



Scottish Partnership Forum

Partnership Working during the period impacted by the COVID-19 pandemic

1. Introduction

The COVID-19 pandemic is having an unprecedented impact and it is important that in these challenging times, we continue to work together to meet the emergency faced by the country whilst at the same time protecting patients and staff.

The Scottish Government, NHSScotland Employers, Trade Unions and Professional Bodies recognise the importance and value of the Partnership Working approach to employee relations in NHSScotland.

Employers and unions agree that the workforce; their managers and union representatives, should not be distracted from meeting this emergency. We recognise that established partnership working groups may need to adopt different partnership working practices during this period.

This statement, on behalf of the Scottish Partnership Forum (SPF) aims to clarify current agreed arrangements to support and strengthen partnership working at this time.

Review

The Scottish Government, NHSScotland Employers, Trade Unions and Professional Bodies recognise the fast moving and uncertain nature of the situation. We anticipate that these temporary provisions will continue for duration of the period that the Scottish Government is stood up on an emergency footing in response to Coronavirus (COVID-19) including the recovery strategy formulation phase. We will review these temporary provisions on an on-going basis taking account of any changes to the national position.

2. Partnership working

Supporting continued and strengthened Partnership Working

The Scottish Government, NHSScotland Employers, Trade Unions and Professional Bodies recognise the essential role of the emergency planning structures now in place across NHSScotland. It is important that these operate with our partnership principles of openness, honesty and a commitment to share information in a transparent manner at the centre.



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Streamlining

Partnership working practices may be streamlined during this period and formal meetings may need to be replaced with close and regular virtual working arrangements between leaders and staff side representatives. However, the operating manner of extant Partnership Working groups will continue and negotiating positions will not be impinged.

Staff side chairs will support the engagement of and dissemination of information to their partnership colleagues and feed issues into the appropriate fora. These include the Coronavirus (COVID-19) Workforce Leadership Group and the Coronavirus (COVID-19) Workforce Joint Secretariat Group as well as extant groups. These are detailed in Appendix A.

Facilities time

During the period of the emergency, trade union and other staff representatives still require full support for time off and facilities to fully participate in local partnership processes. As outlined in the [Facilities Arrangements for Trade Unions and Professional Organisation PIN Policy](#), employers should ensure representatives are allowed the time and facilities needed to carry out their duties and be fully involved in the local partnership arrangements, in order to best support staff.

Trade union representatives for their part will recognise and respond to the context in which they are working with even greater sensitivity with the care of patients during this time as a clear and shared priority.

3. Managing change during the emergency

The partners will aim to ensure that no member of staff or group of staff is disadvantaged by the emergency conditions arising from the pandemic. Employers and unions will continue to monitor issues of wellbeing and of equality and act as needed.

Local agreements

Employers will discuss, and where appropriate, agree changes to working practices with Trade unions locally or at a system level, again where appropriate. Variations to existing local Board level protocols for organisational change may be required during the outbreak and should be reached through agreement, unless these are covered by national protocols as part of the emergency plans

Temporary changes to working practices

Within any changed approach, managers should still consult their people and their trade union reps in line with the new ways of working before making significant decisions arising from COVID-19 that affect staff and their ways of working. Such discussions are especially critical around issues such as redeployment, changing the



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scope of practice, and health and safety and wellbeing. Contractual variations should be made in the normal way through agreement. Changes unconnected with COVID-19 should be postponed unless unavoidable.

Industrial disputes

During the pandemic it is more important than ever that we support continued partnership working and avoid industrial disputes. Parties should now urgently seek to resolve outstanding disputes or as a minimum agree to pause disputes, through preserving the status quo.

Organisational change

To avoid potential disputes and distracting staff unnecessarily, significant organisational change and consultations relating to them should be paused. The exceptions are where schedules are dictated by a legal timetable or where changes are necessary to maintain effective services to combat the spread and facilitate treatment of the virus.

4. Disciplinary matters, grievances and other procedures

Employers will consider whether any on-going employment processes such as absence management, capability, disciplinary and grievance procedures and appeals can be paused at this time. Employers should also give consideration to commencing new cases.

A risk based approach should be applied with consideration being given to the situation and personal circumstances of the case. The employment procedure should not be paused where the situation is very serious or urgent or where the employee requests proceeding as it would otherwise cause additional anxiety and it is reasonably practicable to proceed..

Where an issue is less serious or not urgent then pragmatic outcomes, with agreement of the employee, and after consultation with union representatives, should always be considered. Where outcomes cannot be agreed in this way then processes may resume at a future date, without detriment or criticism of either side.

There are some particular issues to consider when assessing the risk, and determining if a case should be progressed or paused:

- Where there is a safety risk, members of staff may be placed on suspension or restricted or alternative duties pending the resumption of disciplinary proceedings.
- Where there are implications around an employees pay such as final review meeting during long-term absence ([Agenda for Change Terms and Conditions](#))



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[of Employment Handbook, Section 14](#)), then these should be considered in the normal time frames set by agreed local policies.

