



Q & A Brief:

Social Care and Social Work Improvement Scotland and Healthcare Improvement Scotland

information brief for staff in Her Majesty's Inspectorate of Education, NHS Quality Improvement Scotland, Social Work Inspection Agency and the Care Commission

Over the last few months our Information Bulletins have provided updates on the progress of the project. With the introduction and publication of the Public Services Reform (Scotland) Bill recently this is a good time to provide you with more detailed information on the current position, how the Bill affects you and what our plans are for the next few months.

The following Q&A brief sets out some of the key questions and answers staff may have as a result of the publication of the Bill.

Note: All Q&A below are based on the assumption that the Bill will proceed through parliament as drafted. However, if provisions in the Bill change during the course of its legislative passage we will amend or update the information as appropriate.

General

Following an intense period of work by the Scrutiny Bodies Project Team, Chief Executives, Senior Chief Inspector and senior staff of the existing scrutiny bodies, and colleagues elsewhere in the Scottish Government, the Public Services Reform (Scotland) Bill was introduced to the Scottish Parliament on 28th May 2009. Among other things the Bill contains provisions for the establishment of Social Care and Social Work Improvement Scotland (SCSWIS) and Healthcare Improvement Scotland (HIS).

Social Care and Social Work Improvement Scotland will bring together the functions of the Care Commission, the Social Work Inspection Agency and part of HM Inspectorate of Education. We expect SCSWIS to be a Non Departmental Public Body and staff in post in these organisations on the day of transfer will become employees of SCSWIS.

Healthcare Improvement Scotland will bring together the functions of NHS Quality Improvement Scotland and the independent healthcare function of the Care Commission. We expect HIS to be a Special Health Body and staff in post in NHS QIS on the day of transfer will transfer to HIS. It is not possible to say at this stage, which, if any, posts from the Care Commission's independent healthcare function will transfer to Healthcare Improvement Scotland. However staff will be kept informed of all developments in this area.

Terms and Conditions

Q1: How will the transfer affect my terms and conditions of employment?

A1: You will transfer to Social Care and Social Work Improvement Scotland or Healthcare Improvement Scotland on your existing terms and conditions. Details of where each person will sit in the new structures will need to be worked through in due course as the business models for the new bodies take shape.

Q2: What will the pay and grading structure and associated terms and conditions of the new organisations look like?

A2: It will be up to the new organisations to determine their own pay and grading structure and associated terms and conditions. However we will need to have a set of terms and conditions for new staff who join Social Care and Social Work Improvement Scotland after April 2011, and for existing staff who voluntarily take up new posts in the new body (for example, on promotion). One of the options might be to develop a pay and grading structure and associated terms and conditions package for these staff. If that is the case then this will be taken forward in the latter half of 2010 by a small working group including the HR contact from each of the constituent organisations, and in consultation with the relevant trade unions. Any new terms and conditions would need to comply with Public Sector Pay Policy.

As a Special Health Body it is likely that Healthcare Improvement Scotland will retain existing NHS terms and conditions for all staff after April 2011. (Although any staff who transfer to HIS from the Care Commission will do so on their existing terms and conditions.)

Q3: Do the Transfer of Undertaking (Protection of Employment) Regulations (TUPE) apply to this transfer and if so what does that mean for me?

A3: Whether or not TUPE applies is a matter of law but as these are Public Sector transfers we will follow the Cabinet Office Statement of Practice on Staff Transfers in the Public Sector (COSOP) (http://www.civilservice.gov.uk/Assets/stafftransfers2_tcm6-2428.pdf) and, therefore, adhere to TUPE principles even if TUPE law does not apply. This means that your terms and conditions of employment are protected at the time of transfer.

Q4: Will my service be continuous?

A4: Yes, you will carry your service with you to the new body. This means that the period of your previous service will transfer to the new body and it will be as if you have worked continuously for the new body.

Q5: Who will be responsible for paying my salary?

A5: Social Care and Social Work Improvement Scotland and Healthcare Improvement Scotland will each pay their own staff and will have arrangements for payroll administration in place at the time of transfer.

Q6: Will my salary be safeguarded?

A6: Yes, your salary at the time of transfer will be protected on transfer.

Q7: Will we still have flexi-time?

A7: Your current flexible working arrangements will transfer with you (although the system for recording flexible working may not be the same).

Q8: Will there be any change to the way in which my annual leave is calculated?

