

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

**Wednesday 25 March 2009, 11.00 am,  
St Andrews House, Edinburgh**

**Present:**

**Employers:**

**Trade Unions and Professional Organisations:**

|   |  |
|---|--|
| George Brechin (Co-chair) -NHS Fife               | Glyn Hawker - (Co-chair) - In Chair - UNISON   |
| Robert Calderwood - NHS Greater Glasgow and Clyde | Willie Duffy - (Staff Side Secretary) - UNISON |
| Jacqui Jones - Scottish Government                | Ron Banton - BDA                               |
| Ruth Kelly - NHS Lothian                          | Michael Fuller - Unite                         |
| Rona King - NHS Fife                              | John Gallacher - UNISON                        |
| Gerry Marr - NHS Tayside                          | John Gallacher - Unite                         |
| Colin McGowan - Management Steering Group         | Lilian Macer - UNISON                          |
| Janis Millar - Management Steering Group          | Brian McDonald - Unite                         |
| Alison Richmond-Ferns - NHS Forth Valley          | Gordon McKay - UNISON                          |
|   | Patricia McNally - CSP                         |
|   | Jackie Mitchell - RCM                          |
|   | Graham Pirie - SCP                             |
|   | Colin Poolman - RCN                            |
|   | Elizabeth Stow - SoR                           |
|   | Tom Waterson - UNISON                          |

**Secretariat:** John Hannah - SGHD, Colin Cowie - SGHD

**1. Apologies**

|  |  |
|--|--|
| <b>Employers</b>                                     | Laura Ace, Alan Boyter, John Burns, Jim Cameron, Steve Conway, Brian Cowan, Lynne Khindria, Chris Murphy, Mark Sinclair, Paul Wilson |
| <b>Trade Unions &amp; Professional Organisations</b> | Philip Coghill, Fiona Farmer, Jimmy Farrelly, Catherine Mackay, Alex McLuckie, Stephen Smith, Anne Thomson                           |

## 2. Minute of Previous Meeting

The minute and action points were agreed as an accurate record of the last meeting.

## 3. Matters to Report

### a) Payment During Periods of Annual Leave

NHS Circular PCS(AFC)2009/1 had been issued since 17 December meeting. This detailed what had been agreed around compensating staff for any loss they may have suffered by the delay in implementing new arrangements for paying staff during annual leave from 1 April to 30 September 08.

Staff side raised the issue of an amended Q&A. It was agreed that this would be put onto STAC website.

**Action: Admin Secretariat**

### b) Pay Protection

The only issue still to be resolved within the Pay Protection Working Group is that of payments for staff called in to work whilst on-call. At the last meeting, employers had offered to begin paying Agenda for Change pay rates from 1 January 2009 to staff who had opted to stay on their previous Whitley on-call arrangements. However, staff side felt that some form of retrospection was required to recognise that Whitley rates had not increased since 2005-06 and had subsequently suggested referring the matter to the Staff Council. Following further discussion, it was agreed that another meeting of the Working Group should be arranged with a view to agreeing a Scottish approach to this issue.

**Action: Admin Secretariat**

### c) Medium Secure Unit Allowance

The Committee noted that an agreement had now been reached on a £1,500 recruitment and retention premium for all eligible staff working in Medium Secure Units in Scotland (pro rata for part time staff). It was agreed that a circular confirming this should be issued as soon as possible as the new arrangements were due to start from 1 April 2009.

**Action: Admin Secretariat**

### d) JEMG 2

A report had been prepared on progress within this group and proposing that the group be dissolved and this was noted by the Committee. However, both sides felt there was value in waiting till March next year to give time for all Boards to respond on the issues which had been raised with them and largely conclude the review process. It was agreed to have a final meeting towards the end of 2009 before a final report is produced for STAC and the Cabinet Secretary in March 2010. It was further agreed, therefore, that the report which

had already been produced should be re-framed as an Interim Report for agreement by both sides of the Working Group.

**Action: JEMG2 Working Group**

e) Unsocial Hours in the Scottish Ambulance Service

It was noted that the Working Group had reached agreement on an approach to transitioning Ambulance Service staff to the agreed Agenda for Change rates for unsocial hours. Unions have still to ballot their members but the recommendation will be for acceptance. Staff side confirmed that they intend to run the ballot quickly.

f) Agenda for Change Update

The Committee noted the information in the update which had been provided.

g) Equal Pay

There was no discussion around this item other than to note that a verdict was expected soon on a key test case.

h) Annex T

Following another meeting of the Annex T Working Group, further Q&A on the correct application of HDL(2007)02 had been drafted by the employer side. This is currently with the staff side. They confirmed that they are still considering this but intend to respond before the next STAC meeting.

**Action: Staff Side**

i) Chaplains

A meeting had taken place after the last STAC between the Church of Scotland, staff side representatives and employers to discuss the employment of part time "sessional" chaplains.

