



STAFF GOVERNANCE COMMITTEE

Minutes of the Meeting held on Monday 23rd November 2020 at 2.00pm
Teams Meeting

PRESENT:

- Lilian Macer, Employee Director (Chair)
- Kay Sandilands, Director of Human Resources
- Neena Mahal, Board Chair
- Robert Foubister, Unison Representative
- Margaret Morris, Non Executive Director
- Margaret Anne Hunter, Unison Representative
- Brian Moore, Non Executive Director
- Cathy McGinty, Unison Representative
- Lesley McDonald, Non Executive Director
- Marlene Fraser, Head of Human Resources
- Mark Kennedy, General Manager, SALUS
- Andy McCormick, Unite Representative
- Tom Wilson, Unison Representative

IN ATTENDANCE:

- Rosemary Agnew, Independent National Whistleblowing Officer
- Francesca Richards, Independent National Whistleblowing Officer
- Hina Sheikh, Equalities and Diversity Manager
- Jonathan Pender, Head of HR Workforce
- Kirsty Cole, Organisational Development Manager
- Ruth Hibbert, Head of HR Policy and Governance
- Alastair Boyle, Non Executive Director
- Maureen Lees, Non Executive Director
- Avril Osborne, Non Executive Director
- Jim McGuigan, Non Executive Director
- John White, Workforce Representative
- Mary Buchanan, Secretariat

1. **APOLOGIES**

Apologies were received from:

- Heather Knox, Chief Executive
- Liz Airns, GMB Representative
- Calvin Brown, Director of Communications
- Ann Marie Campbell, Head of HR Employee Relations
- Phil Campbell, Non Executive Director

2. **MINUTES OF PREVIOUS MEETING HELD ON 31ST AUGUST 2020**

The minutes of the previous meeting held on 31st August 2020 were approved as an accurate record.

3. **MATTERS ARISING**

i) Action Log

Members noted the updates to the Action Log.

ii) Staff Governance Committee Reflections

It had been discussed at the last Staff Governance Committee that there was duplication with certain papers being on the agenda for the Staff Governance Committee/Human Resources Forum and the Area Partnership Forum. It had been suggested that we should align the Terms of Reference and then review the Workplan. This will be part of a workshop session.

The Committee was supportive of this suggestion.

4. **WHISTLEBLOWING SESSION**

Ruth Hibbert, Head of HR Policy and Governance introduced Rosemary Agnew and Francesca Richards, Independent National Whistleblowing Officers to the Staff Governance Committee to update members on the new arrangements for Whistleblowing. She referred to the SBAR which set out the new arrangements, and how they compared to the current arrangements currently in place. She also advised of the work undertaken by NHS Lanarkshire in relation to the new Standards.

Rosemary intimated that she would give a general background to the new arrangements and would highlight some of the challenges. Francesca would give more detail on the plans to implement the standards and the approach being taken and how this differed from complaints handling.

It had been decided that new legislation would be developed for Whistleblowing. The Whistleblowing Standards developed by the Scottish Public Services Ombudsman (SPSO) will be formally published on 1st April 2021. The original date for implementation was February 2019 which was delayed to July and then delayed again due to Covid until 1st April 2021. An advice line would be available until the implementation date. The Standards had been developed in consultation with many views being taken into account. The main difference was in the detail and Boards would be building on the

work that was already being done. The role of the Independent National Whistleblowing Officer (INWO) would also be implemented on the 1st April 2021 and this would not be an operational role.

Rosemary stressed the importance of encouraging people to be comfortable in coming forward to raise any concerns that they may have and given assurance of confidentiality.

Francesca advised the Staff Governance Committee in detail of the work undertaken in developing the Standards. There had been wide consultation with a good response being received. This had helped in improving the Standards and providing reassurance. The general consensus was that this was helpful and needed.

The Standards were available in two formats Web and PDF and further web content will be developed based on feedback.

Work was taking place with the Datix Users Group to ensure that the model fulfils the requirements of confidentiality.

Two online training packages had been developed one for staff members and one for Managers to help them understand what whistleblowing is and how it differs from the HR process. They also explain how the Standards can be accessed and the action they need to take. The training package for Managers looks in more detail at how to make sure they are receiving all the information from the person and the reporting and recording of information.

Ruth advised that the SBAR that had been produced highlighting the new arrangements that had been submitted to the Corporate Management Team on the 10th November 2020 to agree the recommendations. It was noted that it was encouraging to see the work being taken forward so far especially in relation to confidential contacts as they had an important part to play in the process.

How cases were logged was discussed and the key points to consider were:

- Ensuring Managers all have access to the system for logging concerns.
- Ensuring the identity of the whistleblower and others involved in an investigation are kept confidential, and only shared with their knowledge and agreement.
- The image that may be created with it being held by HR, as opposed to being held within a system designed for patient safety/clinical issues.

