

**Minutes of the Workforce Committee  
Thursday 5 August 2021 at 1.00pm  
Via Zoom**

**Present:** Miss Helen Grantham, Non-executive Director (Chair of the Committee)  
Dr Chris Hosker, Medical Director  
Mrs Joanna Forster Adams, Chief Operating Officer  
Mr Darren Skinner, Interim Director of HR

**In attendance:** Mr Ian Andrews, Governor: Non-clinical staff (observing)  
Ms Caroline Bamford, Head of Diversity and Inclusion  
Mrs Angela Earnshaw, Interim Deputy Director of Workforce & OD / Associate Director of People and OD  
Miss Kerry McMann, Acting Head of Corporate Governance (Committee secretariat)  
Ms Nichola Sanderson, Deputy Director of Nursing  
Mrs Holly Tetley, Associate Director of Employment  
Ms Julia Zebelys, CQC Inspector (observing)

**Action**

**Welcome and Introduction**

Miss Grantham opened the meeting at 1.00pm and welcomed everyone.

**21/056 Apologies for absence** (agenda item 1)

Apologies were received from Mrs Cathy Woffendin, Director of Nursing, Quality and Professions; and Mr Andrew Marran, Non-executive Director, who are members of the Committee. It was noted that Ms Sanderson would be attending to deputise for Mrs Woffendin.

Miss Grantham informed the Committee that Mr Marran had announced that he would be leaving the Trust. She confirmed that Mr Cleveland Henry, Non-executive Director, would become a member of the Committee in September 2021.

Apologies were also received from Mrs Cath Hill, Associate Director for Corporate Governance; and Mr Andrew McNichol, Workforce Information Manager, who are attendees of the Committee.

The Committee was quorate.

**21/057 Declaration of any conflict of interest in respect of agenda items** (agenda item 2)

No one present declared a conflict of interest in respect of agenda items.

**21/058 Update on clinical professional leadership** (agenda item 11)

Ms Sanderson informed the Committee that the Trust had started a management of change process for both the Allied Health Professional work stream and the Psychology and Psychotherapy work stream. She confirmed that the consultation period would end in September 2021 and that an update would be provided at the October 2021 meeting. Ms Sanderson went on to provide an update on the progress made with recruiting to roles within the Nursing Directorate work stream.

**NS**

The Committee **noted** the update provided on the clinical professional leadership restructure.

**21/059 Cumulative Action Log** (agenda item 5)

Mrs Sanderson provided an update on action 72 regarding the staff members from the Assessment and Treatment Unit. She confirmed that she would be meeting with staff members from September 2021 and would provide an update at the October 2021 meeting.

The Committee **noted** the update provided.

Ms Sanderson left the meeting.

**21/060 Minutes of the last formal meeting on the 17 June 2021** (agenda item 3)

The Committee **agreed** that the minutes of the Workforce Committee meeting held on the 17 June 2021 were a true record.

**21/061 Approval for the minutes of the meeting on the 17 June 2021 to be uploaded to the Trust website** (agenda item 3.1)

The Committee **agreed** that the minutes of the Workforce Committee meeting held on the 17 June 2021 were suitable to be uploaded to the Trust's external website.

**21/062 Matters Arising** (agenda item 4)

Mrs Forster Adams informed the Committee of ongoing staffing pressures in particular areas of the Trust. She explained that the Executive Management Team was meeting on a weekly basis to review staffing levels to ensure there was no risk to service delivery. Mrs Forster Adams confirmed that the Trust had not formally triggered business continuity.

The Committee **noted** the update provided by Mrs Forster Adams.

### **21/063 Cumulative Action Log** (agenda item 5)

The Committee agreed to close the actions on the cumulative action log that had been completed and acknowledged those actions that remained hibernated. It thanked Mr Skinner for the thorough response to action 64 regarding the McCloud judgement and noted that action 69 regarding the wellbeing assessments had been deferred until October due to staff sickness. Mrs Earnshaw provided an update on action 61 regarding the development of a cultural dashboard. She confirmed that an update on this work would be provided in October 2021 alongside an update on the preparation for the staff survey.

Mr Skinner provided an update on action 66 regarding oversight of those professionals that were not regulated, such as healthcare support workers. He provided an update on the Trust's Disclosure and Barring Service (DBS) processes. The Committee agreed that assurance was required on who had oversight of referrals to the DBS and how frequently this information was reviewed. Ms Tetley informed the Committee that she would be undertaking a review of how assurance could be provided on the number of referrals. It was agreed that this information would be included in the employee relations, disciplinary investigations and litigation claims report.

Mr Skinner next provided an update on action 60 regarding exit interviews. He confirmed that exit interviews were being carried out across the organisation but not consistently. He informed the Committee that the data from the exit interviews suggested that the majority of leavers had received promotions and or moved out of the area. Mr Skinner went on to confirm that work was underway to review the quality of the data captured from exit interviews.

