



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

Date: Friday 30th of August 2024

Location: MS Teams

Attendees:

- (AG) Anna Gilbert, Head of Workforce Practice, Scottish Government (Chair)
- (RB) Ryan Bradley, Project Support Officer, NHS National Services Scotland
- (JB) Janis Butler, HR Director, NHS Lothian
- (NC) Noreen Clancy, Head of Employee Relations, NHS Lothian
- (ZD) Zac Deponio, Senior Policy Officer, Scottish Government
- (MH) Magdalena Henderson, Project Manager, NHS National Services Scotland
- (CH) Catriona Hetherington, Programme Lead, Scottish Government
- (SL) Steven Lindsay, Employee Director, NHS Grampian (PDG Vice-Chair)
- (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

Apologies:

- (JJ) Jacqui Jones, HR Director, NHS Lanarkshire

1. Welcome and apologies

AG welcomed members to the meeting and sought consent that the meeting could be recorded for the purpose of minute taking.

2. Minute from previous meeting

All present members agreed on the minutes from July's Programme Board

3. Review all documents for SWAG submission

NC noted that the documents need to be submitted for the SWAG. The meeting is scheduled on the 1 October 2024. **NC** explained that all the documents have been reviewed by the Policy Development Group, but feedback from Central Legal Office (CLO) on legal terms is still awaited in some cases, which may in turn require minor changes. The CLO are expected to have all documents reviewed and returned by the 6th of September 2024.

ACTION 01: A final version of updated documents to be circulated to the board 'offline' via email for information.

The following points were noted:

- GBV Policy takes a lot from the sexual harassment policy.
- Reasonable Adjustments Policy is a standard policy.
- Transitioning Guide – Subject matter experts requested to go further than the legal requirements by including non-binary into the definitions. **NP** highlighted that there are legal definitions that were included in the guide. The guide can be updated should legal definitions change.
 - **JoC** enquired if anything around training on the Transitioning guide should be included.
 - **CH** suggested that at soft launch when the policies ‘go live’, a cover note should go with the guides indicating that the employer has a responsibility to implement and raise awareness of policy expectations.
 - **AG** confirmed that EDI training will be highlighted at soft launch ensuring everyone is aware of it.
NC indicated that there is already an EDI training module that is mandatory, and to be mindful on wording on this.**NP** enquired if the transitioning guide regarding single-sex spaces,
 - is explicit enough in relation to the impact on all staff **NC** stated that it would not be a further formal consultation, but there is a need to ensure that people are engaged and understand the guidance. If there are significant concerns about suitable and appropriate facilities, and once there is case law around this subject, it may need revisited.
 - **JB** suggested that it would wise to raise awareness of the mandatory training at time of soft launch in line with the roles and responsibilities of all NHS employees.
 - **JoC** enquired if the transitioning guide is one that the CLO are reviewing, due to the sensitive nature of it.
 - **NC** indicated CLO feedback is still due and that feedback will be sent to the Programme Board when received.
 - **AG** stated that the CLO returns are due well within a timeframe.
- Indicators of GBV and Guide on Sexual Harassment –
 - **NC** explained these documents were developed from a research document that the Scottish Clinical Leadership Fellows had produced. This sits in line with the new legislation around sexual harassment starting in October 2024. There has been significant engagement with SMEs on both these documents.

DECISION 01: It was agreed that a cover note be circulated at soft launch highlighting the roles and responsibilities of all NHS employees with regard to the policies and guides as well as mandatory training.

ACTION 02: Programme Board will be provided with the advice from CLO on the Transitioning guide with amendments taken into account.

- Facilities arrangements – employee guide, a request form and a release agreement have been provided to the CLO which is awaiting feedback.
 - **JoC** proposed that the trade union facility time, partnership and trade union time need to be clearly indicated on the form, as in partnership forums you would be working across multiple unions. JoC also raised that an equalities officer is not listed within the form which he would like to see included.
 - **AG** stated that an exercise was done to decouple facility time from union duties. **NC** and **SL** confirmed this is the case and it occurred around 1 year ago.

