

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

Date: Tuesday 2 September 2025 14:00-16:00

Location: MS Teams

Attendees:

(AG) Anna Gilbert, OFS SRO, Scottish Government (Chair)
(CH) Catriona Hetherington, OFS Programme Lead, Scottish Government
(ZD) Zac Deponio, Senior Policy Officer, Scottish Government
(SL) Steven Lindsay, Employee Director, NHS Grampian (PDG Vice-Chair)
(NP) Norman Provan, Associate Director (Employment Relations), Royal College of Nursing (RCN)
(JO'B) Jarrard O'Brien, Director of People and Culture, NHS Orkney
(GM) Gordon McKay, UNISON Health Committee
(AB) Audrey Bevan, NHS Lanarkshire

Apologies:

(JJ) Jacqui Jones, HR Director, NHS Lanarkshire
(JO'C) James O'Connell, Regional Officer, Unite

1. Welcome and apologies.

AG welcomed attendees to the meeting and noted apologies.

JO'B confirmed that this would be his last meeting as his last day with NHS Orkney is 19 September 2025.

AG confirmed the meeting was quorate.

2. Minutes and actions from previous meeting 29 July 2025

Attendees confirmed that they were content with the minutes from the meeting 29 July 2025.

Update on actions:

Action 12 (25/04/24): Update from JO'B confirmed that a replacement employer representative has been confirmed and will be supporting JJ for the next meeting of the programme board.

Action 06 (31/01/25): Business as Usual paper, discussed at item 6.

Action 06 (25/03/25): Neonatal Care Leave and Pay guide: CH gave an update, noting the neonatal care leave and pay guide had been revised following feedback from GM at the previous meeting regarding clarification on the start date of the seven-day entitlement. The revised draft was reviewed by the Central Legal Office (CLO), who suggested reordering the content for clarity and alignment with statutory guidance. The PDG reworked the document accordingly. It is now being reviewed under the internal assurance process and will be shared with Programme Board members and SWAG once finalised.

GM asked for confirmation that the guidance aligns with the actual wording of the legislation and its explanatory notes - specifically regarding how the seven-day entitlement is calculated. CH confirmed that the Policy Development Group (PDG) had discussed this and that the interpretation is consistent with the statute. AB added that the guidance also reflects wording from ACAS and Bliss (a neonatal charity) to ensure clarity and alignment with legislation. GM thanked them for the clarification.

ACTION 01: CH to share the final version of the Neonatal Care Leave Guide with Programme Board members.

Action 1 (01/07/25), Action 2 (01/07/25) and Action 3 (01/07/25): Discussed at item 5.

3. Programme Highlight Report

ZD reported that Phase 2.2 policies and guides went live on 6 August. For Phase 3, the policy is currently being reviewed by CLO, and the internal SG assurance exercises. ZD noted that the consultation document had advised that a glove selection guide would be developed as a supporting document for the COSHH Policy in view of the extant PIN addendum that was created to address latex allergy concerns. He reported that SMEs advised that latex is now rarely used, with nitrile gloves being the standard and rather than a separate guide, it would be sufficient to add a risk assessment clause to the policy.

CH highlighted that the PDG are still drafting some of the supporting documents. They aim to provide drafts to SWAG two weeks ahead of next meeting which is currently scheduled for 23 September 2025. They are unsure if they will meet the deadline as working around colleagues leave and availability has caused delays. The team are aiming to meet this deadline; however, an extraordinary SWAG meeting may need to be convened at a later date once the documents are finalised. The finalised documents will also be circulated to the Programme Board members.

NP raised concerns about the additional assurance process being applied at the end of policy development process. He acknowledged its value but

stressed that if it continues for all outputs, it could cause delays and disrupt tight timelines. He emphasised that this process should not override the Programme Board's decisions and suggested it be conducted in parallel with stakeholder consultation, not afterward. If that's not possible, he proposed creating a clear process map to show where delays originate, so SWAG understand they are outside the Board's control. He concluded by noting that delays from this process had already impacted previous policy launches.

AG confirmed they have been in touch with SGLD about this, and they have proposed a light touch assurance process going forward.

