

**Scottish Terms And Conditions (STAC) Committee:  
Minute of Meeting**

**Wednesday 28 March 2012, 11 am  
Unison House, Glasgow**

**Present:**

**Employers:**

**Trade Unions and  
Professional Organisations:**

George Brechin – (Co Chair) - NHS Fife	Elizabeth Stow – (Co Chair) – In Chair – SoR
Annie Buchanan – NHS Fife	Willie Duffy – (Staff Side Secretary) - UNISON
Robert Calderwood – NHS Greater Glasgow and Clyde	Ron Banton - BDA
John Connaghan – Scottish Government	Wilma Brown - UNISON
John Cowie – Scottish Government	Gordon Casey, Unite
Clare Hicks – Scottish Government	John Gallacher - UNISON
Helen Kelly – NHS Forth Valley	Lilian Macer - UNISON
Janis Millar – Management Steering Group	Wallace Mair - BDA
Caroline Sharp – NHS Dumfries & Galloway	Alex McLuckie - GMB
	Cathy Miller - UNISON
	Jackie Mitchell - RCM
	Graham Pirie – SCP
	Colin Poolman - RCN
	Norman Provan - RCN
	Clare Ronald - CSP
	Donald Sime - Unite
	Tom Waterson – UNISON
	Martin Woodrow - BMA

**Secretariat:** Sarah Manson – Scottish Government Health Department  
Colin Cowie – Scottish Government Health Department

**Joining the Meeting for the Pensions Discussion:**

Nicola Sturgeon – Cabinet Secretary for Health Wellbeing and Cities Strategy

Chad Dawtry – Scottish Public Pensions Agency

Gordon Swan - Scottish Public Pensions Agency

**1. Apologies**

Employers	Laura Ace Alan Boyter, John Burns, Brian Cowan, Ruth Kelly, Rona King, Patricia Leiser, Pamela McLauchlan, Ian Reid, Mark Sinclair, Malcolm Wright
Trade Unions & Professional Organisations	Lisa Cameron, Philip Coghill, Brian McCann, Brian McDonald, Gordon McKay, Joe McIlwee, Patricia McNally,

**2. Minutes and Actions of Previous Meeting (21 December 2011)**

The Minutes and Action Points were agreed as an accurate record of the last meeting, although Staff Side took the opportunity to highlight their disappointment over the method of deducting wages which had been employed in relation to the day of action on 30 November 2011. Employers noted this and that the meeting between Staff Side and Payroll personnel which had been identified as an Action Point from the 21 December meeting had not taken place. They undertook to attempt to get this in place as soon as possible.

**Action: Secretariats**

**3. Matters to Report**

(a) Mileage Review

The Committee noted that the UK Staff Council had now agreed new arrangements for reimbursing staff for mileage undertaken in the course of their work. It was agreed that it would be helpful to get something communicating this decision out to the service as soon as possible so that staff would have plenty warning of the change which would happen in 2013.

**Action: Scottish Government**

(b) Equal Pay

This matter is still being progressed through the Tribunal process.

(c) Recruitment and Retention Premia (RRP) for Western Isles Pharmacists

As part of the review of local Scottish RRP's, Western Isles Health Board had been asked for an update on the Premium which had been put in place for

specific Pharmacy posts there. This will then be discussed by the respective sides before returning to STAC.

(d) Scottish Pension Group (SPG) Minutes

The approved SPG minutes of 9 December 2011 and 27 January 2012 were noted by the Committee

(e) On-Call Review

The Employer Side confirmed that an improved offer had been made at the most recent Working Group meeting and that the Board by Board analytical work which had been done had been shared with the Staff Side.

Staff Side raised concerns that the information provided by Boards for this exercise had not been signed off by the Chief Executive and Employee Director in every case and made the point that clarity was required on whether "Chisholm" protection would apply in situations where staff were worse off under the new arrangements. Staff Side saw this as key to their position and said they would not be prepared to discuss any option which did not encompass this type of pay protection.

Both sides acknowledged the need for an extension to the current protected arrangements, given that these came to an end on 31 March, although Staff Side felt that only three months would be required, whereas Employers felt a year would be more appropriate.

Staff Side advised that some unions are considering balloting their members for industrial action if talks on this issue break down and it was agreed that if the terms under which this issue is being discussed were to change then a fresh remit would need to be agreed by STAC.

The Scottish Government agreed to feed back to STAC with regard to an extension to the current protected arrangements, and to seek clarification around the application of "Chisholm" pay protection.

