

‘Once for Scotland’ Workforce Policies – Phase 2.2 Policy Implementation

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Our Vision

‘Once for Scotland’ Workforce policies will promote NHS Scotland as a modern, **exemplar employer**; showcasing our **core values**, and **promoting consistent employment policy and practice** that supports the implementation of the Staff Governance Standard and **effective recruitment and retention**

‘A transformational change in workforce policies and how they are developed’

Objectives

- refreshed simple, standardised and person-centred policies
 - ✓ policy
 - ✓ supporting documents
 - ✓ standard sections
- accessible on an innovative digital solution
- dynamic and interactive engagement process, with staff and managers at the centre of policy and digital development
- national standard for employment practice



The screenshot shows the NHS Scotland Workforce Policies website. The header includes the NHS Scotland logo, the title 'Workforce Policies', a search bar, and navigation links: Home, About, Policies, Supporting documents, Calculators, and Useful links. The main content area features a large hero section titled 'Simple, standardised and person-centred policies' with a description and a 'View the policies' button. Below this are six smaller sections: 'Principles and values', 'Employee support', 'Roles and responsibilities', 'Calculators', 'Useful links', and 'Supporting documents'. Each section includes a brief description and a representative image. At the bottom, there are two circular profile sections: 'About the 'Once for Scotland' approach' and 'Message from the Cabinet Secretary'. The footer contains links for Contact, Accessibility, Alternative formats, Crown copyright, Cookies, Privacy, and Site Map, along with the NHS Scotland logo.

<https://workforce.nhs.scot/>

Approach

- Policies are **developed nationally in partnership** with NHS Scotland employers, trade unions and the Scottish Government.
- Regional **engagement events** held **pre-policy development**, identifying best practice and key concerns.
- Regional **engagement events** held **during policy development** to share policy outlines, gather and consider feedback.
- Follow up **engagement** to consider any new feedback emerging after the pandemic and the programme pause.
- One month **open consultation** to gather and consider feedback on draft policies.
- Policy **refresh** and **not re-negotiation**.

Progress

Phase 1

- **Policies published March 2020:**

Attendance; Bullying and Harassment; Capability; Conduct; Grievance; and a Workforce Policies Investigation Process.

- **Policies published March 2021:**

Whistleblowing

Phase 2.1

- **Published November 2023:**

Adoption, Fostering and Kinship; Breastfeeding; Career Break; Flexible Work Location; Flexible Work Pattern; Maternity; New Parent Support; Parental Leave; Retirement (including Retire and Return); Shared Maternity and Special Leave.

Workforce Policies - Phase 2.2

This current phase commenced in August 2023. The 8 refreshed policies listed below are categorised under: equalities, foundation, and employment contract.

Equalities

- Equality, Diversity and Inclusion policy
- Gender-based Violence policy

Foundation

- Facilities arrangements for trade unions and professional organisations policy

Employment contract

- Personal Development Planning and Performance Review policy
- Employment Checks policy
- Secondment policy
- Fixed-term contract policy
- Redeployment policy

Workforce Policies - Phase 2.2

In response to feedback and legislative changes, the following guides have also been developed to support the policies:

- Racism
- Reasonable adjustments
- Sexual harassment
- Transitioning



Workforce Policies

Principles, values and application

Principles and Values

The 'Once for Scotland' workforce policies are person-centred and should be applied using the NHSScotland values.

NHSScotland Values

- care and compassion
- dignity and respect
- openness, honesty and responsibility
- quality and teamwork

Application of policies

Key to the successful application of the 'Once for Scotland' Workforce Policies is:

- Recognising the individual nature of a situation by taking a **person-centred approach**
- All parties establishing and encouraging **open and honest communication**
- Adopting a supportive approach by **proactively communicating** with and **offering support** to employees who are involved in any process as part of a workforce policy
- Supporting consistent staff management across NHSScotland



Workforce Policies

Phase 2.2 - Implementation

Preparing for implementation – Phase 2.2

- A 'soft launch' will run from 15 October 2024 to 15 January 2025.
- NHS Board Human Resource (HR) and other relevant departments along with Staffside can access the policies and supporting documents through the [test site](#).
- The purpose of the 'soft launch' is to allow organisations time to familiarise themselves with the refreshed policies and **ensure NHS Board readiness** for launch with staff and managers on Date TBC.
- It also provides an opportunity for NHS Boards to **review the materials** in detail and feedback on any **fundamental issues or interpretation queries**. These should be identified as **early as possible** during the 'soft launch' process.
- Boards are expected to take this opportunity to raise awareness of the policies and guides and highlight the **responsibilities of managers and employees**.
- Operational queries on practice should be considered locally within existing partnership structures.

Preparing for implementation cont.