Discussion then took place about the list of people who could raise a concern which included primary care and private contractors.

In relation to Datix discussions were ongoing whether to refine our employee relations mechanism or whether to use Datix. It was agreed that this would be considered.

Lilian then introduced Lesley McDonald the Whistleblowing Champion for NHS Lanarkshire. Lesley advised that she was surprised at the low number of complaints with 50% of these being anonymous. She stressed the importance of directing people to the correct way of addressing their concerns and also the need to find out how we address hard to reach groups. She advised that she would be interested in any advice about how NHS Lanarkshire should communicate and raise our concerns.

The following questions were then raised by the Staff Governance Committee.

How are we going to support staff to raise concerns and differentiate between HR and Whistleblowing - It was indicated that the following was key to the process:

- Communication – how the process is communicated.
- Relaxed confidential environment
- Tell people who you are likely to share a name with if the person has made that decision.
- Training line managers so they can guide people i.e. grievance or whistleblowing
- People have more trust if things happen quickly.
- If anonymous explain that you cannot give any of the protections in whistleblowing.
- Keep person well informed.
- Support what you generally offer i.e. HR or Union.

Kay advised that she would be happy to reflect with colleagues the distinction between HR and Whistleblowing.

What do you see as the measure of success? - One good indicator was the staff survey as it would show that people have the confidence to speak up.

Are you in a position to share best practice in what is happening elsewhere? - Just starting to hear back from Organisations, cannot yet see best practice, but this could be shared if helpful.

It was highlighted that it would be beneficial for the Staff Governance to have an oversight of the Action Plan.

It was advised that a network of Practitioners who manage the whistleblowing process should be developed and when they are identified they should be asked to contact the SPSO.

Lilian asked Francesca if she would send an e-mail to pass on her comments on the paper shared at the meeting and thanked both her and Rosemary for their contribution to the meeting today.

5. **CORPORATE RISK REGISTER**

The Staff Governance Committee had been identified as the relevant Assurance Committee for the following risk on the Corporate Risk Register – ID 1832 Clinical Workforce. Kay confirmed that a Working Group led by Jonathan Pender was progressing this work.

The Committee also noted the two HR/Workforce risks set out within the Major Incident – Covid 19 Risk Register, HR/03 and HR/07.

6. **WORKFORCE REPORT**

Jonathan Pender highlighted the key areas from the Workforce Report July – September 2020. The report covered three main areas vacancies; supplementary staffing; sickness absence and staff experience. The Key Performance Indicators (KPIs) highlighted the targets and the progress to date. Jonathan advised of the vacancies within each job family, but overall the vacancies within NHS Lanarkshire remain within the 6% acceptable threshold.

An update was given in regards to Jobtrain which had had some teething problems initially. An upgrade was planned for late 2019, but this was delayed due to Jobtrain internally testing the upgrade and then due to Covid 19 and was finally rolled out in September 2020.

There had been an increase in supplementary staffing over the last few months but this was not shown in the report as the report was for the period from September 19 – September 20.

Currently the sickness absence levels are sitting at 6% which is above the 4% level set by NHS Scotland. Special leave is recorded for staff who are absent due to Covid 19. Appendix II highlighted the sickness absence rate for NHS Boards in Scotland.

The report provided an update on i-Matter but the annual staff experience survey was paused in March in response to the Covid pandemic.

Jonathan confirmed that the Attendance Programme Board which had been put on hold would be re-established in the near future.

It was observed that there were 40 Healthcare Support Workers (HCSW) who were in breach of the compliance with the National HCSW Standards. Brian enquired as to what this was as a percentage and Jonathan agreed to send Brian more information in this regard. It was confirmed that the timeframe had been extended to allow completion of these Standards.

Lilian enquired if there was any role for this Committee in relation to the Staff Experience Survey and it was confirmed that the information was to give the Committee an overview and some reassurance. Kirsty agreed she would

share a report which would be received in December in relation to the Pulse Survey.

It was highlighted that the vacancies showed a steady downward trend and then a sharp uptake. This could either be seasonal, students leaving in September and then returning or could be the change from full time to part time working.

The Committee noted the report.