- Where employees raise urgent grievances, for example, concerning health and safety, then these should be considered in the normal time frames set by agreed local policies.
- All grievances, appeals and other procedures (and all relevant time frames) which are paused should be done so on the understanding that they may be taken up at a later date by the employee without detriment.
- Where hearings and procedures go ahead then natural justice and the terms of the employer's policies should continue to apply, especially the right to union representation.
- Where it is necessary to proceed with formal meetings, the use of virtual meetings should be considered with the consent of all parties participating.
- In circumstances where a virtual meeting is not possible or not consented to by the employee (for example as a result of Information technology constraints, or if the employee feels that they will not achieve a fair hearing or have adequate support from their representative through a virtual meeting) then a risk assessment will be undertaken to identify what reasonable adjustments are necessary for the safeguarding of all participants, which may result in a pausing of the process.

5. Other COVID-19 guidance to the NHSScotland workforce

Employers, managers and trade unions should read the national guidance on employment policy and on terms and conditions that can be accessed through the COVID-19 section of the [NHSScotland Staff Governance](#) website.

Sean Neil
SPF – Co-chair

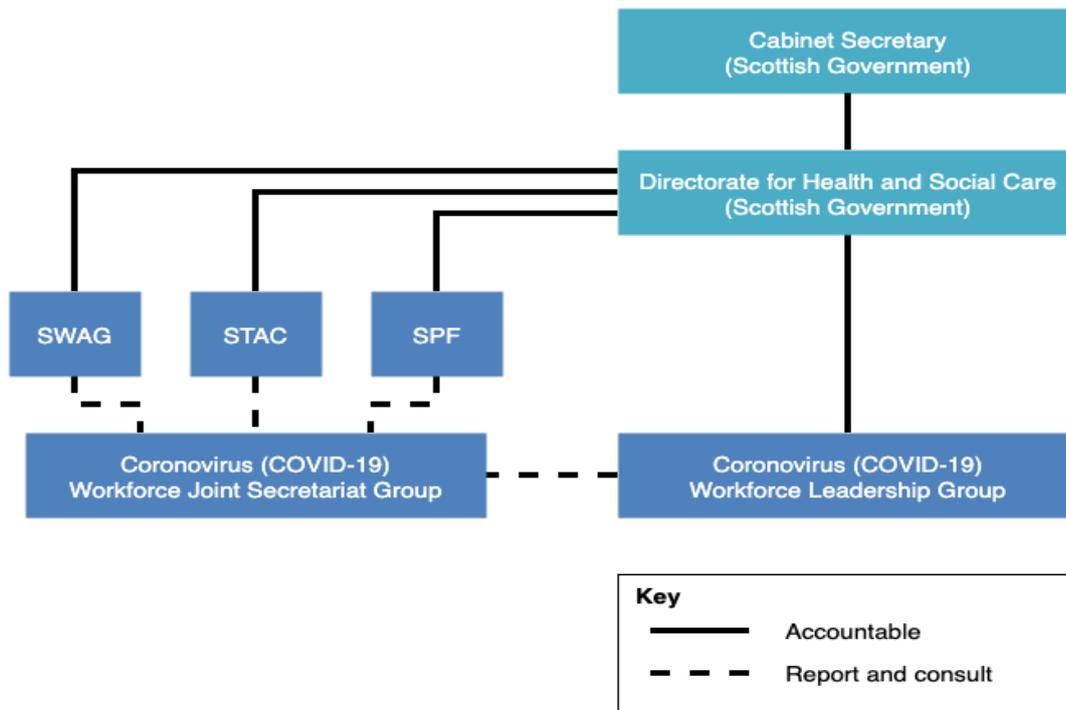
Pauline Howie
SPF – Co-chair

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Appendix A



The Coronavirus (COVID-19) Workforce Senior Leadership Group (WSLG) provides support and advice to inform decision making to the Directorates for Health and Social Care, who are accountable to the Cabinet Secretary for Health and Sport. It has been established to:

- Inform, engage and take collective action on key issues identified that require national senior strategic leadership in the health workforce response to Coronavirus (COVID-19)
- Work in partnership to ensure that the healthcare system is as prepared as it can be to respond to the peak of the virus, during and post response
- Ensure timely feedback from NHS Boards and Trade Union/ Professional Organisations for the WSLG to address key issues

The Workforce Joint Secretariat Group (WJSG) has been established as an engagement forum to facilitate arrangements for continued and strengthened Partnership Working. This will support existing Partnership Working arrangements during the COVID-19 pandemic and enable a conduit for the Secretariat of the



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following groups to engage in dialogue with the Coronavirus (COVID-19) Workforce Leadership Group (WLG):

- [Scottish Partnership Forum \(SPF\)](#),
- [Scottish Workforce and Staff Governance Committee \(SWAG\)](#),
- [Scottish Terms and Conditions Committee \(STAC\)](#),
- [Management Steering Group \(MSG\)](#).