

MEMBERS' STAFFING PRESSURES

Executive Summary

1. Recent feedback from Members and their staff has highlighted significant and sustained pressures on casework. This paper provides an urgent analysis of the issues and options for SPCB consideration.

Issues and Options

Pressure/capacity

2. The current Review of Staff Cost Provision has identified significant pressure on casework for Members and that this will continue for the remainder of the Session and into the future. We understand other UK legislatures are experiencing similar circumstances.
3. As context, officials have analysed detailed feedback from 37 Members, from across all parliamentary groups. Annex B summarises the issues raised. In summary, Members are concerned about their staff's mental wellbeing and the sustainability and resilience of their staff, especially given the distressing nature of some of the casework.
4. Feedback notes that active cases have increased dramatically. It is not just the volume but also the complexity, and often sensitivity, of the casework. Members report that staff have been dealing with anxious and often vulnerable constituents who are demanding immediate answers that are not easy to find.
5. Members across the board cited their staff being unable to use up all, and in some cases any, of their annual leave entitlement. Staff are regularly working significant additional hours. Whilst some Members have to cover overtime, most who have done so report they no longer have the ability to do this, and the majority of overtime is now unpaid. There are also concerns that staff accumulating TOIL are too busy to take any time off. The added pressure of also entering an election year comes across in the feedback with Members citing their staff seeing no let-up in workloads.

Analysis of Staff Cost Provision and overtime

6. We have analysed the current and projected spend on Members' staff cost provision. This shows that currently we have 78 Members (60%) projected to spend 95% or more of their SCP. This is split as 43 constituency and 35 regional Members. A further 22 Members (17%) are forecast to spend within 90-95% of their SCP provision. This forecast is based on solely the staff cost incurred to date and projected staff cost [at normal run rates only] to the end of the financial year.

7. Overtime is also running significantly ahead of the comparable period last financial year. The overtime spend incurred to date this year is 100% higher than the same period last year.
8. Similar to other organisations, SPCB has faced a number of additional resourcing pressures to be able to provide Parliament with the necessary staffing, services and support to carry out its role safely and sustainably throughout the current pandemic.
9. We have considered the options to address the current pressures in an equitable way which offers Members additional temporary flexibility to the end of the current financial year, is consistent with the current Scheme rules, preserves transparency and accountability and is affordable.
10. Some Members have suggested viring from their other provisions to enable them to meet staffing pressures. We have discounted this option as it is not provided for in the current Scheme and would require an amendment. It is also dependent on whether a Member would have sufficient funds to vire from their Office Costs Provision. This could also be seen as potentially inequitable as there may be Members who would not be in a position to do this but are still facing the same staffing pressures.
11. We propose that SPCB address the issue using the Incidental & Ancillary Employment Costs' provision. This provision was amended to be more flexible at the beginning of the pandemic to allow the SPCB to respond to any number of scenarios the pandemic could create for Members and their staff. It provides:

'The SPCB may meet such expenses or costs in respect of such items of a kind which reflect good employment practices and facilities for members in their capacity as employers or for members' staff as the SPCB determines appropriate and subject to such conditions as the SPCB considers appropriate.'
12. We also propose, to ensure the process is proportionate and timeous, that SPCB delegate authority to the Group Head of Financial Governance to assess Members' applications and approve additional spend up to a limit of £5,000 (including employers NI and Pension contributions) between now and the end of the current financial year. Members will be expected to apply to access the additional monies only once and any costs up to the limit of £5,000 will then be met from the Incidentals between now and the end of the current financial year.
13. Annex A is the information Members would be asked to provide to evidence their business case to the Group Head of Financial Governance. More significant and/or novel requests would be brought to the SPCB by exception.

Cost Analysis

14. The COVID pandemic has resulted in certain pressures within the Scheme but also underspends due to restricted travel and overnight accommodation impacts. There is

always a judgement to be made about how much Members' spend is likely to be incurred within the Scheme in the remaining 4 months of the financial year.

15. We have analysed current and projected spend to determine the availability of funds to respond to the pressures outlined above. Assumptions have been made on the level of uptake and further analysis of the potential costs.
16. In terms of overall affordability, based on the latest financial forecast for the current financial year, we recommend a capped amount of £5,000 per MSP is offered along with the exceptional option of applying for further support on a case by case basis. This £5,000 is intended to be paid via Incidental Expenses and this will include any on costs such as ERNIC or pension costs if appropriate. £5,000 equates to about 10 weeks of full-time staff salary (including on costs) based on the scale minimum of Case Work Level 1 salary. However, Members have flexibility to decide how they use this additional staff funding based on the criteria set out in Annex A, for example extending part-time worker hours, overtime, paid toil or leave, additional temporary staffing. If all members take up this additional allowance, the cost will be £645k.
17. It should be noted that this funding only covers the period to the end of the current financial year. The new SCP scheme will become effective from the start of the new session in May 2021. The first month of the new financial year (April) will benefit only from the inflationary uplift applied to the existing scheme. Neither the temporary capped additional funds nor the new scheme arrangements will be available. We do however anticipate that there should be enough flexibility in the early stages of the financial year to accommodate any emerging budgetary pressures in that year.