7. **BAME FEEDBACK**

Hina Sheikh, Equality and Diversity Manager attended the meeting to give an update on the work recently undertaken with BAME staff. A letter had been received from John Connaghan, Interim Chief Executive, NHS Scotland on 23rd June 2020 where Boards were asked to address two immediate issues in relation to ethnicity data and risk assessments for our minority ethnic staff. A further letter had been received from Gillian Russell, Director, Health Workforce, Leadership and Service Reform Directorate which highlighted the need for staff networks to be established. BAME staff were invited to share their experiences in working with NHS Lanarkshire. Discussion forums were set up hosted by the Board Chair, Neena Mahal, Lilian Macer, Employee Director and Kirsty Cole, Head of Organisational Development and Hina. From these discussions an online questionnaire was compiled which was specifically for NHS Lanarkshire BAME staff. The questionnaires were reviewed in partnership and by the recipients before being distributed. The questionnaire was also shared more widely across the Organisation by advertising in the staff bulletin and e-mails asking people to share with their colleagues. The questionnaire consisted of 17 questions and 265 staff had participated. Hina outlined from the paper the results from the questionnaire which on the whole were very positive with 63% of staff rating their experience of working in NHS Lanarkshire as good or excellent. 80% of staff agreed or strongly agreed that they were treated fairly and consistently, with dignity and respect. However there were 36% of staff who indicated that they had experienced racism which was mainly from colleagues or team members. They would not report this due to not knowing the procedure, but also fearing that there would be repercussions. 50% of the participants were in favour having a BAME Forum with 28% looking to subscribe to the Forum.

Kirsty highlighted the next steps and actions to be taken following this work. This would be to share the feedback and start to work on developing a more detailed proposal. This could then be shared with the Corporate Management Team and the Board. There was a need to identify an Executive sponsor to support the development of the BAME Forum and future forums. Kirsty also confirmed that clarity was needed in relation to risk assessments so that we are clear about the process and that all staff are aware of this.

Mark indicated that he would welcome a meeting and Hina agreed to meet with Mark to share the results by job family and job profile and the comments around risk assessment. Some were positive and some were challenging.

Neena advised that a fuller report should go to the Board meeting in January outlining the next steps and actions and thereafter be brought back to the Staff Governance Committee. She also stressed the need to make sure we are mainstreaming what we are doing, and what we may need to do differently in treating BAME staff. We may need to look at the Health and Wellbeing Agenda.

It was suggested that this is a wider issue and that all equality measures need to be looked at to ensure that staff can come forward and this links with whistleblowing.

In response to a question around staff training Kirsty indicated that a one day day equality session was available face to face and also a Learnpro module. She advised that this was a good opportunity to look and possibly refresh the training.

The Committee noted the report.

8. **SIGNIFICANT EMPLOYMENT ISSUES**

This item had been covered in the Risk Register at item 5.

9. **HRF TERMS OF REFERENCE**

This item will be discussed in the New Year in conjunction with the Area Partnership Forum and the Staff Governance Committee.

10. **SBAR TRANS POLICY.**

Ruth Hibbert, Head of HR Policy and Governance drew members' attention to the SBAR entitled 'Supporting Trans Staff in the Workplace Policy'. The Policy had been submitted to the Joint Policy Forum and the Human Resources Forum. It had been launched in July 2020 and a lot of negative feedback had been received. Legal advice had been sought from the Central Legal Office and a decision was made to withdraw the Policy to review certain sections in light of the legal advice and redraft the Policy accordingly. The revised Policy should be available by the end of the current financial year.

It was enquired whether there was any possibility of this being done on a national basis because of the issues and consequences of not getting it right first time. Given the issues it was intimated that it would be good for the Staff Governance to have sight of the Policy before it is launched. It was stressed that it was important to respect the rights of all of our staff. It was

thought that the Scottish Government was not taking forward a National Policy.

Further updates to be brought to the Staff Governance Committee.

11. **STAFF HEALTH AND WELLBEING**

Lilian provide the Committee with an update on ‘Staff Health and Wellbeing’. She advised that this was an action from the Board to be taken forward. The first meeting to discuss the Terms of Reference consisted of Lilian, Eddie Docherty, Director of Nursing and Paul Graham, Head of Spiritual Care. These would be circulated to colleagues for comments. The priority was to populate the membership of the group as soon as possible because of the issues that staff are facing, and to support our staffs health and wellbeing at this difficult time.

It was agreed that a paper would be brought to the next meeting of the Staff Governance Committee.

12. **ITEMS FOR INFORMATION**

The Staff Governance Committee noted the following items:

- i) Temporary Workforce Action Plan
- ii) Everyone Matters 2020 Workforce Implementation Action Plan 20/21 – Mid Year Review
- iii) Equality Strategy Action Plan 20/21 Mid Year Review
- iv) Equality and Diversity Annual Report
- v) Workplan

13. **MINUTES TO NOTE**

The Staff Governance Committee noted the following items:

- i) Reports from Remuneration Committee - 15th September 2020
And 21st October 2020.
- ii) Reports from HRF - 21st August and 25th September 2020
- iii) Area Partnership Forum Minutes – 17th August 2020

14. **ANY OTHER COMPETENT BUSINESS**

There was no further business to discuss.

15.. **DATE OF NEXT MEETING**

The next meeting would be held on the 1st March 2021 at 2.00pm. This would be a Teams meeting.