DECISION 02: Programme Board are content for the policy and documents to go live and that it may be revisited for amendments if there are any issues with these and also to include quality representatives.

- PDPPR – **NC** stated that this will need to be revisited and possibly amended depending on the outcome of the protected learning time policy.
 - Programme Board agreed to allow **NP** to share the PDPPR OfS documents with the Protected Learning Time Group.
 - **JoC** raised concern that in some areas they won't have the resources or materials for the implementation of this. **JB** stated that there are lots of different resources, but it is variable as a lot of management practices are variable across different health boards, although it's recognised that in smaller health boards it might be difficult.

DECISION 03: Programme Board agreed to allow NP to share the PDPPR OfS documents with the Protected Learning Time Group.

- Employment Checks – **NC** raised, for clarification, the Healthcare Professional Alert Notice (HPAN) system which is not used in Scotland but is used in NHS England and Wales. This has been considered for use within NHSScotland, but it has not been implemented. It has been checked with recruitment and their feedback is that it won't be a major benefit, as references from current line manager, professional registration checks and disclosure would pick up anything that HPAN would raise. There are also examples of HPAN notices being withdrawn, making them very time sensitive. The HPAN system would also need to be implemented into the Job Train system, therefore the conclusion is that the HPAN system doesn't bring enough benefit to justifying implementing. **JB** highlighted that the regulator disclosure and referee are more likely to give a comprehensive background check when followed appropriately, which mitigates the risk of not using HPAN system.
- **NP** indicated he is also content with not including the HPAN due to the other checks that are completed.
- Programme Board agreed that HPAN is not used, and not mentioned in the policy as per the recruitment group's recommendation.
- **JoC** raised the comment regarding the break in service and full requirements checks. **NC** noted that if someone leaves a post and then is redeployed within a week, would full employment checks be required. **NC** stated that we are waiting for this issue to be answered by the National Recruitment Group and **NC** will feedback to the group once it is confirmed.

DECISION 04: Programme Board agreed that HPAN is not used, and not mentioned in the policy as per the recruitment group's recommendation.

- Secondment – **NC** stated that it was considered to have Service Level Agreements (SLAs) covered in the policy, but a decision was made not to cover these. As in the PIN Policy, a secondment is something the employee wants to do and knowing that they will be coming back to their substantive post lasting a maximum of 2 years
 - **NP** raised potentially revisiting the secondment policy in the future regarding the SLA situation and the complexities surrounding this. **AG** indicated that the Scottish Government are looking at their use of SLAs over secondments. **SL** agreed that it can be revisited, however he also pointed out that this policy covers a very small number of NHS employees.

- Programme Board agreed the maximum period for a secondment is 2 years with extension under exception circumstances and that the policy can be revisited due to some work happening in the background involving SLAs.

DECISION 05: Programme Board agreed the maximum period for a secondment is 2 years with extension under exception circumstances and that the policy can be revisited due to some work happening in the background involving SLAs.

- Fixed Term Contracts – **NC** explained that a lot has been added to the manager’s guide defining redundancy and non-redundancy situation. Letters have been developed for these scenarios, as well as a letter developed advising an employee going from a permanent contract to a fixed term contract (FTC). We are awaiting to hear back from CLO regarding retaining a permanent status when going on a FTC which would eliminate the need for the redundancy letter.
 - **JoC** stated that he is not comfortable with the amount of times redundancy is mentioned throughout the policy as there is no compulsory Redundancy Policy in NHS Scotland. **NC** noted the complexity that redundancy situation if the FTC post is no longer available at the end of the FTC, as indicated in the PIN policy. It doesn’t mean that they are being made compulsory redundant, which fits within the no compulsory redundancy policy. The Policy Development Group (PDG) and former PIN policy have recognised that this is a legal position and not a policy position. **NP** stated that the policy needs to reflect the law, therefore redundancy in this policy reflects law rather than soft policy.
 - **GM** expressed his disappointment in the redeployment process being started in line with a contractual notice period rather than 3 months, stating that there is no financial benefit to this. **NC** stated that there are situations where there is a financial cost to the service along with mismanagement potentially causing redundancy happening. Programme Board agreed that this policy may be subject to further discussion when CLO respond with comments.
 - Programme Board agreed with the legal requirement to include redundancy mentioned within the policy.