- NHS Boards are responsible for managing and ensuring implementation in full of the refreshed workforce policies in their respective Boards, in partnership, and within the requested timescales. To ensure that the policies are fully embedded, NHS Boards are asked to:
 - ✓ plan and manage local implementation in partnership
 - ✓ undertake a self-assessment of NHS Board practice against the refreshed policies
 - ✓ conduct joint briefings for managers and trade union representatives

Transition arrangements

- The refreshed policies and guides within phase 2.2 will be **effective for staff and managers from the 'go live' date**. This is scheduled for **early February 2025**. The date will be confirmed early next year.
- The documentation for these policies will also apply from the **'go live' date**. These include the Facilities request monitoring form; the Redeployment referral form; and the Redeployment skills profile form.

Key changes

All Boards are required to review and understand how their current local policies and practices differ to the new NHSScotland Workforce Policies – Phase 2.2.

There are however key changes which will apply across Boards, these are:

- The EDI Policy guide explains discrimination by perception; discrimination by association; and indirect discrimination.
- The Facilities Policy is more specific than the previous PIN policy about arrangements for Substantive release. Boards will need to consider any other appendices to their existing local policy, for example, the terms of reference for the Area Partnership Forum.
- The Fixed Term Contracts Policy sets out what constitutes a redundancy or a non-redundancy situation. Template letters have been provided for loss of permanent contract; termination- non-redundancy; termination- redundancy.
- The new guides on Racism; Reasonable adjustments; Sexual harassment; Transitioning support the EDI and Gender-based Violence policies.



Workforce Policies

NHS Lanarkshire

Equality, Diversity and Inclusion Policy

Policy Covers:

- *Recruitment and Selection*
- *During employment*
- *Raising Concerns*
- *Monitoring and Reporting*

Provides clarity on the role of the E&D lead:

- Provide specialist advice concerning equality, diversity, and inclusion.
- Support the integration of equality, diversity and inclusion into everyday working within the organisation.
- Participate in the process of monitoring, analysis, and action planning in relation to this policy.

Gender-Based Violence Policy

- *NHSS policy covers wider group of individuals & now includes those on placement and contractors*
- *More detail provided on how to have conversations with employees experiencing GBV, including details of workplace adjustments to consider*
- *More detail provided on how to address disclosures by a perpetrator of GBV*
- *Guide provides more detail on identifying GBV in the workplace*

Facilities Arrangements for Trade Unions and Professional Organisations Policy

Local framework, agreed by APF, required by each board to oversee facilities time, including overall requirements and how these will be funded.

- *Procedure identified for:*
 - *Agreeing time off*
 - *Agreeing ad-hoc request*
 - *Substantial release*

Personal Development Planning and Review (PDPR) Policy

- *3 separate areas covered:*
 - *Performance Review*
 - *Objectives*
 - *PDP*
- Allows employees protected time to prepare for their appraisal.
- Consider reasonable adjustments required to support the process in response to the employee's declared needs under the Equality Act 2010.
- Make sure employees are supported to undertake statutory and mandatory training.
- Regularly provide constructive and positive feedback on the employee's work and related development.
- Promptly discuss any performance concerns in line with the appropriate NHSScotland Workforce Policy.

If the reviewer is not the manager, they should:

- Make sure they have the required information from the manager or key stakeholders to prepare for the appraisal.
- Make sure they have the necessary skills to undertake the appraisal.

Employment Checks Policy

- *ID checks do not need to be repeated for internal candidates moving to a different role in their current board.*
- *Overseas service checks can now include military service extracts.*
- *Professional registration checks need to be consented to.*
- *References will relate to previous employment and training history (if relevant)*
- *One reference may be sufficient when an individual has been with one employer for 3 years or more.*
- *Overseas references will cover 3 rather than current 4 years*
- *Any concerns identified through employment checks need to be considered through a risk assessment approach*

Fixed Term Contracts Policy

- A midpoint discussion should take place to discuss the future of the secondment.
- Employees will be placed onto redeployment up to 3 months before the end of their FT contract (same). Where employees are matched to a lower banded post, they may be entitled to protection
- NHSL policy states that contracts can only be ended by managers with the authority to dismiss.
- NHSS guidance states that end of FT contract meetings are to confirm the content of an existing contractual document, therefore a panel/manager with authority to dismiss is not required to consider the decision.
- NHSS policy confirms that if a permanent employee wishes to take on a fixed term contract (not secondment), they will lose their permanent employment status. Depending on the reason for FT contract, they may not be entitled to a redundancy payment.
- NHSS policy clarifies that pregnant employees should have their contracts extended to enable them to have maternity entitlements. In line with Maternity Policy and T&Cs.