**Action: Scottish Government**

(f) Accrual of Public Holidays During Maternity Leave

It was noted that a grievance had been raised within a Health Board locally around whether there was a contractual right to accrue Public Holidays during maternity leave.

Staff side felt there should be a national position on this and it had been agreed that the grievance would be suspended so that STAC could reach a view. Employers agreed to take this matter away for consideration.

**Action: Employers**

(g) Scottish Living Wage

Pay point 1 on the Agenda for Change pay matrix had not been used in 2011-12 as it was below the 2011-12 Scottish Living Wage level of £7.15. However, the lowest pay point on the Agenda for Change scales due to be introduced from 1 April 2012 would be above the updated Scottish Living Wage level of £7.20. It had therefore been noted that this would allow Pay Point 1 to be used once again from 1 April 2012.

Staff Side outlined their opposition to this move. They felt it would have a particular impact on women, which could be compounded by changes in the welfare system and that having a higher starting wage for Band 1 and 2 staff would help local economies.

Employers took note of the points made and agreed to consider this issue at the next MSG meeting and feed back to the Staff Side.

**Action: Employers**

**4. Matters for Discussion**

Nicola Sturgeon, Cabinet Secretary for Health Wellbeing and Cities Strategy joined the meeting at this point, as well as Chad Dawtry and Gordon Swan from the Scottish Public Pensions Agency (SPPA).

(a) Pensions Negotiating Group

It had already been agreed that future changes to the NHSScotland Pensions Scheme would be discussed through a STAC Working Group. A draft remit for this work had been circulated to the Committee and the Cabinet Secretary set out the parameters within which these discussions will be taking place. She made the following general points:

- The Scottish Government is committed to pensions which are fair to everyone - employees, employers and taxpayers.
- The Scottish Government takes a different view of public sector workers than Westminster and does not feel that pensions should be a factor in deficit reduction plans. However, the Scottish Government currently has to work within the financial constraints set by Westminster and any re-configuration of the system in Scotland therefore has to be within the broad financial framework set by Westminster.
- Any new scheme has to take account of the Demographics of Scotland generally, and the effect that will have on the NHS workforce.
- The new scheme should be a career average scheme and should be available to implement from 2015, but all other factors, including contribution increases in 2012-14 and 2014-15 are up for discussion.
- These discussions will not be easy. But the hope is that, working through the Scottish partnership model, a recommendation can be arrived at which, whilst being cost neutral, will be more palatable to the staff side in Scotland.

- These negotiations could run till the end of the year but hopefully a resolution can be found more quickly.
- A group is being set up on a UK basis to assess the impact on NHS staff of working longer and Scotland should be represented. STAC is therefore invited to put forward Staff Side and Employer representatives.

The Cabinet Secretary then took questions. In summary, the issues which came up were:

- Q. If a revision were put forward which was cost neutral, could the career average element also be negotiable?
- A. SPPA representatives made the point that career average systems were considered better for the low paid, but the Cabinet Secretary agreed to take that question away and consider it.
- Q. Staff side do not necessarily accept that the alternative has to be cost neutral since the Scottish Government could decide to put more money into pensions in Scotland.
- A. The Cabinet Secretary commented that all politics is about choices but, as it stands, any additional money put into pensions would have to be taken from other public services in Scotland, and this was not something the Scottish Government would be willing to do.
- Q. Is the cost envelope fixed or is there room for negotiation around the edges?
- A. We need to live within the broad financial framework set by Westminster but if the difference was “marginal” then such an option would be considered.
- Q. Would there be any way of reimbursing staff for the loss they had incurred as a result of the 2012-13 increase in contributions?
- A. Would not want to create unrealistic expectations but any proposal would be considered provided it was cost neutral.
- Q. Could Treasury “veto” a potential Scottish deal?
- A. Technically, Treasury must ok any new approach but it was hoped this would not present an obstacle.
- Q. Scotland has a lower life expectancy. Does this make any actuarial difference to the money available?
- A. Will look at that.
- Q. Staff side, through local partnership structures, had already contributed enormously to NHS efficiency savings. Could some of this money not be re-cycled into pensions?
- A. Happy to acknowledge the contribution of staff in this area. However, for every efficiency saving made, the NHS faces increased costs in another area – such as the rising drugs bill – which means that this money cannot simply be channelled into pensions.
- Q. Lots of staff are saying they cannot afford these increases and will withdraw from the NHS Pension Scheme.
- A. Half of Pension Scheme members did not see any increase in contributions this year. If staff withdraw, that is unfortunate but we can only work within the fixed pot of money available.

