

Implementation Plan Progress, 2021 and the Continuous Improvement Programme

Culture and behaviours in the Scottish Government

The Scottish Government's response to the three investigations into its handling of complaints about the former First Minister was published in June this year.

The annex set out an implementation plan to respond to the findings of the review led by Laura Dunlop QC, the Harassment Committee's report and James Hamilton's report.

Our own internal lessons report looked at the broad range of initiatives on culture and behaviours that exist within the SG and these lessons, as well as the three reports, informed the implementation plan.

In the interest of transparency, the government proactively published the lessons in the Culture & Behaviours report alongside the Committee, Dunlop and Hamilton findings.

It is essential that the updated procedure is viewed in the context of this wider improvement work on culture and behaviours.

The ultimate test for an updated procedure is how our staff and Ministers will feel about it and how trusting and confident they will be that the organisation will set a positive and supportive culture where bullying and harassment is addressed fairly and swiftly.

The updated procedure is set with this broader understanding. There is a wraparound programme of support already underway and this will be the central element of a continuous improvement programme.

We have invested time in listening to those staff who have lived experience of the issues, and distilling the learning from those conversations. This learning has given us a foundation on which to build an improvement programme to wrap around the development of the updated procedure.

We know that for the implementation of the procedure to be successful, it must sit within a supportive culture designed to improve a culture of openness and inclusion. The cultural conditions needed to enable people to come forward with issues from a position of confidence and trust. The ongoing work supporting the embedding of our organisational values - integrity, innovation, collaboration, inclusion, kindness - will provide the corporate context in which to do this.

The aim is to rebuild confidence in our complaints process and improve the effectiveness of our arrangements for managing issues involving propriety and ethics.

We are listening and acting on feedback from staff who have experience of the Scottish Government's formal Fairness at Work (FAW) process, and those who have a role in the process, through a collaborative project between the Scottish Government and the Council of Scottish Government Unions (CSGU). This feedback is informing improvements to the way we approach grievance handling, as well as informing policy and procedure.

In order to demonstrate that the updated procedure is not to be viewed in isolation, as the shape of the updated procedure and the refresh of Fairness At Work develops, we have done some thinking on medium to longer term to develop the implementation plan that was published in response to the harassment reports into a Continuous Improvement Programme.

This plan sets out the actions we have completed in the implementation plan and those that lead from it, sets out what we have in train, and what we intend to do by the end of 2022.

We will review the effectiveness of the programme and set out its future direction in 2023.

Continuous Improvement Programme

The updated Procedure will be seen within the context of a wider programme of continuous improvement to improve our culture of openness and inclusion. This programme (the initial actions of which are set out overleaf) sets out the actions we have completed in the implementation plan and those that lead from it in 2022.

Continuous Improvement Programme Progress

To improve organisational and Parliament's confidence in our ongoing and ambitious work to improve our culture of openness and inclusion

