

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

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

**Present:**

**Employers:**

**Trade Unions and Professional Organisations:**

George Brechin (Co-chair) - In Chair - NHS Fife	Willie Duffy - (Staff Side Secretary) - UNISON
Jim Cameron (Employer Side Secretary) - Management Steering Group	Ron Banton - BDA
John Burns - NHS Dumfries and Galloway	Michael Fuller - Unite
Steve Conway - NHS National Services Scotland	John Gallacher - UNISON
Helen Kelly - NHS Forth Valley	Lilian Macer - UNISON
Alex Killick- NHS Tayside	Gordon McKay - UNISON
Rona King - NHS Fife	Alex McLuckie - GMB
Janis Millar - Management Steering Group	Jackie Mitchell - RCM
Ian Reid - NHS Greater Glasgow and Clyde	Colin Poolman - RCN
	Norman Proven - RCN
Mark Sinclair - NHS Grampian	Claire Ronald - CSP
	Donald Sime - Unite
	Elizabeth Stow - SoR
	Tom Waterson - UNISON

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

**1. Apologies**

<b>Employers</b>	Laura Ace, Alan Boyter, Robert Calderwood, Brian Cowan, Lynne Khindria, Gerry Marr, Paul Wilson
<b>Trade Unions &amp; Professional Organisations</b>	Philip Coghill, Fiona Farmer, Jimmy Farrelly, Glyn Hawker, Catherine Mackay, Patricia McNally, Graham Pirie Stephen Smith, Anne Thomson

## 2. Minute of Previous Meeting

Under apologies for absence it was agreed that Douglas Lockhart should be deleted and Norman Provan added. It was also agreed that under 3(a) on page 2, a full stop should be inserted after "Q&A" in the second paragraph and the remainder of the paragraph deleted. Subject to these amendments, 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 (on-call payments)

It was noted that, as agreed at the last meeting, an additional Q&A on this subject had been placed on the STAC website.

### b) Pay Protection (Agenda for Change payments whilst on-call)

Staff side acknowledged the offer which had been made by employers to pay Agenda for Change rates to staff working under pre Agenda for Change provisions from 1 April 2006. They indicated they were willing to accept these terms and wished to move quickly to issue a circular implementing the agreement.

**Action: Employer/Staff/Admin Secretariat**

Employers endorsed the desire to implement this agreement as quickly as possible but all sides acknowledged the need not to make unreasonable demands on payroll staff who were already under considerable pressure. It was also noted that some supporting Q&A had been drafted and that this would be finalised and agreed with staff side before the circular was issued.

### c) Medium Secure Unit Allowance

A circular confirming the Working Group agreement on the Medium Secure Unit RRP had now been issued.

### d) JEMG 2 (Interim Report)

The Committee noted the Progress Report which had been prepared on the work undertaken so far. They agreed with the recommendations in the Report that the Group should reconvene at the end of 2009 to review progress with a view to closing down the work of the Group by the end of March 2010. Staff side commented that there was still concern amongst staff about perceived inconsistent Agenda for Change outcomes and employers confirmed that they would be happy to look at any evidence staff side had of inconsistency.

### e) Unsocial Hours in the Scottish Ambulance Service

The Committee noted that the agreement on this was now in place.

f) Agenda for Change Update

The regular update detailing progress with Agenda for Change implementation had been circulated prior to the meeting and showed that NHSScotland was making good progress towards full implementation. The Committee wished to register its continued gratitude to the staff who had worked so hard to assimilate staff, pay arrears and get personal development plans in place.

Staff side enquired about the UK review of on-call provision and whether STAC would be able to participate in the choice of pilot site for the new arrangements. It was confirmed that staff side's views on this would be sought through STAC.

