha Thomas	NHS Orkney
Linda Carr-Pollock	GMB
Robin McNaught	The State Hospitals Board for Scotland
Fiona Higgins	The State Hospitals Board for Scotland
Matt Tucker	Chartered Society of Physiotherapy
Emma Currer	Royal College of Midwives
Lorna Low	Royal College of Midwives
Jasmin Clark	Royal College of Nursing
Donna McComb	Royal College of Nursing
Eleanor Harvey	Unison
Heather Gilfillan	Unite the Union
Steven Lindsay	Unite the Union
Una Provan	Unison

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Niall Hermiston	British Medical Association (BMA)
Gordon McKay	Unison
Scott Anderson	British Medical Association (BMA)
Simon Fevre	British Dietetic Association
Yvonne Stewart	Society and College of Radiographers
Susan Robertson	Unite the Union
Claire Ronald	Chartered Society of Physiotherapy
Lyndsay Hunter	Royal College of Podiatry
Tobias Kunkel	Royal College of Nursing
Sam Mullin	GMB Scotland

Additional attendees:

Name	**Organisation**
(Secretariat) Ronan O'Dowd	Scottish Government
Zachary Deponio	Scottish Government
James Vasey	Scottish Government
Scott Wood	Scottish Government
Oliva Gillies	Scottish Government
Robert Hamilton	Scottish Government
Christina Stokes	Scottish Government
Victoria Freeland	Scottish Government
Samantha Crawshaw	NHS Highland

Apologies from:

Name	**Organisation**
Kathryn McDermott	Unison
Fiona Hogg	Scottish Government
Pamela Jamieson	NHS Dumfries and Galloway
Jacqui Jones	NHS Lanarkshire
Christina Bichan	NHS Education for Scotland

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Matt McLaughlin	Unison
Paul Bachoo	NHS Grampian
Barbara Sweeney	Royal College of Nursing

Agenda item 1: Welcome, Introductions and Apologies

- The Chair welcomed attendees and confirmed the meeting was quorate.
- All members agreed for the meeting to be recorded.
- The Chair confirmed that the minutes of the meeting on 23 January 2025 were agreed.
- The Chair provided the following update regarding the Nursing and Midwifery Taskforce (NMT).

    - An update on NMT was scheduled for discussion however, policy leads advised that there is no substantive update at this stage, as work is still ongoing to develop and finalise the key outputs. A more detailed update will be provided at a future SWAG meeting.
    - There is an implementation group jointly chaired by Cabinet Secretary for Health and the Chief Nursing Officer to oversee progress and ensure priorities are defined.
    - A delivery plan, including key milestones and measures of success is expected to be agreed in Spring 2025.
    - There is close partnership working underway with SEND and NES to support delivery of the NMT's recommended actions and to track improvement across services.
    - Trade Unions and professional organisations are represented on the Implementation Group to ensure ongoing partnership working and input.

- The Chair provided the following update regarding the Anchors Workforce team.
    - The Anchors Workforce team have advised they are currently finalising the implementation plan for the second stage of its workplan.
    - A paper has been shared outlining what was delivered during Stage 1 and setting out the priorities for Stage 2. The workstream is currently analysing pilot activity related to the recruitment job description guidance and template.
    - The team would welcome the opportunity to return to SWAG Committee to provide a full update once the analysis is complete.
- The Chair invited Anna Gilbert (AG) to provide an update on the Scottish Government's (SG) current position following the recent UK Supreme Court judgment concerning the definition of 'man' and 'woman' under the Equality Act 2010.

- AG advised that SG are meeting with the Equality and Human Rights Commission (EHRC) later this week and have accepted the Supreme Court ruling in full. EHRC are working at pace on updated guidance for public bodies. SG are awaiting this guidance to review and update workforce policies and guidance accordingly. This guidance is expected to come forward this summer.
- The Chair noted the expectation for SWAG to be engaged in any of the work that is going forward.
- Norman Provan (NP) advised that the major issue from a SWAG perspective would be the 'Once for Scotland' policies and suggested that any revisions to those policies would come through the programme board, escalating to SWAG if there was a failure to agree.
- Members agreed that policies will need to be aligned and adhere to the guidance from EHRC and the importance to stay connected in terms of anything any board may experience.
- The Chair thanked AG for the update and noted we will await the guidance.

Agenda Item 2: Staff Governance Monitoring – 2023/24 returns & new template

- The Chair invited James Vasey (JV) to discuss the Staff Governance Monitoring (SGM) 2023/24 returns and new template.
- In 2023/24 the SGM template was issued in a streamlined format. Boards were asked to provide information on whistleblowing, retire and return, and bullying and harassment.
- JV discussed the general findings from the 2023/24 template.
- JV referenced the new template which was issued to members prior to the meeting. The template has been revised to ensure it is more accessible and less onerous to health boards while still providing assurance.
- A short-life working group (SLWG) was set up and met on a regular basis. SG met with the SLWG in February and assisted in the drafting of the template.
- JV advised members that the template includes the following:
- The first section of the template asks for signatures to provide assurance.
- The bullying and harassment, retire and return, and whistleblowing sections have been largely maintained. However, the retire and return section now provides a breakdown in terms of staff banding, and the whistleblowing section asks for more detail around actions taken by Boards.
- There is a new section with a free text box which offers Boards a space to advise on any challenges and successes. This will enable health boards to identify any relevant challenges and successes they may have faced in getting to the assurance they have been provided in that particular year. There is a word limit of 900 words for the challenges and successes sections.
- The final section asks for Boards to attach any local assurance reports and work plans.