Resource Implications

18. Resourcing implications as set out above can be met within the current year's Members' budget by repurposing monies.

Governance issues

19. The Incidental and Ancillary Employment Cost provision provides the SPCB with the flexibility to meet such expenses which reflect good employment practices as it determines appropriate.
20. Any costs claimed would be published in line with the publication of other claims under the provision as part of the quarterly publication process.

Publication Scheme

21. This paper should be published.

Next steps

22. Communication of SPCB decision to Members.

Decision

23. SPCB is invited to:

- Discuss the analysis provided.
- Approve the approach recommended to address current pressures in session 5.
- Authorise delegated authority to the Group Head of Financial Governance.
- Agree communication of the decision to Members.

**Michelle Hegarty
Deputy Chief Executive
November 2020**

Criteria for accessing additional staffing monies

Members will be expected to apply to access the additional monies only once and any costs up to the limit of £5,000 will then be met from the Incidentals between now and the end of the current financial year.

- Members must have less than £500 left in their staff cost provision. Any remaining balance will be used to help meet the costs if not already committed for other staffing costs.
- Members' staff must have an unmanageable level of TOIL or annual leave to be taken that cannot be met from resources already provided to the Member or be taken within a reasonable time due to work pressures in line with the amended Working Time Regulations.
- Members must provide details of when any TOIL or Overtime was incurred and the number of hours to be paid to each Member of staff.
- After the initial claim for any outstanding TOIL or Overtime any further claims must be submitted within one month of those hours being worked.
- Any change to working hours can only be put in place until 31 March 2021.
- Any new employment must be fixed term and cannot extend beyond 31 March 2021 and be met from the Incidental and Ancillary Employment Cost Provision.

MSP Feedback on Staffing Pressures

Feedback was sought from Members (through Business Managers/Parliamentary Group leads) on the pressures they and their staff have been experiencing as a result of the pandemic. 36 responses were received from across the parliamentary groups (28 from the SNP, 3 from Lib Dems; 3 from Greens; 1 from Labour, and 1 from Conservatives). The information has been broken down as follows:

Nature of pressures – case management

33 (92%) of the responses made a clear reference to increased casework loads as a result of the pandemic, with particular reference often given to the diverse range of Covid-related issues including but not limited to bereavement; redundancies; furlough; school closures, or mental ill health.

Of these 33, a third (33%) referred to an increase in volume ranging between 100% to 600%. This is on top of the “typical” casework issues which came in pre-Covid, such as housing, transport, environmental issues, etc.

- *“It is not an exaggeration to say that my office has dealt with more enquiries and more pieces of case work in the past 9 months than in the whole of the preceding 4 years.”*

Nature of pressures – holidays / TOIL / flexi

Just under half of the responses (47%) mentioned that members of their staff had annual leave which had not been used up, and that they were regularly working through lunch and working additional hours. Many staff have cancelled holidays to reduce burden on fellow colleagues. 14 (39%) were concerned about being unable to pay for overtime that has been worked, whilst 12 responses (33%) noted issues with staff taking TOIL and not foreseeing a point in the near future at which this could be used.

- *“Such is their commitment that they had to be persuaded to take time off to recover from clear exhaustion”.*
- *“As for holidays and toil, I am insistent that staff take the time they’re due, and they are but I detect a reluctance to down tools given the sheer volume of work coming in”.*

Nature of pressures – staff wellbeing

Just under half (42%) reported some instance of mental health concerns; low morale; fatigue; stress-related absences; threats to quit, or notices being handed in by staff since the pandemic began. 14 responses (39%) highlighted the particular strain on staff as a

result of dealing with sensitive and stressful Covid-related enquiries from anxious and often demanding and/or vulnerable constituents. Over a third of responses (36%) cited concerns over the isolation of their staff and the impact of working from home whilst often juggling childcare or caring responsibilities, or as one Member put it “living at work”. Staff have experienced their own personal losses as a result of the pandemic, whilst dealing with the added pressures of the current workloads.

- *“...considerable strain on the mental well-being of staff. We’ve had to work harder than ever before to the point where burn-out is a real risk”.*
- *“It is a difficult thing to witness a staff member in tears on the phone as a result of the pressures being put on them [...] it upsets me there is very little we can do to solve this currently”.*
- On the nature of cases: *“constituents losing their business or home due to job loss, callers looking for help as feeling depressed or suicidal or just wanting someone to talk to, assisting those who have lost loved ones due to Covid-19 or suicide brought on by their dire situations because of the virus”*.

Nature of pressures – lack of support

13 of the responses (36%) expressed some form of frustration and disappointment at the perceived lack of support being offered by the Scottish Parliament; compared the Scottish Parliament’s support unfavourably to that given by the House of Commons to MP staff during the pandemic. 11 respondents (31%) expressed frustration at being unable to remunerate or show appreciation to their staff for the extra effort during the pandemic as a result of “impossibly low” budgets. Two Members noted that they were refused being able to access underspend in other budgets to reduce pressures.

Suggested solutions from Members

Whilst low budgets were mentioned by almost all respondents, some provided suggestions on potential ways to address this. Over a third (36%) of responses discussed reviewing “inflexibility” over viring of funds that have been underspent in other budgets, such as Office Cost Provision or travel expenses. 12 responses (33%) referred to additional staff budget or emergency temporary funding being put in place. 2 Members also proposed being able to offer pay in lieu of untaken leave to their staff.