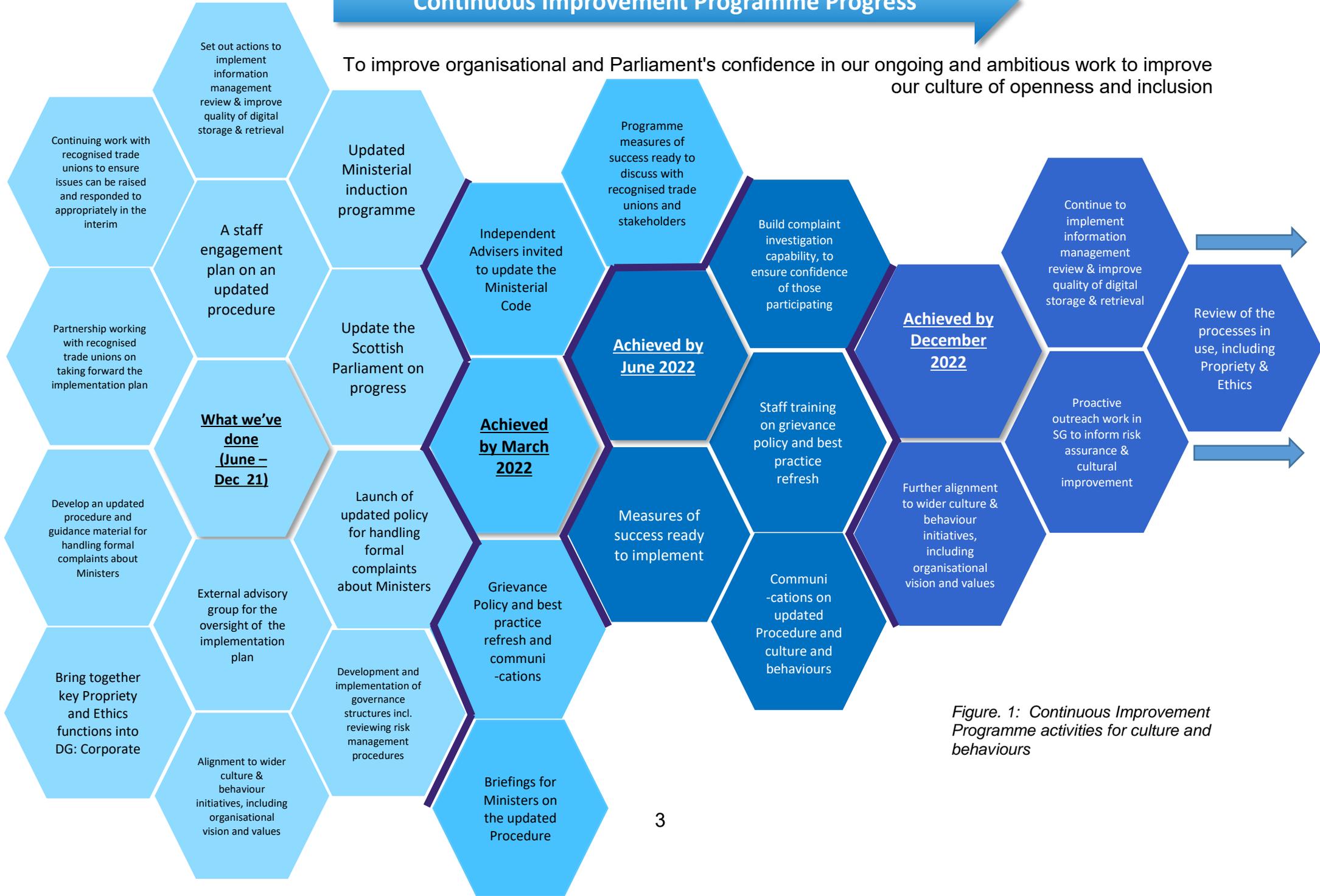


Figure 1: Continuous Improvement Programme activities for culture and behaviours

Implementation Plan Progress

This implementation plan is in the annex of the Scottish Government's response to the reports related to the harassment reviews and inquiries, published in June 2021, and sets out the high-level actions and outcomes that the Scottish Government will take forward.

Activity	Achieved by	December 2021 Progress Update
Continuing work with recognised trade unions to ensure issues can be raised and responded to appropriately in the interim	Immediate and ongoing	<p>Completed: December 2021</p> <p>Existing channels of engagement were in place for engagement with the Scottish Government and our recognised trade unions to discuss case work. An additional forum was established where People Directorate met with Trade Unions regularly to discuss progress on grievance policy, procedure and practice, and consult/ negotiate on changes. This ensured clear channels for raising and responding to issues in the interim. Additional improvement work with trade unions was carried out in this period to consider ways of working and experience of formal grievance handling.</p>
An updated Ministerial induction programme has been designed to support the incoming administration. One of the key aims of the programme is to support Ministers to work effectively with the civil service in a culture of mutual support and respect.	May – September 2021	<p>Completed: October 2021</p> <p>The Ministerial Induction programme was designed to be delivered after Government formation. The programme comprised of an induction pack and introductory meetings with senior officials. A series of briefing sessions were offered to Ministers, including a session covering complaints, bullying and harassment, and included inputs from Ministers, senior officials and trade unions.</p>
Partnership working with recognised trade unions on taking forward the implementation plan	May – December 2021	<p>Completed: December 2021</p> <p>Channels already in place for trade union engagement continued in this period included a partnership working committee and a strategic forum with national union representatives. An additional forum was established where the Scottish Government met with trade unions regularly to discuss progress on grievance policy, procedure and practice and consult / negotiate changes, as discussed above.</p> <p>The trade unions have commented at each milestone in delivering the updated procedure. The Scottish Government</p>

		continues to work with the recognised trade unions on a refresh of wider grievance policy, procedure and practice, in line with the Partnership Agreement.
<p>Develop an updated procedure and guidance material for handling formal complaints about Ministers which will include consideration of:</p> <ul style="list-style-type: none"> • A single process for both bullying and harassment; • Introduction of external, independent investigation and adjudication; • Separation of roles; • Benchmarking; • Time limits; • Initial assessment; • Criminality and police involvement; • Support for all parties including Ministers; • Further consideration to referencing alternative resolution options (including informal routes and mediation); • Censure with consent 	May – December 2021	<p>Completed: February 2022</p> <p>As set out in the letter to the Finance and Public Administration Committee and the Presiding Officer, we are presenting the procedure with a short period of time before it is enacted. This will offer a short phase of further engagement with trade unions and with Parliament before the procedure comes into operation early in 2022.</p> <p>The contents of the updated Procedure is set out in the current draft, guidance will be provided when the procedure comes into operation.</p>
External advisory group for the oversight of the implementation plan	June 2021 – June 2022	<p>Completed: Set up in June 2021, ongoing</p> <p>The Reviews Implementation Assurance Group (RIAG) provides external perspectives, support and challenge on the delivery of the implementation plan. RIAG is made up of senior leaders from the UK Government and the devolved administrations, senior public sector leaders, and trade union representatives. The Group meets monthly and is chaired by DG Corporate.</p>
A staff engagement plan on an updated procedure	July – October 2021	Completed: First phase completed by December 2021, then ongoing