DECISION 06: Programme Board agreed that the Fixed Term Contracts policy may be subject to further discussion when CLO respond with comments.

DECISION 07: It was noted that there is no NHS Scotland compulsory Redundancy Policy and the complexity that redundancy situation if the Fix Term Contract post is no longer available at the end of the FTC. It was agreed that the policy needs to reflect the law, redundancy in this policy reflects law

- Redeployment policy – **NC** mentioned that there are now 2 forms with the skills matrix being separated out, minor updates happening to the flow diagram to represent this. No further amendments. Programme Board acknowledged this.

4. Programme Highlight Report

MH talked over the highlight report for August 2024 and noted that all documents required for SWAG are completed. There are still some tasks that need to be finalised e.g. preparation for soft launch, EQIAs and SWAG documentation needs to be collated. **MH** note that CLO should have all the documents returned with any recommendations by 6th September 2024.

MH stated next month’s programme priorities are SWAY newsletter and scoping next phase of OfS policy.

5. Risk and Issues

A new risk has been identified regarding the significant financial pressures for the next stage of the programme

Risk 004 The annual leave calculator has now been updated with tables that was a suggestion that came from STAC. **CH** mentioned that staff can't put in more than 37.5 hours although 2 tables exist for staff now on the 37-hour AfC contract as well.

SL raised the risk of **NC** retiring and that her replacement that was lined up is no longer starting. As these timescales are now very short, it was recommended to re-evaluate the risk score.

DECISION 08: It was agreed that new risk has been identified regarding the significant financial pressures for the next stage of the programme and to be added to the risk register.

ACTION 03: Risk and Issue Register to be reviewed and updated in advance of October Programme Board.

6. Programme Board Membership

It was stated that this will be **NC**'s last programme board, **AG** thanked her for all her hard work and commitment.

7. Delivering Phase 3 and BAU

An options paper for phase 3 is being developed. However, current financial constraints dictate that money can only be spent on programmes that have a legal commitment and that views would be welcomed on the proposed 3 options.

Considered options are:

- Continue phase 3 with programme support which include PIN policies (managing health at work), however this would be subject to senior agreement on finances being available to support this option.
- Continuing the programme into phase 3 but without any project management support, it was noted that this option may elongate the timelines significantly as all support would need to be provided in-house.
- Revisit the manage health at work and prioritise the most pressing policies

AG is taking a paper to senior management with these 3 options and asked for any comment that wished to be included.

SL raised that that all the PINs should be revisited, and he sees the priority to do it well.

JB understood there were financial pressures but felt that there needs to be assurance that the rest of the policies are seen through to the end. **JB** also raised that the Once for Scotland Policies may need updated down the line, for example if the law changes, so there needs to be a BAU process in place for this.

NP agreed that the rest of the policies need to be seen through. He also noted that external partners should be consulted in the options appraisal and decision being made as these policies apply to everyone that works within NHSScotland.

JOC also agreed that the other policies need to be seen through, he also pointed out that the next set of policies 'Health at work' is important to the Cabinet Secretary's commitment.

AG thanked everyone for their comments, she stated that the options should be to continue with project support, or to continue with revised timelines.

8. Any Other Business

Noted that SWAG meeting is in October where the policies and guides will be presented.

NP explained that a new e-visa system is being activated at the end of the year, this meaning there may need to be training for this. **NP** noted that anyone on a current visa or BRT card will have to apply for an e-visa, this needs to be applied for before the end of September 2024. **AG** suggested that this should be raised to SWAG meeting.

DECISION 09: A new e-visa system to be discussed at the SWAG meeting.

SL suggested looking at all future programme boards to ensure that quorum is met for future meetings.

September's meeting has been cancelled. The date of next Programme Board meeting 22nd of October 2024. Any communication needed for the SWAG submission will be done through email/offline.