

# Minutes

**Meeting:** NHSScotland 'Once for Scotland' Workforce Policies Programme Board  
**Date:** Thursday 18 January 2024  
**Location:** MS Teams

## Attendees:

### Present:

(FH) Fiona Hogg, Chief People Officer, Scottish Government (Chair)  
(JA) Jeff Ace, Chief Executive, NHS Dumfries & Galloway  
(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  
(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)

### In attendance:

(LH) Lynn Hunter, Programme Manager, NHS NSS

### Apologies:

(CH) Catriona Hetherington, Head of Staff Governance, Scottish Government  
(JO'C) James O'Connell, Regional Officer, Unite

## 1. Welcome and apologies

Fiona Hogg (FH) welcomed members to the meeting. Apologies were noted from Catriona Hetherington and James O'Connell.

## 2. Minute from previous meeting and review of actions

Members approved the minute of the meeting held on 31 October 2023. Members noted 2 outstanding actions:

02 (11/09/23) – in respect of the application of the formal note of hearing. It was reported that work is ongoing to ensure compliance where this is not currently the case. It was agreed to carry forward this action to discuss with JO'C as to whether, given this assurance, the action can be closed.

04 (28/02/23) – the PDG should have capacity, following publication of the latest consultation, to complete the guide for managers on writing letters / template(s) to accompany the suite of Supporting Work Life Balance policies.

### 3. Policy Consultation Document

Noreen Clancy (NC) provided a summary of the 8 policy drafts and key points following feedback from Central Legal Office.

The following amendments were agreed:

#### Equality, Diversity and Inclusion Policy

- Ensure consistent reference throughout the policy to equality, diversity and inclusion.

#### Gender-based Violence Policy

- Amend employee responsibilities to read “The employee is encouraged to identify...”
- Be more explicit in the guides on the implications of disclosure by a perpetrator of GBV with reference to the Conduct Policy and Workforce Policies Investigation Process.

#### Facilities Arrangements for Trade Unions and Professional Organisations Policy

- Amend procedure section to state that “Accredited representatives are also entitled to reasonable paid time off...”

#### Personal Development Planning and Performance Review Policy

- Directors Letter (DL) position on protected learning time expected to be issued to the service following Cabinet Secretary approval. The policy / guides will be updated to reflect the position when published.
- Amend policy title and make explicit reference throughout to “Personal Development Planning and Performance Review”.

#### Employment Checks

- Add a section on Employer Responsibilities to make sure that systems are in place for the necessary checks to be made.

#### Redeployment

- Redeployment may not be appropriate for health cases where medical advice indicates that the employ is unfit for their own post or any other type of work. This should be further expanded in the Guides with reference to the Dying to Work Charter.
- Following discussion on the rules on work visas, it was agreed to amend this section to state “Redeployment may not be appropriate for individuals being sponsored for a work visa due to the restrictions of the visa conditions.” Further detail to be added to the guides on specific considerations.

**ACTION 01: Programme Team to amend consultation draft to incorporate amendments, and note additions for Guide development.**

In relation to the specific questions asked by the Policy Development Group, the Programme Board:

- Noted the proposed policy name change from “Equality, Diversity and Human Rights” to “Equality, Diversity and Inclusion” which is more suitable for a workforce policy and reflects policy content.
- Supported the development of a Guide on transitioning and a Guide on reasonable adjustments as supporting documents to the Equality, Diversity and Inclusion Policy.
- Supported the development of a Guide on sexual harassment as a supporting document to both the Gender-based Violence Policy and the NHSScotland Bullying and Harassment Policy.

Janis Butler (JB) highlighted work underway in this area with the Royal College of Surgeons through Alastair Murray, Associate Post-Graduate Dean, NES. It was recommended that the PDG find out more about this and potential links.