The Committee was **assured** with the progress made on the actions within the cumulative log and **agreed** on which actions should be closed.

### **21/064 Workforce Race and Disability Equality Standard Assurance Update** (agenda item 6)

Ms Bamford presented a paper which provided an update on the Trust's Workforce Race Equality Standard (WRES) and Workforce Disability Equality Standard (WDES) actions. She explained that the 2021 Workforce Race and Disability Equality Reports that accompanied the paper provided further data analysis. The Committee reviewed the progress made with actions and discussed the information provided.

The Committee noted that, despite the increased focus and activity over the last five years, findings from the WRES and WDES data had evidenced that there had been little change in the experience of the Trust's minority ethnic colleagues, colleagues with a disability and colleagues with a long-term health condition. It questioned whether the actions were appropriate or whether it

might be more beneficial to choose fewer actions that would have a larger impact. The Committee provided feedback on what could be included in the next report to the Board of Directors including a 'deep dive' on the data collected and assurance around Trust processes. Mr Skinner outlined his intention to meet with the Workforce Race Equality Network to understand what fundamental issues need to be addressed and what more could be done as an organisation.

The Committee reviewed a proposal for the adoption of the "social model of disability" and agreed that, although it supported the proposal, it should be presented to the Board of Directors for final approval. It agreed that the proposal should be reviewed by Dr Hosker beforehand to check it does not conflict with the medical model.

**DS /  
CHos**

The Committee **received** a paper which provided an update on the Trust's Workforce Race Equality Standard (WRES) and Workforce Disability Equality Standard (WDES) actions. It also **reviewed** the proposal for the adoption of the "social model of disability" and **agreed** that, although it supported the proposal, it should be presented to the Board of Directors for final approval.

#### **21/065 Workforce Performance Report** (agenda item 7)

Mr Skinner presented the Workforce Performance Report. He first drew attention to the data on compulsory training. He explained that as a result of the pandemic and social distancing requirements, the capacity for classroom based training including PMVA and Resus had been reduced, with priority given to existing staff who were redeployed as well as new starters. He informed the Committee of the work that had been carried out to increase capacity, including: recruiting additional trainers; increasing internal training space; and using a blended learning approach to reduce time in the classroom.

Mr Skinner informed the Committee that clinical supervision rates were at 72%. Dr Hosker provided an update on a discussion held at the Trustwide Clinical Governance Group around clinical supervision. Mr Skinner next provided an update on appraisals. He outlined possible reasons for the decline in compliance in this area and the actions that would be taken to increase the number of appraisals being undertaken.

The Committee discussed staffing. Mr Skinner assured the Committee that hotspots were reviewed regularly to ensure any gaps were covered. He informed the Committee of a 'responsive workforce' and outlined the incentives that had been provided for redeployment. He added that where members of the bank staff group were working in the same areas consistently, fixed contracts would be offered. Mr Skinner went on to provide an update on the work being carried out regarding recruitment and retention. This included: recruitment fairs; a revised relocation package; and a preceptorship programme. He informed the Committee that medical recruitment was being reviewed on a daily basis.

The Committee went on to discuss sickness absence and staff wellbeing. Mr

Skinner outlined that pathways were being developed so that if a staff member was listed as absent from work due to stress, anxiety or depression they would receive an immediate referral to occupational health. The Committee noted that further details on this would be included in the Wellbeing Guardian Report in October 2021. It questioned who reviewed the sickness data at a granular level and how this data was used to inform action plans on staff wellbeing. Mr Skinner and Mrs Forster Adams assured the Committee that service managers received reports on a regular basis and reviewed these reports with support from HR Business Partners. The Committee noted that the new HR governance structure would support staff wellbeing across the Trust and went on to explore how the Trust would support staff wellbeing when working in partnership with other organisations.

The Committee **received** the Workforce Performance Report and **discussed** the data in detail.

**21/066 Medical staffing paper** (agenda item 10)

Dr Hosker presented a paper which outlined the work that had been led through the Medical Directorate in supporting the Forensic Services with recruiting to consultant vacancies. The Committee noted the work that had been carried out to support the Forensics Services with recruitment, which included: the use of external expertise to develop a social media campaign; horizon scanning; a relocation package; and international recruitment.

The Committee **noted** the paper and the work that was being carried out to support the Forensics Services with recruiting to consultant vacancies.

Ms Bamford left the meeting.

**21/067 LYPFT People Plan – Refresh Forward Plan** (agenda item 8)

Mrs Earnshaw presented a paper which set out the forward plan and timeline for refreshing the Trust's People Plan. She informed the Committee that an external consultant, Rose Rouse, had been commissioned to support the delivery of the plan. Ms Earnshaw confirmed that a final draft of the People Plan would be presented at the October 2021 meeting. The Committee noted that an update would be provided at the Board to Board session between the Board and the Council of Governors on 20 September 2021.