NP acknowledged the assurance process might be helpful but stressed the need for a clear turnaround time. He expressed concern that without defined deadlines, the process could disrupt the Programme Board's timelines. He noted that in previous cases, delays from the assurance team left the Board uncertain and repeatedly waiting for updates. NP suggested that if the assurance team wants to be part of the process, they should commit to a specific timeframe so expectations can be set with Staff Side and Employers.

AG acknowledged NP's concerns and clarified that the original intention was for the additional assurance process to run in parallel with other review steps. She agreed to raise the issue internally in SG and communicate Programme Board members' concerns about potential delays caused by the assurance process.

4. Risks & Issues: Review current risks & issues

AG discussed current risks and issues.

P2-18 Wider reform agenda: No further update. Ministers are trying to arrange a meeting with Staff Side to discuss this area of work, and once this is arranged, Programme Board members will be updated.

P2-25 Timeline: potential delay on phase 3 of policies, the hope is to have them progressed on time and hopefully agreed prior to the pre-election process.

P26: new SRO – Christina Stokes will pick up role as unit head of merged divisions and SRO once AG retires.

No further comments raised from the group.

5. Phase 3

CH provided an overview of the Phase 3 policy documents, noting that while the most recent versions had been circulated, some updates were still being finalised and would be shared post-meeting. She began with the Adverse Weather Policy, noting that a member had highlighted a wording

inconsistency between the policy and manager guide regarding shift payment when staff leave early due to severe weather. The group agreed to standardise the wording to “will be used.” CH checked if colleagues were content with this update to aid consistency, Board members were content.

Alcohol and Other Substances Policy: CH noted that the original PIN guidance was vague and did not provide a model policy for substances other than alcohol. It stated that employers cannot conduct drug or alcohol testing without employee consent and advised against introducing testing unless it is included in the employment contract. The current draft is still in progress and wording not yet agreed. The current policy suggests local determination, but there was concern about maintaining a consistent national approach, which is still to be determined. CH proposed compromise wording: testing should only occur in exceptional circumstances with mutual agreement and invited feedback from the group.

NP acknowledged the complexity of the issue from a trade union perspective. He explained that in cases where an employee has a known substance issue, agreeing to testing can be beneficial - it may demonstrate compliance and lead to a more favourable outcome. However, he emphasised that testing cannot be legally compelled, except by police.

NP suggested that testing could be encouraged as part of a supportive approach to help the employee remain in work. If the employee refuses, the employer may consider this refusal within the bounds of a reasonable response, which could be evaluated by an employment tribunal.

NP cautioned against any policy wording that implies testing is mandatory, as this would not be legally sound. He acknowledged that the language around “reasonable responses” may need refinement but stressed the importance of maintaining the principle that testing should be voluntary and case specific.

GM agreed with NP’s view that testing should be voluntary and case specific. He supported the idea that if an employee consents to testing, it’s acceptable, and if they refuse during a disciplinary process, the employer can make a reasonable judgment based on other available evidence.

GM stated that he would not support including drug and alcohol testing as a contractual obligation. He agreed that testing is acceptable if an employee consents and there is a genuine reason for it. However, he opposed the idea that refusal to be tested could lead to disciplinary action simply because it was written into a contract. He emphasised that testing should not be mandatory or used arbitrarily.

JO’B suggested a practical solution to the debate around drug and alcohol testing policy wording. He proposed removing a contentious middle sentence and retaining the surrounding paragraphs, which already emphasise the employer’s duty of care and the requirement for employee consent. He felt

this would sufficiently reflect the group's position and avoid confusion or misinterpretation.

SL stated that GM had raised a valid point, and see's appeal of JO'Bs suggestion and is happy to implement this if colleagues agree.

JO'B read out the policy lines:

NHS Scotland boards have a legal and ethical responsibility to make sure patients and visitors are safe. If an employee's ability to do their job is affected by alcohol or other substances, this duty of care could be put at risk, and it might break health and safety laws.

NHS Scotland board should decide their position on testing.

Employers cannot carry out drug or alcohol testing without the employee's consent. NHS Scotland template contracts do not cover testing. Therefore, if this is felt necessary, it must be carefully discussed and agreed.

GM confirmed that he is comfortable with most of the paragraph discussed except for the last sentence and sought clarity on what kind of testing is being discussed here, as the current working could imply boards have the authority to introduce different types of drug and alcohol testing, including random testing. He disagrees to any indication that other testing could be introduced, even at a board partnership level.