**ACTION 02: Programme Team to update list of supporting documents within the consultation draft.**

**ACTION 03: Programme Team to make contact with Alastair Murray, Associate Post-Graduate Dean, NES in relation to developing a Guide on sexual harassment as a supporting document.**

The Programme Board had previously agreed by email that:

- The draft policy on Personal Development Planning and Performance Review would not include a section on resolution of disagreements. The accompanying Guides should cover what to do in the situation where an employee does not agree with what a manager has recorded in the appraisal.
- As separate employing entities redeployment should be managed within the NHS Board. The policy therefore will cover redeployment only within the NHS Board.

Subject to the above changes the Programme Board approved the eight draft policies for consultation.

Members approved the proposed consultation dates for a one-month consultation from 8 February to 8 March 2024.

#### **4. Programme Highlight Report**

Lynn Hunter (LH) spoke to the Programme Highlight Report for the period November 2023 to January 2024.

Under the section on requests for change, the Programme Board agreed to amend the Parental leave eligibility section in the Parental Leave Policy to include legal carer. The amendment will ensure consistency with the Adoption, Fostering and Kinship Policy. The sentence should be amended to read: “To have responsibility for a child, the employee must be the biological or adoptive parent or legal carer.”

LH advised that feedback from NHS Boards on the annual leave calculator has highlighted ambiguity in the Annual Leave Policy DL (2017) 4 on which the calculator is

based. The narrative and table on rounding of public holidays for part-time employees (full and part-year) is unclear. It is understood that this has resulted in varying practice across NHS Boards. However, the annual leave calculator reflects Table 3 of the DL in line with para 13.6 of the Agenda for Change Handbook.

LH advised that a process was to be set up through STAC Secretariat to examine the issue and come to a conclusion. Members of the Programme Board supported this and reiterated the need for pace, as the holiday year for all except Medical and Dental will start on 1 April 2024 and it needs to be resolved ahead of this.

The Programme Board discussed removing the annual leave calculator from the NHSScotland Workforce Policies website in the interim. The Board noted that there was a risk either way. On balance, the Programme Board agreed that the calculator should remain on the site given the small numbers of people who would be working part time and accessing the calculator at this point in the year. Priority should be given to resolving ambiguity in the DL through STAC.

LH advised the Programme Board of a potential discrepancy between 15.62 of the Agenda for Change Handbook and the examples in the NHS Employers Guidance which the Shared Maternity and Shared Adoption Policy Guide for Managers and Guide for Employees link to. Members were supportive of Pay Team colleagues at Scottish Government raising this with NHS Employers in the first instance, and the action taken to remove the link in the interim.

LH advised that the draft communication to stakeholders previously circulated would be issued immediately to stakeholders to provide notice of the consultation dates.

**ACTION 04: Digital Team to amend line within the Parental Leave Policy to read: “To have responsibility for a child, the employee must be the biological or adoptive parent or legal carer.”**

**ACTION 05: LH to contact STAC and confirm the Programme Board decision for the annual leave calculator to remain on the NHSScotland Workforce Policies website, and request priority be given to the quick resolution of issues identified in the Annual Leave Policy DL (2017) 4.**

**ACTION 06: LH to issue advance notice communication to stakeholders advising on consultation dates.**

## 5. Risk Management

The Programme Board discussed open risks and agreed to:

- Rescore the risk that resources are not made available to support the work of the Policy Development Group as the additional resource to the PDG makes the risk less likely. Members agreed to reduce likelihood of the risk from 3 to 2 with an impact of 3 remaining = score 6 (green).
- Close the risk on Subject Matter Expert (SME) engagement and varying rates of policy progression. Engagement with SMEs has been high. Policy drafts have been developed in line with the proposed schedule. Should there be a concern or change for future phases, a new risk would be created.

- Close the risk on winter pressures impacting on the planned consultation. Members agreed to progress with the proposed consultation dates of 8 February to 8 March 2024.

**ACTION 07: LH to update Risk Register following Programme Board discussion.**

**6. Any other Business**

None.

**7. Date of next meeting**

The next meeting of the Programme Board will be held on Thursday 21 March 2024 from 14:00-16:00.