**AE**

**DS**

The Committee **received** the forward plan for refreshing the Trust's People Plan and **noted** the timeline associated with this work.

**21/068 Workforce governance structure** (agenda item 9)

Mr Skinner presented the proposed workforce governance structure. He confirmed that the first meeting of the People and Organisational Development

Governance (POG) Group had taken place in July. The Committee discussed the membership of the POG and noted that the terms of reference for the POG and other sub-groups were being drafted.

The Committee noted that representatives from Communications and Marketing and Data and Analytics would sit on each group. It was agreed that the HR business partners should also be reflected on the workforce governance structure. The Committee also agreed that the workforce governance structure should be reviewed in six months' time.

**DS**

**DS**

The Committee **reviewed** and **discussed** the workforce governance structure.

#### **21/069 Update on national, regional and local networking** (agenda item 12)

Mr Skinner informed the Committee that conversations had been taking place around the development of Integrated Care Systems and Integrated Care Partnerships. He added that, regionally, collaborative work had been taking place around the professionalization of managers.

Mr Skinner next provided an update on the changes that the government had made to isolation guidance. He confirmed that the Trust's infection prevention and control procedures would not change, and that members of staff would still be required to isolate, wear PPE and continue to test regularly. The Committee questioned how members of staff had responded to this. Mrs Forster Adams explained that many members of staff were able to work from home while isolating and welcomed the Trust's flexible approach. The Committee acknowledged that short term absence, and the service disruption this caused, was a risk for the organisation.

Mrs Forster Adams informed the Committee that as of November 2021, it would be mandatory for all care homes staff to be fully vaccinated. It noted that work was ongoing to assess the impact that this would have on the Trust and members of staff. The Committee next received an update on the NHS pay award. Mr Skinner confirmed that members of staff would receive the pay award in September 2021. He added that the trade unions were yet to respond to the announcement.

The Committee **noted** the updates provided.

#### **21/070 People and OD Delivery Group Chairs Report** (agenda item 13)

The Committee **noted** that an update had been provided under agenda item 9.

#### **21/071 Proposal for new workforce strategic risk** (agenda item 14)

The Committee **noted** that this item had been deferred until the next meeting in October 2021.

**21/072 Workforce Committee benchmarking report** (agenda item 15)

Miss Grantham presented the Workforce Committee Benchmarking Report. She explained that the benchmarking work had been requested at an Audit Committee meeting in January 2021 in response to the spare days available in the audit plan as a result of audits being deferred due to Covid-19. The Committee reviewed the report and agreed that it was assured by the findings of the report.

The Committee **reviewed** the Workforce Committee Benchmarking Report and was **assured** by the findings of the report.

**21/073 Committee effectiveness questionnaire results** (agenda item 16)

The Committee **reviewed** the questionnaire results and the comments provided. It **agreed** that the Committee remained effective but that its meeting frequency would remain under review.

**21/074 Workforce Committee Terms of Reference – for reference only**  
(agenda item 17)

The Committee **reviewed** its terms of reference. It **agreed** that the membership and attendee list should be updated.

**KM**

**21/075 Workforce Committee Annual Cycle of Business** (agenda item 18)

The Committee **reviewed** and **agreed** the updated annual cycle of business.

**21/076 Strategic discussion schedule** (agenda item 18.1)

The Committee had a discussion on future topics for strategic discussions. It agreed that strategic discussions were useful for hearing the voice of employees. Suggestions for future topics included: the role of a manager; pathways for career development; wellbeing; and implications of the digital agenda for workforce. The Committee agreed that it would review the workforce sub-groups' work programmes, once they had been agreed, to choose topics for strategic discussions.

**DS**

The Committee **agreed** that strategic discussions were useful for hearing the

voice of employees and **agreed** that topics for future discussions would be agreed once it had reviewed the workforce sub-groups' work programmes.

**21/077 Workforce Committee Hibernation Plan – for information only**  
(agenda item 19)

The Committee **reviewed** the Hibernation Plan and **noted** that any items from the cycle of business that had been missed would be re-scheduled for a future meeting.

**21/078 Assurance and escalation reporting** (agenda item 20)

No updates were provided.

**21/079 Cumulative escalations log – for information only** (agenda item 20.1)

The Committee **reviewed** the cumulative escalations log.

**21/080 Any Other Business** (agenda item 21)

The Committee did not discuss any other business.