		<p>Staff engagement consisted of internal communications to Scottish Government staff; seeking the views of staff with lived experience as part of embedding lessons learned in the updated procedure and regular trade union working group meetings.</p> <p>More staff communications are planned to announce the progress with the procedure in December. Following on from this, staff engagement activity planned for the refresh of the grievance policy and practice.</p>
<p>Bring together key Propriety and Ethics functions into DG: Corporate</p>	<p>July – September 2021</p>	<p>Completed: September 2021</p> <p>The role of Propriety & Ethics is to provide corporate oversight of and co-ordination on sensitive issues. It is the point of contact for propriety and ethics issues within the organisation and its public bodies. Propriety & Ethics is established and is the point of contact with a pool of external investigators and adjudicators to be called upon in the event of a complaint being brought under the updated procedure.</p> <p>The team will provide specialist and dedicated support to other parts of Scottish Government in handling complex and/or cross cutting cases of alleged breaches of propriety and ethics. It will handle the continuous improvement programme in relation to promoting positive standards of behaviour, seeking to prevent unacceptable behaviours, and creating a safe and supportive environment to speak up.</p>
<p>Set out the specific actions we will take to implement our information management review and improve the quality of our digital storage and retrieval processes</p>	<p>May 2021 – December 2021</p>	<p>Completed: Two year programme of work, progress on track in December 2021</p> <p>There are actions being taken to address all eight of the key recommendations from the Corporate Review of Information Management Report, which is a two year programme of work.</p> <ul style="list-style-type: none"> • A new Information Management Governance Structure is established. • A communications and stakeholder engagement plan and forward look for six month intervals.

		<ul style="list-style-type: none"> • Staff engagement is via topic specific presentations and new training modules. There has been increased engagement across all SG and with DG Senior Management Teams via these presentations. • A best practice Information Management section has been added to the existing induction document for new starts to the Scottish Government. • The Information Management Strategy launched in August and is published on gov.scot • Knowledge and Information Shared Services will work closely with the new COVID Oversight divisions in preparation for the COVID Inquiry. • We are implementing an Information Governance benchmark Maturity Assessment to measure confidence in the application of current policies and procedures. • A data cleanse of legacy data repositories work has begun in order to improve the search capability of documents in Scottish Government stores
<p>Alignment to wider culture and behaviour initiatives, including organisational vision and values, with engagement with staff to:</p> <ul style="list-style-type: none"> • Build consensus on values; • Encourage staff to speak up; • Pay attention to local cultures, early intervention and local support. 	<p>May – December 2021</p>	<p>Completed: December 2021</p> <p>The Scottish Government’s first mission, vision, and values setting out our expectations of how we will work and develop as an organisation was launched on 21st June. Accompanying this launch were the provision of virtual briefings for senior staff and a series of documents detailing the mission, vision and values. The staff response to the launch has been positive towards the content of the vision and values. Events were held to communicate the mission, vision, and values, and provide case studies to illustrate the future direction, with colleagues invited to contribute their views and experiences. The sessions included Ministers and external stakeholders as well as colleagues from across the organisation.</p> <p>Senior leaders will be tasked with capturing how they are making local improvements towards the new values to accompany these organisation-wide changes.</p>

Development and Implementation of Governance structures including reviewing risk management procedures	July – December 2021	Completed: Actions until December 2021 on a two year programme of work
		<p>There are actions being taken to address all eight of the key recommendations from the Corporate review of Information Management Report - a two year programme of work:</p> <ul style="list-style-type: none"> • Work is progressing on the setting up of new governance structures (which includes the new governance boards mentioned above). There will also be new information management roles at Directorate General, Directorate and Divisional level. • Work is underway with Governance and Risk colleagues to strengthen the information management section as part of the Certificates of Assurance process. • Revised guidance on minute taking is being prepared, emphasising the message in the Civil Service Code for civil servants to ‘...keep accurate official records and handle information as openly as possible within the legal framework...’.
Update to the Scottish Parliament on progress	Before the end of 2021	Completed: December 2021
		<p>The Deputy First Minister has written to the Finance and Public Administration Committee presenting the Procedure with a short period of time before it is enacted. This will offer a short phase of further engagement with trade unions and with Parliament before the procedure comes into operation early in 2022.</p> <p>The documents sent to the Finance and Public Administration Committee includes a copy of this implementation plan.</p>
Launch of updated policy for handling formal complaints about Ministers	Before the end of 2021	Completed: Updated provided in December, policy launch expected in early 2022 after a short period of consultation
		As set out in the letter to the Finance and Public Administration Committee and the Presiding Officer, we are presenting the procedure with a short period of time before it is enacted. This

will offer a short phase of further engagement with trade unions and with Parliament before the procedure comes into operation early in 2022.