Questions were also raised about the accuracy of the figures on KSF coverage which had been provided by Boards. The point was made that percentages were measured against a baseline figure set some time ago and did not necessarily reflect fluctuations in staff numbers since then. The Committee agreed that STAC did not perform a quality assurance function on figures of this nature and concerns about accuracy should be addressed locally.

g) Equal Pay

The Committee noted that the decision in the "Hartley" case indicated that Agenda for Change was safe - i.e. equal pay claims against the Agenda for Change system would not be considered. It was also noted that the date for appealing the ruling had passed and no appeals had been made by no win no fee lawyers. Staff side pointed out that all equal pay claims now related to the previous Whitley system and they considered it was the right time to settle these in Scotland through a negotiation. Employers recognised the importance of the Hartley decision and the offer of negotiation which had been put on the table by staff side but made the point that, since equal pay is a UK issue, employers in Scotland had no remit currently to move away from the UK position.

h) Annex T

Staff side had now commented on the further draft Q&A which had been prepared by employers. Employers confirmed that they were presently considering these and would respond in due course.

**Action: Employers**

Staff side expressed disappointment at the length of time it was taking to resolve this matter. However, employers responded that there had been delays on both sides and made the point that, as there were fundamental disagreements about the correct interpretation of the guidance, it was important to proceed cautiously and ensure that the issues are robustly examined.

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

At the last meeting it was agreed that the Joint Chairs would write to the Staff Council explaining that Scotland wished to 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. This had now been done and the Staff Council had noted the Scottish position but asked that an Equality Impact Assessment be produced on the Scottish approach. This was currently being done.

**Action: Employers**

j) Payment During Periods of Special Leave

The staff side withdrew this item for discussion at today's meeting.

k) Personal Pay Protection

It was confirmed that further legal advice had been sought by employers on the proposal which was presented at the last meeting around pay protection for staff downgraded either as a result of an Agenda for Change review or some other process. A response had just been received and would now be considered by employers and taken forward through STAC secretariat.

**Action: Employers**

l) Nottingham Partnership Research Project

It was reported that two academics from Nottingham University had secured funding to undertake a research project on partnership working in NHSScotland and had also secured the backing of DG Health and the SPF. The researchers had submitted a paper to STAC asking to observe the workings of the Committee. There was some discussion about what access the researchers should be afforded. It was agreed that they should be given access to the main STAC meetings in the first instance with questions as to whether it would be appropriate to have researchers at the staff or employer side pre-meetings addressed once the project was under way.

m) Lothian RRP Application for Joiners

(See below)

n) Procedure for Considering RRP Applications

(See below)

#### 4. Matters for Discussion

a) Grampian RRP Application for Joiners

It was decided to discuss items 3m, 3n and 4a together. At the previous meeting employers had had communications from the management of both

NHS Grampian and Lothian to suggest that the applications had been withdrawn. Subsequent communications had been ambiguous, however, and it appeared that both Boards now wished at least elements of their applications to be considered. There was general agreement that the confusion surrounding both applications was unhelpful and that the guidance on making such applications needed to be clarified. It was agreed that 2 separate meetings, both to be on a strictly "one off" basis, should be held. The first would consider the current applications in detail and the second would provide clarity around the application process.

**Action: Employer/Staff/Admin Secretariat**

b) Swine Flu

Although it was not on the Agenda, the Chair finished the meeting by highlighting the preparations which are being put in place for a likely flu pandemic and the need to quickly address any terms and conditions issues which this raised. All sides noted this and agreed to fast track agreements where necessary.

**Action: Staff/Employers**

**5. Date of Next Meeting:**

**8 September**

<b>Agenda Subject</b>	<b>Action</b>	<b>Action Officer(s)</b>
Pay Protection	To agree form of words and issue circular confirming agreement on Agenda for Change rates for on-call staff	<b>Employer/Staff/Admin Secretariat</b>
Annex T	To respond on staff side comments re draft Q&A	<b>Employers</b>
Payment During Periods of Annual Leave (Staff Council Proposal)	To supply an Equality Impact Assessment to the UK Staff Council	<b>Employers</b>
Personal Pay Protection	To consider legal advice and take forward through STAC Secretariats	<b>Employers</b>
Grampian and Lothian RRP Application and Procedure for Considering RRP Applications	To meet to consider current RRP applications	<b>Employer/Staff/Administrative Secretariat</b>
Grampian and Lothian RRP Application and Procedure for Considering RRP Applications	To provide clarity around the RRP application process	<b>Employer/Staff/Administrative Secretariat</b>

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