Comments

- The Chair invited members for comments.
- Members requested that within the breakdown of formal procedures of the bullying and harassment section, a disciplinary process outcome should be included.
- Members noted that the whistleblowing template does not record whether staff are content with the resolution and requested a way for this to be captured.
- Members were concerned with the word limit of the successes and challenges section, noting it may prove challenging to provide a meaningful update with the word limit constraints. Members suggested that it would be useful to outline in the template that these may be further examined through the annual review process.
- Members noted where it states 'upheld' in the bullying and harassment section, there should be a further break down of (i) learning outcomes and (ii)instances where a conduct panel are involved.
- Members noted that in the breakdown of formal procedure, mediation is included which is part of the informal process and therefore should not be included. This section also asks for the number of appeals. However, the understanding is that there is not an appeal process but rather a right to appeal.
- Members reflected that it would be good for SWAG to be reassured that an event has been held with employee directors to understand that staff side has been engaged separately about their implications of an employee director signing off the assurance.
- Members questioned the signatories of the template noting that the Chair of Staff Governance or the Chief Executive should be providing assurance to the board.
- JV reiterated that the 900-word limit is to highlight the key areas which would allow SG to look at those additional resources boards already provide.
- JV thanked members for their comments.

Outcome

- JV will recirculate a new version of the template once feedback has been implemented.

Agenda Item 3: Managing Agency Spend

- The Chair invited Scott Wood and Olivia Gillies to deliver a presentation on the work they are doing in relation to supplementary staffing. The presentation covered the following:

- Supplementary Staffing Task & Finish Group:

- The remit of this group was originally focused on reducing the reliance on all off-framework and was then extended to cover all agency nursing staff.
- This group were also asked to look at the optimisation of staff banks across the country.
- The aim of the group was to deliver better value for money and improve the quality of care experienced by patients.
- The remit of this group has been extended to AHP agency usage.
- In terms of the steps to drive improvement, it has been a phased approach consisting of two key components (1) introduction of board-led controls designed to constrain nurse agency supply and (2) enhanced governance surrounding agency engagements.
- This activity was informed by discussions at the Supplementary Task and Finish Group and agreed by boards via Chief Executives before being implemented.
- SG then followed with a series of Director Letters initially designed to end the use of off-framework agency staff.
- The group developed an approach in relation to nurse agency staff initially and replicated for non-registered agency staff.
- A similar approach aimed at reducing AHP agency usage is being implemented on a phased basis over 2025.
- The group had a staff bank optimisation project which delivered several outputs including the best practice guidance on recruitment and induction of bank staff, developed national marketing assets for local deployment, and undertook a review of bank governance arrangements.

- Medical Locum Task and Finish Group:

  - The remit of this group builds on the Medical Workforce Sustainability Group to ensure that NHS Boards secure best value when accessing supplementary medical staff.
  - In terms of steps to drive improvement in this space, the group undertook a system-wide survey to identify current trends in usage.
  - The group developed best practice guidance, focused largely on governance around decision making in relation to agency engagements.
  - The group looked at promotion of direct engagement of medical locums as a way of minimising costs.
  - The group undertook an options appraisal for delivery of NHS Scotland wide medical Bank coverage.
  - Undertook a review of commission rates, with the intention to implement a step-down rate for long-term engagements.
  - There was a broad recognition at the outset of this work, that the way to fundamentally address the reliance on agency locum usage is to address the underlying supply deficits. There is a broader programme of activity taking place to address those wider concerns.

  - SW noted there is a lot of work in this space to drive improvement in relation to the approach to medical locum usage but there is not the same data to help us understand the progress that has been made.
  - In terms of overall usage, the group collect information on spend through the National Workforce Statistics which is done once a year. The group should have the next round of data back for publication in June to have a better sense of the impact this work is having.
- Project Closure Reports are being prepared for both Task & Finish Groups.
- There are separate business as usual oversight arrangements in place for maintaining dialogue with boards on supplementary staffing going forward.

Comments

- The Chair thanked SW for the presentation and invited members to ask questions.
- Members questioned whether the six-month cooling off period restriction, for nursing and AHP staff that leave board employment, applied to medical staff. SW advised that there are a different set of controls in place for medical staff.
- Members noted that two of the control mechanisms were not agreed by trade union representatives at the group.

Outcome

- Members welcomed the update and would be content to invite SW to further discuss at a future SWAG meeting.