Table 1: Implementation Plan progress

Continuous Improvement Programme

The updated Procedure will be seen within the context of a wider programme of continuous improvement to improve our culture of openness and inclusion. The following activities are planned for 2022.

Activity in 2022	Achieved by	Commentary
Grievance Policy and Best Practice refresh, including update to Fairness at Work	March 2022	<p>This will include</p> <ul style="list-style-type: none"> • Refreshed Standards of Behaviour • Informal Resolution Guidance and core narrative including roles and Routes for Support & Advice • Refreshed Grievance Policy and Procedure • Ministerial Procedure <p>Associated Guidance including mediation and facilitation guidance as well as refreshed guidance for investigating officers, deciding officers and appeal managers</p> <ul style="list-style-type: none"> • Ongoing Training (NB this will not be delivered by March – see below) • Additional improvements in response to joint work with trade unions
Briefings for Ministers on the updated Procedure	March 2022	<p>To provide an opportunity to ensure current Ministers are familiar with the process, while also stressing the First Minister’s commitment to a respectful working environment to underpin good government in the service of Scotland.</p> <p>The briefings will promote a positive culture in which individuals feel safe and supported in raising concerns and complaints about behaviour that does not meet the highest standards.</p>

Measures of success to be defined and discussed with trade unions and stakeholders	March 2022	Engage with trade unions and stakeholders on tracking activity and progress on organisational culture, business practice and procedures.
Update the Ministerial Code in cooperation with its Independent Advisers	March 2022 June 2022	Offer the Independent Advisers to the Ministerial Code, Mr James Hamilton and Dame Elish Angiolini, the final, approved version of the new procedure for them to consider for them to consider changes to the Ministerial Code. The intention is to produce a updated version of the Ministerial Code within three months of publication of the updated Procedure. This final timetable is subject to the availability of the Independent Advisers.
Communications with staff on updated Procedure and culture and behaviours	June 2022, then ongoing until December 2022	The communications will set out clear and consistent routes to handling and constructively addressing grievance and tackling bullying and harassment. The launch of the updated Procedure will demonstrate that it is part of the wider, ongoing programme of continuous improvement on culture and behaviours. Communications throughout the year will ensure staff are well informed on the improvement programme and how they can participate.
Staff training on grievance policy and best practice refresh	June 2022 (then continuing until December 2022)	A continuation of the training for the grievance and best practice refresh above.
Build the independent complaint investigation capability	June 2022 (then ongoing throughout 2022)	Provide training to ensure that those raising complaints, those subject to them, those applying the policies, and the trade unions - can have confidence in processes to investigate allegations of bullying or harassment. Familiarisation and training on updated Procedure will be provided, in particular for other teams involved in handling complaints (HR, Propriety & Ethics)

Measures of success ready to implement	June 2022	Establish and manage governance to effectively monitor the progress of the continuous improvement programme.
Alignment to wider culture and behaviour initiatives, including organisational vision and values, with engagement with staff	December 2022	<p>This will involve ongoing monitoring of corporate actions in response to the People survey and the sharing of good practice identified via the People survey results. There will also be the monitoring of staff sentiment through routine employee engagement activity.</p> <p>Leaders will monitor their staff survey reports from 2021 and undertake further analysis where required to establish where enhanced monitoring, safeguarding and support may be beneficial.</p>
Proactive outreach work in Scottish Government to inform risk assurance and cultural improvement	December 2022	A programme of discussion and dialogue across the Scottish Government to take the temperature of how our culture and behaviour change programmes are being received and acted upon. This will specifically focus on area offices and discussion with equality network groups.
Review of the processes in use, including Propriety & Ethics	December 2022	Use the measures of success to review the effectiveness of the continuous improvement programme to inform planning for 2023 activities.
Continue to implement the information management review and improve the quality of digital storage and retrieval processes	Update in December 2022	<ul style="list-style-type: none"> • Strengthen the Scottish Government’s annual assurance process to enable Directors General to confirm that all of their information management procedures are robust. This process supports the Permanent Secretary’s governance statement as part of the annual accounts. • Information Governance Impact Assessments will be implemented • Ensure Information Governance Roles & Responsibilities are signed off at senior leadership level • Continue work to reduce access to and use of unstructured information repositories.

		<ul style="list-style-type: none">• Review resourcing of information management across the SG
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Table 2: Continuous Improvement Programme Activities for 2022