NP agreed with GM's concerns and emphasised that drug and alcohol testing should be explicitly limited to individual cases, not applied to the entire workforce. He warned that without clear wording, employers might interpret the policy as allowing random testing, which would be unacceptable without specific suspicion. He stressed that any reference to testing must make it clear that it applies only in situations where there is a case-by-case need, such as an ongoing issue with a particular employee.

SL agreed with the points discussed and confirmed he would be content to remove last sentence.

AG acknowledged the feedback and confirmed that the updated wording will be circulated to the Programme Board following the meeting.

CH shared for consensus, the proposed response to a request to include reference to alcohol beer in the Alcohol and Other Substances Policy.

NP advised against including this in the policy. He understands it may look suspicious if a colleague is drinking alcohol free beverages that look like alcoholic ones in the workplace, however if the drinks are non-alcoholic, they can't be treated otherwise.

GM agreed that perception is not great, but staff can't be disciplined for bringing in non-alcoholic beverages.

AG confirmed a unanimous decision against including reference to non-alcoholic beverage consumption in the policy. CH will provide an appropriate response to the query, taking on board colleagues thoughts on this.

COSHH Policy: CH provided an update, referring to ZD's update under Item 3 noting that a line was added to the manager's guide stating that if latex gloves are used, a risk assessment must be conducted beforehand. This update was based on SME input.

Manual Handling Policy: CH confirmed minor updates were made to improve clarity, including references to relevant regulations, as advised by SMEs. These changes will be circulated to the group for review.

Menopause and Menstrual Health Policy: clarification discussed at previous meeting, no further changes to note.

Smoking and Vaping Policies: CH explained that the definitions of smoking and vaping have been updated in the policy. These changes were informed by input from SMEs and align with wider national guidance provided by the Scottish Government. The revised definitions have been included in the final versions of the documents circulated to the group.

Work-Related Driving and Lone Working Policies: CH confirmed that both policies had been circulated at the previous meeting. The PDG is considering whether to merge the associated risk assessments into a single document for ease of use, particularly for staff who fall under both categories. The decision will depend on usability, and final versions will be shared once complete.

Work-Related Stress Policy: The risk assessment, and organisational stress audit in the extant PIN are still being considered and developed with input from SMEs and in consideration of HSE guidance.

Violence and Aggression Policy: Updates have been made to ensure appropriate reporting and support for police involvement and compensation claims. No further changes were noted.

Attendees were content with the updates.

ACTION 02: CH to share these wording changes with Programme Board members.

CH highlighted that the PDG is working towards submitting all Phase 3 policy and supporting documents for SWAG approval at the scheduled meeting on 23rd September. However, this may need to be moved to early October due to the volume of documents to be finalised by the paper's submission deadline two weeks ahead of this meeting.

6. Business as Usual proposal

AG introduced her paper which outlined the proposed approach for policy review and development following the completion of Phase 3. The proposal includes:

- Conducting light-touch reviews of existing policies, starting with Phase 1 policies which are now five years old.
- Escalating any substantial changes to SWAG Secretariat and, if necessary, to the SWAG Committee.
- Establishing a process for commissioning new policies if required.
- Adding review dates to all policies, with a suggested five-year review cycle.

AG invited feedback from Programme Board members on the proposed approach.

JO commented that it was a pragmatic proposal in terms of SWAG commissioning as and when required.

GM raised a concern that the current wording of the Business-as-Usual proposal could imply that only the Scottish Government has the authority to initiate policy reviews, excluding employers and trade unions from doing so. He emphasised the importance of maintaining a tripartite approach, ensuring that all parties can raise issues for review.

AG clarified that the intention was for SWAG Secretariat to consider light-touch reviews, and if a review was deemed substantial, it would be escalated to the SWAG Committee.

GM requested that the process explicitly allow employers and Staff Side to submit issues for review, even during light-touch assessments.

AG agreed and confirmed that the proposal would be updated to reflect the points discussed.

SL supported GM's view and emphasised the importance of maintaining a tripartite approach to policy review at SWAG Secretariat. He highlighted the ongoing volume of inquiries received about the policies, reinforcing the need for all three parties - Scottish Government, Employers, and Staff Side - to have the ability to raise concerns or propose reviews.