Following that, Management Steering Group (MSG) had concluded that it would not be appropriate to issue guidance to the service or any prescriptive instructions around employment of these staff: partly because of the sessional nature of the services provided and partly because the situation in each Board area was so different with unique arrangements having developed historically. They therefore concluded that the matter should be addressed locally and advised Boards by letter that they should review this through their Spiritual Care Committees.

Staff side were unhappy that a proposed further meeting to discuss this subject was cancelled after MSG had come to their conclusion. Employers apologised for any perceived discourtesy but reiterated their belief that the group that had met was not an authorised STAC Working Group and that these issues needed

to be addressed locally. They undertook to write to the staff side clarifying their position.

**Action: Employers**

j) Less than 1 in 12 On-Call

The Committee noted that a circular had now been issued backdating the effective date of the provisions set out in PCS(AFC)2008/6.

k) Pensions

The Committee was briefed on ongoing work around the Choice Exercise and both sides agreed that work on this at a local level should be taken forward through Area Partnership Fora.

l) RRP for Joiners

It was agreed to consider this matter as part of Item 4.a.

#### **4. Matters for Discussion**

a) Grampian RRP Application and Procedure for Considering RRP Applications

Staff side referred to the NHS Grampian RRP application which had been circulated to Committee members and also the NHS Lothian application which had been circulated previously. As well as wishing to discuss both these applications they had proposed that a STAC Working Group should be set up to consider RRP applications more quickly as they felt applications were spending too long in the system and becoming out of date.

Employers informed the Committee that NHS Grampian management now wished to withdraw their application. They confirmed that they had also received word from NHS Lothian that they did not want to pursue their application for the time being. They were therefore not in a position to discuss either application.

Staff side expressed strong disappointment over this news and asked to see written confirmation of the position in both Boards.

**Action: Employer Secretariat**

Whilst accepting that it would not be possible to discuss these applications at this time, staff side sought an assurance that if either application became "live" again then discussions could take place to agree a response under delegated authority of STAC.

Whilst not agreeing to the proposal to establish a specific RRP STAC Working Group, management confirmed that if either the Lothian or Grampian applications became live again then they would work with the staff side to discuss them quickly.

Following further discussion, both sides recognised the desirability of clarifying the protocol for considering RRP applications and it was decided that the secretariats should look at this jointly and consider how greater clarity could be brought to the process.

**Action: Staff and Employer Secretariats**

b) Payment During Periods of Annual Leave (Staff Council Proposal)

The Committee noted that the UK Staff Council had proposed a change to the Agenda for Change terms and conditions on an issue which had already been addressed in Scotland through NHS Circular PCS(AFC)2008/12. Subject to further discussion around certain technical points, the Committee agreed to write to the Staff Council confirming that Scotland would stay with the arrangements it already had in place and asking that this fact be reflected in the UK terms and conditions in the same way that other uniquely Scottish positions had been.

**Action: Staff and Employer Secretariat**

c) Personal Pay Protection

Employers had put together a paper which set out an approach to protecting the pay of Agenda for Change staff whose banding had fallen either as a result of a review or some other process. They made the point that the service was seeking advice on this matter and that if joint guidance could not be agreed then management guidance would be issued.

Staff side expressed reservations about the legality of downgrading staff in situations where they had not requested a review themselves but had been downgraded as a consequence of someone else's review request. They therefore wished to seek legal advice on the proposal. Employers confirmed that legal advice had been sought in the process of compiling the guidance. Staff side agreed to respond in writing to the employers proposal and both sides undertook to work together to, if possible, agree joint guidance.

**Action: Staff Side**

**5. Date of Next Meeting:**

**Wednesday 3 June 2009,  
11.00am  
Meridian Court  
Glasgow**

| <b>Agenda Subject</b>   | <b>Action</b>  | <b>Action Officer(s)</b>        |
|---|--|---------------------------------|
| Payment During Periods of Annual Leave                          | To put further Q&A on STAC website.                                | Admin Secretariat               |
| Pay Protection  | To arrange further Working Group meeting                           | Admin Secretariat               |
| Medium Secure Unit Allowance                                    | To issue circular  | Admin Secretariat               |
| JEMG2   | To agree Interim Report  | JEMG2 Working Group             |
| Annex T   | To respond on draft Q&A  | Staff Side                      |
| Chaplains   | To write clarifying position                                       | Employers                       |
| Lothian and Grampian RRP Application                            | To confirm position re both RRP applications.                      | Employer Secretariat            |
| Procedure for Considering RRP Applications                      | To discuss how to clarify process for considering RRP applications | Staff and Employer Secretariats |
| Payment During Periods of Annual Leave (Staff Council Proposal) | To discuss and write to the Staff Council                          | Staff and Employer Secretariats |
| Personal Pay Protection   | To respond in writing to proposal                                  | Staff Side                      |

**Colin Cowie**  
**STAC Secretariat**