Secondment Policy

- **NHSS policy provided clear definitions of internal and external secondments.**
- **NHSS policy states discussions around secondment requests should take place as soon as possible. NHSL policy was silent on this.**
- **NHSS policy states that if declining request, respond within 7 days of meeting. Right of appeal within 14 days of receiving letter.**
- **NHSS policy sets out minimum criteria set out around consultation if organisational change takes place affecting the substantive post.**
- **Where the employee is not returning to their substantive post, NHSS policy confirms that discussions should take place 4 months before the secondment ends so that there is time to consider redeployment.**
- **NHSS policy provides greater clarity on ending secondments early by the substantive manager, seconded manager and by the employee**

Redeployment Policy

- NHSL referred to reason for redeployment is for those who are 'displaced'
- NHSS sets out clear policy criteria for redeployment e.g. organisational change, capability, health, attendance, end of FT contract, etc.
- NHSL process is that where there is more than 1 match to a post, all employees who are considered matches will be interviewed
- NHSS policy sets out a priority order for matching which takes into account protected characteristics under the Equality Act 2010 and other policy requirements:
 1. Pregnant employees and employees on maternity, adoption or shared maternity and shared adoption leave, subject to organisational change. This includes any protected period following maternity, adoption or shared maternity and shared adoption leave.
 2. Disabled employees in line with the Equality Act 2010.
 3. Employees displaced on the grounds of organisational change and employees on fixed-term contracts resulting in redundancy.
 4. Employees being redeployed under the Attendance Policy.
 5. Employees being redeployed under the Capability Policy.
 6. Fixed-term employees in a non-redundancy situation in line with the Fixed-term Contract Policy
 7. Employees returning from a career break.
 8. Employees who are unable to continue in their existing role due to other exceptional circumstances.

Redeployment Policy (cont.)

- NHSL referred to six week review and then another six week review and then every six weeks
- NHSS states the employee's access to redeployment is limited to 3 months in the first instance. After 3 months, it should be reviewed consider whether an extension is appropriate.
- NHSL policy allows trial periods to be extended up to 8 weeks. This is agreed by the redeployment panel.
- NHSS policy does not have a maximum extension period. Any extensions are agreed by the recruiting manager and discussed with the redeployment coordinator.
- NHSS policy gives clarity that the substantive manager retains full management responsibility throughout the redeployment process.
- NHSS policy clarifies that where the employee has failed to engage with the process or where there is no potential for suitable alternative employment, consideration should be given to termination of employment in line with the relevant NHSScotland Workforce Policy.

Racism Guide

- **Guide developed for all employees – those experiencing racism, those supporting employees experiencing this, and managers supporting individuals and teams improve their understanding of racism.**
- **Definitions provided, including legal definitions**
- **Examples provided and acknowledgement racist behaviour towards employees can happen outside of the workplace. 3rd party harassment (patients) also referenced**
- **Acknowledgement of intersectionality of racial harassment**
- **Guidance on signs that may indicate an employee is experiencing racism**
- **Guidance on how to discuss this with the employee**
- **Information on potential supports**
- **Links to relevant NHSS policies**

Reasonable Adjustments Guide

- Definition of reasonable adjustment as set out in the Equalities Act and confirmation that adjustments should be considered in the recruitment process, at the beginning of employment and throughout employment.
- Recognition that where a health requirement is not covered by the Equalities Act, attempts should still be made to support the adjustment wherever possible.
- Factors to consider when looking at an adjustment inc expectations of large public sector organisations.
- How requests for adjustments may be identified or received e.g. OH guidance, health & wellbeing self assessment.
- Confirmation that employees not covered by the Equalities Act should make requests via the flexible work pattern/location policies.
- Considerations when adjustments cannot be implemented.

Sexual Harassment Guide

- Guide developed for all employees – those experiencing sexual harassment, those supporting employees experiencing this, and managers supporting individuals and teams improve their understanding of sexual harassment.
- Definitions provided
- 3rd party harassment (patients) also referenced
- Acknowledgement of intersectionality of sexual harassment
- Guidance on signs that may indicate an employee is experiencing sexual harassment
- Guidance on how to discuss this with the employee
- Information on potential supports
- Links to relevant NHSS policies and advice on police involvement for serious crimes

Transitioning Guide

- **Guide to help managers and employees understand and support colleagues who are considering, undergoing, or have undergone a gender reassignment process.**
- **Confirmation that Trans people are protected from discrimination under the Equality Act 2010 if they have the protected characteristic of gender reassignment.**
- **Guidance on key areas to discuss with an employee who identifies they are or intend to go through gender reassignment.**
- **Confirmation that where an individual has a Gender Reassignment Certificate they must be treated as the gender they identify with.**
- **Specific considerations around toilets and changing facilities:**
 - **Equalities Act allows for separate male and female facilities**
 - **May be lawful to exclude a trans person from single sex facilities, however, alternatives must be provided**
 - **Any exclusions must be a proportionate aim to meet a legitimate aim.**
 - **Decisions around this will be made on a case-by-case basis.**
- **Links to relevant NHSS policies.**