After the question and answer session was finished, the Cabinet Secretary departed to her next appointment and the SPPA representatives also left the meeting.

Staff Side highlighted that they wished to suggest some changes to the draft remit which had been circulated. They undertook to submit these in the near future and both sides agreed that they would consider the issues which had been raised through their respective sides and make nominations for membership of the Working Group as soon as possible.

**Action: Staff and Employers Side**

(b) Working Longer Group

With regard to the Working Longer Group which the Cabinet Secretary had referred to, both sides agreed to put forward names in due course.

**Action: Staff and Employers Side**

(c) Review of Medium Secure Unit RRP

The Working Group which had put in place the RRP for staff in Medium Secure Units in Scotland had re-convened to consider whether this supplement was still required. They had taken evidence from the Boards which currently host Medium Secure Units and, based on this, had recommended that the RRP should continue in its current form for the time being. The Committee note and approved this recommendation.

(d) Orkney Estates Officer RRP

A paper had been circulated covering an application from Orkney Health Board for an RRP for Estates Officers. The paper confirmed that both sides had indicated support for the application. The Committee noted this and approved the application.

(e) Diamond Jubilee Holiday

Staff side outlined their grave concern that the circulars detailing the terms which NHSScotland should put in place for the Diamond Jubilee Holiday on 5 June had been issued without any partnership discussion. There had been confusion in the service about what the term "Special Public Holiday" meant and this had led to different interpretations.

Staff Side also expressed the view that the Jubilee Holiday circular contradicted an earlier circular agreed through STAC which detailed what staff should be paid for working over 60 hours on public holidays.

Scottish Government representatives at the meeting assured the Committee that lessons had been learned in terms of ensuring that the correct partnership process was followed in issuing guidance. In terms of the potential incompatibility of published circulars and the more general issues

about how the day would be treated, all sides now agreed to work through STAC Secretariats to resolve any confusion.

**Action: Staff and Employer Sides and Scottish Government**

(f) Protection of Vulnerable Groups (PVG) Payments

Discussions within the Working Group had not resulted in an agreed approach on this issue as Staff Side had rejected the initial offer made by Employers. Employers confirmed that they had now had further discussions on this matter and undertook to write to the Staff Side formally setting out their position.

**Action: Employers**

(g) STAC Remit

Staff Side had undertaken to submit a further revision to the STAC Remit. However, they were not yet in a position to do this and this item was therefore held over for a future meeting.

**Action: Staff Side**

(h) Job Evaluation Group

The Working Group set up to look at mainstreaming job evaluation work had now submitted a Report to the Committee. This recommended that job matching should remain a local Board matter for most posts but that consideration should be given to establishing a national panel for certain posts which it would be appropriate to evaluate at a national level. The Committee noted the Report and agreed its recommendations.

**5. AOB**

The Staff Side Chair, who was in the Chair to today's meeting, noted that this would be George Brechin's last STAC as he was retiring as Chief Executive of NHS Fife at the end of March and was therefore also standing down as Employer Side Chair of the Committee. She thanked him for the significant contribution he had made to STAC since its formation and the Committee joined her in wishing him well in his retirement.

**6. Date of Next Meeting**

21 June 2012.

**Colin Cowie, STAC Secretariat**

## Action Points

<b>Agenda Subject</b>	<b>Action</b>	<b>Action Officer(s)</b>	<b>Update</b>
Day of Action – Payroll Processes	To set up meeting for Staff Side to gain greater knowledge of payroll processes	Secretariats	Presentation on new payroll system being arranged
Mileage Review	To issue circular alerting staff to the change in 2013	Scottish Government	Done
On-Call Review	To feed back to STAC on extension of current protection arrangements	Scottish Government	Done
On-Call Review	To feed back to STAC about “Chisholm” protection	Scottish Government	Done
Accrual of Public Holidays During Maternity Leave	To consider position.	Employers	Employers have now come to a view
Scottish Living Wage	To consider points made by Staff Side and feed back	Employers	Done
Pensions Negotiating Group	To suggest changes to the draft remit.	Staff Side	Done
Pensions Negotiating Group	To nominate representatives for the Group	Staff and Employer Sides	Done
Working Longer Group	To nominate representatives for the Group	Staff and Employer Sides	Staff side nominations made. Employers still considering.
Diamond Jubilee Holiday	To consider issues raised and seek to resolve any confusion	Staff and Employer Sides and Scottish Government	Positions of all sides have been noted.
Protection of Vulnerable Groups Payments	To write confirming position	Employers	Done
STAC Remit	To submit revised wording	Staff Side	No further revision suggested.