

UPDATE FOR SCOTTISH TERMS AND CONDITIONS COMMITTEE FOLLOWING CANCELLATION OF 20 MARCH 2020 MEETING

The Coronavirus outbreak has necessitated a fundamental re-prioritisation of the work of NHS Scotland and, by extension, STAC. Coronavirus now takes precedent with all non-urgent work put on hold. This update addresses these changes and is divided into three parts: 1) a message from the Secretariat setting out the position in light of recent developments, 2) a summary of where things stand with the issues on the STAC Agenda as at 20 March and 3) a summary of developments since the cancellation of that meeting.

1. Message from Secretariat

The Secretariat recognise that the Coronavirus outbreak is an unprecedented event for NHS Scotland, and we are committed to helping the service cope with the crisis in the most constructive way possible. In this regard, the Secretariat is having daily teleconferences in order to discuss emerging issues. A number of terms and conditions questions (such as overtime for band 8s and 9s) have already arisen and STAC is the correct vehicle for examining these and agreeing a way forward.

It is also the case, however, that the speed at which decisions need to be made and policies implemented means that the way in which STAC operates will need to adapt. The Secretariat is working with the Scottish Government to ensure that there is a joined up approach and that, where policies address issues with terms and conditions implications, the Secretariat is able represent the interests of STAC. We will look to keep Committee members informed of developments as we go along and consult where appropriate and as time permits.

2. Summary of Position re Agenda Items for 20 March Meeting

The normal work of the Committee has had to be suspended for the time being whilst we cope with the new priority. In addition, the restrictions placed on movement and interaction make it impossible for the Committee to conduct business as it normally would. The following sets out where the key items on the 20 March Agenda stood, and thus where each piece of work will be picked up again when conditions permit.

Job evaluation

Work had commenced on an option appraisal exercise aimed at enabling and ensuring consistency in Job Evaluation across NHS Scotland. Initial discussions and potential options have been explored with the STAC subgroup on Job Evaluation. Further modelling and engagement now needs to take place before a final draft can be presented to MSG and STAC.

Tayside Letter

As members of STAC are aware there was industrial action taken by Pharmacy Support Workers in NHS Tayside in response to an unresolved grading claim. STAC applied the Blocked Matching Protocol in order to provide support in resolving the

dispute. The blocked matching process has been completed and STAC's views on a number of areas have been fed back to the Board.

CAJE Replacement

The new CAJE system is now fully operational. A few minor adjustments have arisen but these have been resolved.

RRP Group

The Group had planned to visit NHS Grampian at the end of March to discuss conditions on the ground and how the Board have used the RRP provision, but this visit has been cancelled. The Group may still want to consider how the existing guidance can be updated but are unlikely to be able to fully complete this work until they have consulted with NHS Boards.

In light of the above, the Secretariat agreed to extend existing North of Scotland RRP's by a further 6 months, meaning they will now run until 31 March 2021.

In addition, the RRP which NHS Lothian currently has for staff working in Payroll runs out in August 2020. Given the challenges the Board is likely to be facing over the summer, a decision was taken to extend this to 31 March 2021 also.

Appraisal and Incremental Progression

The Programme Board had its first meeting on 16th January. The Board was briefed on the current status of the 4 work streams, priorities for taking forward the work, terms of reference, funding arrangements and recruitment of project posts to facilitate delivery of the programme.

The main priority was to recruit to the project posts to enable work to be taken forward. However, although an appointment has been made the individual can now no longer be released as they are required to assist in matters associated with COVID19. At present this work will need to be put on hold.

Organisational Change

Further guidance and details of the audit arrangements were earlier agreed and sent out as [STAC\(TCS01\)2020](#). Monitoring returns were originally required by 29 May but in recognition of the current situation the Secretariat has written to Boards cancelling this requirement.

Paid As If At Work (Non-contractual overtime)

We now have a mandate from all Boards to proceed to settle the cases lodged at the Offices of the Employment Tribunal. The Staff Side Secretary of STAC has confirmed that the formal offer should be made only to those Staff Organisations that have lodged applications and he has provided the relevant details. This has been done but responses are likely to be delayed because of current circumstances.

If the offers are ultimately accepted, CLO will then work with the relevant Staff Organisation legal representatives in order to process arrangements for the settlement of cases.