Agenda Item 4: Wellbeing Essential Needs

- The Chair invited Vicky Freeland to present on wellbeing essential needs.
- The Wellbeing team within Health Workforce were tasked by the Cabinet Secretary for Health and Social Care to investigate the situation across NHS Scotland regarding essential needs for staff, particularly during night shifts.
- Whilst there is a strong emphasis on wellbeing now more than historically, the message from Trade Union colleagues and staff remains consistent, suggesting that changes on the ground are more localised and perhaps do not keep in pace with expectations from staff.
- The message from Trade Union colleagues and staff suggested that changes on the ground are more localised and do not keep in pace with expectations from staff.
- The team have undertaken initial scoping work which identified potential key issues as follows:
  - Access to hydration
  - Availability of nutritious food
  - Availability of rest areas
  - Parking and transportation to and from work, regarding staff safety

- Evidence strongly indicates that improved workforce wellbeing and safety, results in improved engagement from staff, positively impacts on patient care, and supports retention.
- The scoping undertaken highlighted several issues and challenges to enabling improvements in this space.
- VF noted the financial constraints around this work but advised there is an opportunity to think about small scale changes that could create long term stable changes that are meaningful to staff over time.
- Collaboration will be essential for looking at this in the long term and enabling ongoing development across Scotland.
- VF welcomed members to provide thoughts and consider the possibility of agreeing to set up a short life working group to take a deeper dive.

Comments

- Members requested accommodation to be considered as it has a significant impact on the wellbeing of staff who come to work in more remote and rural areas.
- Members were supportive of setting up a SLWG in terms of ensuring consistency across all boards and building in work that is already underway.
- Members noted the challenge for boards to reciprocally put arrangements in place for all staff.
- There were concerns around how a SLWG could interface with other groups that have brought out recommendations.
- Members expressed concern about the financial implications of this work in terms of implementing recommendations.
- The Chair acknowledged the range of positions from members and noted that there were no objections to establishing a SLWG.
- The Chair invited NP to provide an update on the Health and Safety Well-being Group and suggested whether this group could take on this work.
- NP advised there was a request for Scotland to participate in the UK Staff Council Health Safety and Well-being arrangements. There is a Scottish representative at this group, and it was agreed previously that SWAG would provide a Trade Union representative.
- Jane Hamilton (JH) offered to consider the points raised and come back with a proposal as a way forward. It was noted that there may be merit in considering how this work could align with existing activity through the Health and Safety Well-being Group and other relevant recommendations, to support a more cohesive and coordinated approach.
- The Chair thanked VF for the presentation and noted it had prompted wider examination.

Actions

- Jane Hamilton to develop a proposal on how best to progress the essential needs work, including consideration of links to the Health and Safety Wellbeing Group and relevant recommendations already in place.
- Members to consider any additional input or representation and feed into the proposal as appropriate.

Agenda Item 5: Scottish Manual Handling Passport

- The Chair invited Sarah Crawshaw to discuss the Scottish Manual Handling Passport, with reference to the papers that were circulated to members prior to the meeting.
- The Scottish Manual Handling Passport Review Group have recently reviewed and updated the current Manual Handling Passport from 2014.
- SC noted that there are no significant changes to the passport but that this was rather a technical review, looking at the learning outcomes and ensuring it is the current best practice.
- SC asked the committee for support on the new draft.

Comments

- Members noted the implication that staff could choose not to use the passport.
- Members sought confirmation that the group are in contact with NHS learning leads.
- Members raised an issue from a midwifery perspective about addressing manual handling training that is specific to midwifery.

Outcome

- Members were supportive of the renewed passport but would like to ensure there is tie in with the other learning.

Agenda Item 6: Health, Safety and Wellbeing – Update from Stakeholder Groups

- The Chair invited Bob Summers (BS) to provide an update on the UK Staff Council Health, Safety and Wellbeing Group.
- BS referenced the paper that was circulated to members prior to the meeting which outlines what the group is about. It is tripartite group and has management representatives, staff side and specialist groups from IOSH and HSC. The group meets six times per year.
- There is representation from each of the devolved nations, although it is predominantly NHS England focused. BS noted that the guidance produced by the UK Staff Council HSWG is very useful, well considered, and produced in partnership.

- BS welcomed questions from committee members.

Comments

- NP questioned whether SWAG is satisfied that the needs from a Scotland perspective are being met through the four country arrangements through Staff Council.
- Members felt there should be something specific for Scotland as staff side would be limited in what it can offer Scotland.
- Members agreed a way forward would be to map what we have in Scotland and how it interfaces with England and decide whether we need something to bridge them together.

Outcome

- JH to take forward consideration of how Scotland's current health, safety and wellbeing structures interface with the UK Staff Council arrangements. Members noted there may be value in identifying opportunities to strengthen Scotland-specific coordination or representation, particularly to ensure that devolved needs are fully reflected. The subject will be revisited at a future SWAG meeting. The subject will be further discussed at a future SWAG meeting.

Actions

- JH to map existing Scottish structures and assess alignment with the UK Staff Council Health, Safety and Wellbeing Group, including any gaps or bridging opportunities.
- Secretariat to schedule follow-up discussion for a future SWAG meeting.
- Members to feed in any relevant local arrangements or examples to support this mapping exercise.

Agenda Item 7: AOB

- No other items were raised.
- The Chair brought meeting to a close advising the next meeting will be Tuesday 23 September 2025.