NP agreed with SL's comments and noted the importance of keeping the escalation process open to all three parties involved in the development of the policy and making this explicit in the process going forward, although not anticipating that there will be much brought up for review. He acknowledged that rebuilding infrastructure for policy review would be difficult as people move on, so a clear and sustainable mechanism is needed. He stressed that any future requests for policy review should be well justified, not based on

preference or vague dissatisfaction. For example, if a policy is believed to conflict with current legislation, the issue should be clearly explained.

AG sought clarification on whether this meant an added step in the review process was needed, and suggested SWAG could identify a tranche of policies due for review, allowing constituent parties to examine them and submit feedback. She raised the need for a mechanism to ensure Staff Side and Employers are aware of upcoming reviews and can contribute.

NP agreed, noting that since policies were published in phases, reviews could be scheduled in chunks based on their five-year anniversaries. He proposed that boards be notified in advance and asked to consult their Area Partnership Forums (APFs) to identify any concerns.

AG suggested forming a small tripartite working group to conduct light-touch reviews. NP supported this but recommended using the existing PDG members due to their expertise and collaborative experience, rather than creating a new group from scratch.

CH highlighted the ongoing task of horizon scanning for legislative changes and highlighted the value of linking with stakeholders such as HRDs and CLO. She noted that given the Scottish Government cannot directly liaise with CLO, an employer contact will be needed for that purpose. She supported using APFs to gather feedback to support a streamlined process that can reduce the volume of queries. She highlighted the need for a structured and efficient tripartite process, noting that the Phase 1 policies published in March 2020 have already reached their five-year review anniversary.

SL reflected on early conversations in the programme around expected timescales and deliverables and how that now looks in reality.

AB noted the need to look for additional members as the small group of experts are dwindling.

NP reflected on the previous review process, noting that some policies were 15–20 years old and required significant updates. He suggested that future reviews should be light-touch, triggered at the five-year anniversary of each policy, and involve CLO for legal checks. He proposed a two-track approach: a light touch legal review by CLO and practical review based on escalation queries received, using existing expertise from APFs. NP also cautioned against dissolving the PDG entirely, recommending that the group continue in a reduced capacity (e.g. meeting quarterly) to maintain continuity and expertise.

AG noted that the PDG won't exist as it will be disbanded after programme is completed but asked if the best way forward would be to keep the group running in some way.

NP noted the value in this group of expertise staying together. Not every week but maybe once or twice a quarter to look at queries and which policies need to be reviewed, staying involved in light touch way.

GM agreed, suggesting that even if the PDG is formally disbanded, a new review group could be formed with the same members. He emphasised that future reviews should be limited in scope, not full consultations, and only triggered by evidence-based concerns - such as legal changes or significant developments in other sectors. He stressed that reviews should not be based on interpretation issues, which should continue to be handled via the existing escalation process.

AG acknowledged the feedback and committed to revising the Business-as-Usual paper to reflect these points. She will circulate the updated version to the Programme Board for comment before submitting it to SWAG for approval.

Programme Board Members confirmed they were content with this approach.

7. AOB

CH noted that the Redeployment Policy and Guide has been updated and published online to reflect the inclusion of neonatal care leave in the priority order, alongside maternity and adoption leave.

JO'B raised three practical implementation challenges raised by HRD colleagues related to recent policy updates: Fixed Term Contracts Policy, Pre-Employment Checks Policy and PDP Review Policy. He asked for guidance on the best mechanism to share these concerns with the group for thought and response.

AG and NP clarified that these issues should be raised through the formal escalation process, and include details around why it is being raised.

JO'B acknowledged this and agreed to proceed accordingly.

CH offered to review the concerns raised before formal escalation, suggesting that early sight might allow for minor issues to be resolved more quickly. She mentioned existing discussions around fixed term employment and PDP review.

JO'B agreed to send the details to CH after the meeting. AG supported this proactive approach while noting the escalation process would still apply.

ACTION 03: JO'B to send the workforce policy queries to CH after the meeting

AG wished JO'B all the best for the future and noted that his contribution had been appreciated.

NP echoed this and thanked JO'B for his contribution and wished him well.

AG noted that the next Programme Board meeting is currently scheduled for 25 September at 14:00-16:00.

END