A8: Your current annual leave entitlement will be unchanged as you will transfer on your existing terms and conditions.

Q9: Will I be a civil servant?

A9: No. You will be an employee of either Social Care and Social Work Improvement Scotland, a Non Departmental Public Body, or Healthcare Improvement Scotland, a Special Health Body.

Q10: Will I still get the non-pay benefits currently available to me in my existing organisation (eg. gym membership at reduced rates, childcare vouchers, season ticket loans etc)?

A10: We will look at how these benefits can be protected/extended for staff where possible.

Q11: Will I stay in the same Trade Union?

A11: The new bodies will enter into recognition agreements with trade unions, and you will have the right to join and benefit from membership of one of the recognised trade unions.

Q12: Who will hold my personnel record?

A12: It will transfer to either Healthcare Improvement Scotland or Social Care and Social Work Improvement Scotland as your new employer.

Q13: Will my job be evaluated?

A13: Once the new bodies are fully operational from April 2011 a job evaluation exercise may need to be conducted so that we know where your job falls within the organisational structure and to ensure equity and consistency in the grading and pay of posts in the new organisations. The decision on any need for and scope and timing of a job evaluation exercise will be a matter for the new bodies themselves in due course in consultation with the Trade Unions. It will be up to HIS and SCSWIS to determine the job evaluation system to be used. Without pre-empting any decision taken by the new body it is likely that HIS will retain Agenda for Change.

Pensions

Q14: What will happen to my pension?

A14: Pension arrangements are still under consideration but we expect that all staff currently in the Local Government Pension Scheme will remain in that scheme subject to SCSWIS being admitted as a member. We expect that staff currently in the NHS pension scheme will remain in that scheme. Staff from SWIA and HMIE who are currently members of the Principal Civil Service Pension Scheme (PCSPS) will not be able to remain in that scheme. We are currently working with Scottish Government HR colleagues, the Government Actuary's Department, Scottish Public Pensions Agency and the Local Government Pension Scheme providers to consider what pension scheme staff transferring to the new organisations will be able to join. Further details about this will be provided later in the year. Under the Cabinet Office Statement of Practice on Staff Transfers in the Public Sector (http://www.civilservice.gov.uk/Assets/stafftransfers2_tcm6-2428.pdf) the alternative provision must be broadly comparable to the PCSPS and will be subject to rigorous scrutiny by professional actuaries to ensure that there are no employees who will suffer material detriment overall in terms of their future accrual of pension benefits under the alternative scheme.

Q15: When will it be confirmed that Care Commission staff will remain in the Local Government Pension Scheme?

A15: We are in discussion with the Scottish Public Pensions Agency and the Local Government Pension Scheme provider for the Care Commission and we hope to be able to confirm pension arrangements by early 2010. See also A14.

Q16: When will it be confirmed that NHS QIS staff will remain in the NHS Pension Scheme?

A16: We are in discussion with the Scottish Public Pensions Agency and we hope to be able to confirm pension arrangements by early 2010.

Q17: I am in the Care Commission and am a member of the NHS pension scheme from a previous transfer. Will I be able to remain in that scheme?

A17: Our understanding is that it may be possible for you to remain in the NHS scheme depending on the status and structure of the new body, but we will need to take legal and HM Treasury advice on this point. We hope to be able to confirm arrangements by early 2010.

Q18: When will arrangements for existing PCSPS members be known?

A18: We hope to be able to confirm arrangements by mid 2010 following discussions with the Government Actuary's Department and others. See also A14.

Job Security

Q19: Will there be compulsory or voluntary redundancies?

A19: Scottish Ministers have given a commitment of no compulsory redundancies for the period of this spending review and this policy applies to employees in the core Scottish Government, associated departments, Executive Agencies and non-departmental public bodies, and those bodies directly affected by the Simplification Programme. This would include NHS QIS. We expect that any reductions in staffing will be achieved, where appropriate, through redeployment, natural turnover or, if necessary, targeted and cost effective voluntary early retirement and voluntary severance schemes. The need for any reduction in staffing will become clearer as the detailed structure of each new body is developed.

Q20: What happens if my job doesn't exist in the new structure. Could I be made redundant if my job duplicates a job already in existence in one of the other organisations being brought together?