Maternity Continuity of Care (Best Start scoping group)

A sub group of STAC met on 3 March 2020 to determine if there are any terms and conditions implications from this change in service delivery. To fully understand the implications of the issues, the sub group are going to meet with members of the Best Start project who are modelling the possible scenarios of staffing the new model. The Chief Executives have also asked for further information in regard to the consequences for workforce planning, development and costs. Further meetings were arranged for mid-April, although these will need to be cancelled now.

2020 AfC pay circular and SDIA

This is the last year of the present 3 year Agenda for Change pay deal. In order to ensure that staff receive their uplift in their April salaries, the circular auctioning the new pay rates was published earlier this month, along with a circular uprating the Scottish Distant Islands Allowance as [PCS\(AFC\)2020/1](#) and [PCS\(SDIA\)2020/1](#). respectively.

Refresh of Technical Payroll Issues Circular – [STAC\(TCS06\)2016](#)

This circular now requires to be refreshed and updated following the changes to AFC terms and conditions. A small sub-group of STAC will be established to take this forward in due course.

Workshop

The Workshop to discuss Agenda for Change pay beyond 31 March 2021 had been arranged for 26 June. This will now obviously need to be kept under review in terms of where things stand with travel and meeting restrictions in the run up to that date.

Meeting Dates and Locations

Remaining meeting dates for 2020 should be left in people's calendars for the time being with the same proviso as outlined above for the Workshop.

SDIA – Review Terms of Reference

The Committee was being asked to agree Terms of Reference for a review of the Scottish Distant Islands Allowance. This work is on hold for the time being and will be restarted when there is sufficient capacity in the system.

Phased return

Agreement reached and STAC letter issued to the Boards plus the Once for Scotland Project Board as [STAC\(TCS02\)2020](#).

3. Summary of Developments Since the Cancellation of the 20 March Meeting

The Secretariat met by teleconference on 20 March and since that point have had daily teleconferences in an effort to keep abreast of developments and provide the input required around terms and conditions. A number of areas have been identified where the adjustment of existing provisions would be helpful to NHS Scotland Coronavirus response.

Suspension of Job Evaluation

In light of current priorities, Job Evaluation work has been suspended, see [STAC\(TCS03\)2020](#).

Overtime for Bands 8 and 9

Coronavirus is likely to mean that staff at all levels will be working excess hours alongside one another. STAC Secretariat have therefore agreed a Variation Order to allow Boards to pay overtime to Band 8s and 9s, where necessary, to assist with clinical provision and resilience within the service. Health Workforce granted this variation with the proviso that it will be regularly reviewed and withdrawn when it is no longer considered necessary to deal with the Coronavirus epidemic. VO issued on 19 March.

Overtime for Exec and Senior Manager (ESM) Staff

Although there is no negotiating mechanism for ESM staff, the Secretariat recognise that there is considerable overlap between the top of the AfC system and the bottom of the ESM pay system. ESM staff will have to work alongside AfC colleagues over the coming months to keep NHS Scotland services running. Ordinarily, ESM staff are not eligible for overtime but, on an equity basis, the Scottish Government has agreed to allow overtime for certain ESM staff on the same basis as for AfC staff and with the same proviso that this will be withdrawn as soon as it is no longer required for the service's response to Coronavirus. VO issued on 27 March.

Sick Pay for New Starts

Measures being put in place to deal with Coronavirus mean that a considerable number of staff will be brought in who are new to the service. In order to help address their fears about what will happen if they catch the virus, it has been agreed that staff who fall ill with Coronavirus will be treated as if they have 5 years of service for the purpose of sick leave provision i.e. they will be entitled to up to 6 months of sick leave on full pay. VO issued on 27 March.

Staff on New Parent Leave

A number of staff on Maternity Leave have indicated they would like to assist in the response to Coronavirus and we are in discussions about issuing guidance which will allow staff on maternity, adoption or shared parental leave to assist with NHS Scotland's response to Coronavirus without losing out.

Fixed Term Contracts

[DL\(2020\)5](#) suggests that staff can be offered fixed term contracts during the Coronavirus outbreak. STAC Secretariat feel this is an important point, so intend to put out a letter highlighting this option to the service. In addition, we have agreed in principle to suspend the need for staff who come to the end of their fixed term contract to go on the redeployment register for the duration of the Coronavirus crisis. This should allow Boards to appoint staff on fixed term contracts without having to worry about the additional administrative burden this may cause in due course.



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We will provide further updates periodically as the situation develops over the coming weeks and months.

If any member of STAC has any questions about STAC's response to the Coronavirus, please direct these to Colin Cowie in the first instance at colin.cowie@gov.scot.