**21/081 Key messages and/or any matters to be escalated to the Board of Directors** (agenda item 22)

The Committee **agreed** that the following areas of discussion should be reported to the Board of Directors at its next meeting:

**Issues to which the Board needs to be alerted:**

- The Committee was informed that as of November 2021, it would be mandatory for all care homes staff to be fully vaccinated. It noted that work was ongoing to assess the impact this would have on the Trust and its staff.
- The Committee received an update on the NHS pay award. It noted that members of staff would receive the pay award in September 2021 and that the trade unions were yet to respond to the announcement.
- The Committee received an update on the Trust's Workforce Race Equality Standard (WRES) and Workforce Disability Equality Standard (WDES) actions. It noted that these would be submitted in August 2021 and that progress data would be presented to the Board in September 2021. It also

noted that despite the increased focus and activity over the last five years, findings from the WRES and WDES data had evidenced that there had been little change in the experience of the Trust's minority ethnic colleagues, colleagues with a disability and colleagues with a long-term health condition. The Committee questioned whether the actions were appropriate or whether it might be more beneficial to choose fewer actions that would have a larger impact.

The Committee reviewed a proposal for the adoption of the "social model of disability" and agreed that, although it supported the proposal, it should be presented to the Board of Directors for final approval.

### **Issues for advice from the Board**

- No issues for advice from the Board.

### **Things on which the Board is to be assured:**

- The Committee received a paper which set out the forward plan and timeline for refreshing the Trust's People Plan. It was informed that an external consultant, Rose Rouse, had been commissioned to support the delivery of the plan. The Committee will review the final plan in October 2021.
- The Committee reviewed a report from a benchmarking exercise carried out by Internal Audit which had been informed through a review of the terms of reference for ten other mental health providers. It reviewed the findings and agreed that it was assured by the findings of the report.
- The Committee reviewed the results from its committee effectiveness questionnaire. It agreed that the Committee remained effective but that its meeting frequency would remain under review.
- The Committee received a thorough response to a Board action that had been delegated to the Committee regarding the McCloud judgement:

### **Action**

With regard to the McCloud judgement relating to the Court of Appeal's ruling on the Government's 2015 public sector pension reforms, Mrs Holmes noted that it was early days for this judgement and the Trust would be working with individual staff who were impacted by this. It was suggested that once the position was clear the Board received a report through the Workforce Committee detailing any impact of this judgement and any risks for the organisation.

### **Response**

In 2015, the government introduced reforms to most public service pension schemes, including the NHS Pension Scheme. Members that were close to retirement at the time were protected from moving to the reformed schemes, and could therefore remain in their existing schemes. Members with full protection did not have to move to the reformed scheme at all, and members

with tapered protection were permitted to remain in their existing scheme for longer, with their move to the reformed scheme delayed beyond 1 April 2015.

In December 2018, the Court of Appeal found these protections to be discriminatory against younger members. This has become known as the 'McCloud judgment'. The government has now announced a remedy to remove this discrimination and ensure equal treatment going forward.

Employees who joined the scheme on or before 31 March 2012 and who were still members of the scheme on 1 April 2015 will be eligible for the remedy, regardless of whether they previously received full, tapered or no protection. This will include current employees as well as staff who have already retired or no longer work for the NHS and employees who have passed away. Those who joined the scheme on after 1 April 2012 will not be affected.

The judgement means that the discrimination needs to be removed. To achieve this, eligible members will be given the choice about whether they would like to receive their 1995/2008 Section benefits or 2015 Scheme benefits for the period between 1 April 2015 to 31 March 2022. This is the period over which the discrimination occurred and is known as the remedy period.

Staff will not need to make this decision until they take their benefits from the scheme, usually at retirement. This is referred to as the deferred choice underpin (DCU). At that time, scheme members will receive information from NHS Pensions about value of their benefits in both schemes in order to make an informed choice.

NHS Pensions will contact staff who have already retired or who will retire before October 2023 to ensure they are given a choice as soon as possible. NHS Pensions will also engage with scheme members or their families about any benefits paid on ill health, divorce, or death. Any changes to the benefits payable will be applied retrospectively.

The government will be introducing new legislation following the judgement and processes will be implemented to support members to make a choice once they retire. The legislation is intended to be in place by 1 October 2023, or earlier if the schemes allow.

To ensure equal treatment going forward, all scheme members will be moved to the 2015 Scheme on 1 April 2022 for future accrual. This includes members that previously had full and tapered protection. For the majority of scheme members, the judgement will not have an impact on their tax position.

A change in the value of a member's benefits for the remedy period may lead to a reassessment of the member's tax position, particularly in relation to the annual allowance. Once the reassessment is complete, a member may have overpaid or underpaid tax. If a scheme member has underpaid tax, the individual will be asked how they wish to pay the liability and scheme pays will be available. Where a scheme member has overpaid tax, HMRC will pay a refund direct to the individual or adjust any scheme pays arrangement, as appropriate.