A20: Scottish Ministers have given a commitment to no compulsory redundancies for the period of this spending review. However, if after transfer, posts become surplus staff will be helped to find suitable posts elsewhere in the organisation or in the wider public sector in accordance with established redeployment policies and procedures. There are established protocol arrangements to allow public bodies, where specific criteria are met, to register to allow available staff to apply for posts in other Government organisations via the Cabinet Office Website (<http://www.careers.civil-service.gov.uk>) A redeployment unit has also been set up within the Scottish Government to help secure posts in the public sector for any surplus staff resulting from the Simplification Programme.

Q21: Do I have a choice about whether I transfer to the new body?

A21: Staff in post at the time of transfer will move to either Social Care and Social Work Improvement Scotland or Healthcare Improvement Scotland. If TUPE applies, then in law you will be able to reject the transfer before the transfer date. In doing so, however, this will have the effect of you automatically terminating your contract of employment. In other words, by rejecting the transfer, it will be as though you have resigned.

Q22: What will happen if any vacancies arise during the transition period – will they be filled?

A22: Existing organisations will need to ensure that there is business continuity throughout the transition period. There are no plans to stop filling vacancies either now or in the lead up to the transfer.

Location

Q23: Will the creation of Social Care and Social Work Improvement Scotland and Healthcare Improvement Scotland mean that I have to work at a different location?

A23: We expect that most staff will remain in their current location at the time of transfer. Scottish Government asset management policy is that public sector relocations and other property changes should only take place when they will deliver financial benefits. The expectation is that it will be for SCSWIS and HIS to look for opportunities over time to rationalise existing accommodation taking account of that policy. We appreciate that location will be a concern for many staff, and we expect to have some firm decisions by mid 2010.

Q24: Can I be asked to relocate?

A24: This will depend on your current terms and conditions of employment.

Q25: If I am asked to relocate, will expenses be paid and if so for how long?

A25: If you are asked to relocate the terms of your existing contract in respect of relocation will apply, including your employer's policy on relocation arrangements and expenses.

Career Development

Q26: What career development opportunities will there be in the new bodies?

A26: We would expect any future career development opportunities to be identified once the detailed structure of Social Care and Social Work Improvement Scotland and Healthcare Improvement Scotland become clearer. This is likely to be around mid 2010.

Q27: Can I apply for other posts in my existing organisation before the transfer to the new body?

A27: Current arrangements for applying for posts will continue until the date of transfer.

Structure

Q28: What will the structure at the top of the organisation look like – same senior managers?

A28: It is too early to say what the detailed structure of Social Care and Social Work Improvement Scotland and Healthcare Improvement Scotland will look like. Work on developing a business model will be taken forward towards the end of 2009 once the groups tasked with taking forward work on specific themes have reported. (<http://www.scotland.gov.uk/Topics/Health/Scrutiny/Links/ScrutinyPID>) The expectation is that there will be some rationalisation of senior management tiers. The new bodies will have a Chief Executive, appointed by Ministers through open competition. Both bodies will have a Board led by a chair and these posts will be filled through the Public Appointments process.

Q29: How and to what extent will the Scottish Government be involved in determining the structure and staffing of the new bodies?

A29: The Scottish Government will see the legislation through Parliament and will provide funding for the new bodies. Scottish Ministers will be responsible for appointing the Boards and first Chief Executives. The Project Team will support the new organisations in the development of their structures but this is unlikely to be completed before the new Chief Executives are in post.

Q30: What is the timescale for providing further information on the structure of the new bodies?

A30 We will provide further updates in the information bulletin as key decisions are made, but we are unlikely to have potential business models before mid 2010.

Trade Union Consultation

Q31: How are Trade Unions and staff representatives being consulted?

A31: An initial consultation meeting with Trade Unions took place in February 2009, with subsequent meetings in April, May and June. Minutes of those meetings are available on the website (<http://www.scotland.gov.uk/Topics/Health/Scrutiny/Links>)

Q32: Which Trade Unions are the Project Team consulting?

A32: We are consulting with all the Trade Unions officially recognised by the existing organisations.

Q33: What about engagement with staff who are not members of a Trade Union?

A33: Although formal consultation will take place with the Trade Unions, management have a responsibility to ensure all staff are kept informed of how the project is progressing. The Project Team will continue to issue regular staff Information Bulletins and is in the process of considering how to extend the staff engagement process. Any staff who are not members of trade unions but have personal concerns about their future should discuss this with their existing line manager.