



Dear Colleague

## PROTECTING LEARNING TIME FOR AGENDA FOR CHANGE STAFF IN NHS SCOTLAND

1. As part of the pay settlement for Agenda for Change staff in 2023-24, it was agreed to conduct a review of the Agenda for Change system in NHS Scotland. This work has been taken forward in partnership by a series of Working Group created under the aegis of the Scottish Terms and Conditions Committee (STAC).
2. One of those Working Groups considered the provision of protected learning time for Agenda for Change staff working in NHS Scotland and attached at Annex A is the policy which has now been agreed. The Working Group has also developed a Q&A in support of the new guidance, and this is attached at Annex B.
3. These provisions are effective from 1 April 2024. Boards should work locally through their Area Partnership Forum to put all the agreed aspects of the new policy in place as quickly as possible.

### Cabinet Secretary Approval

4. The provisions of this circular have been approved by Scottish Ministers under Regulations 2 and 3 of the National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1991 (SI 1991 No 537). A copy of the formal approval is attached.

### Action

5. NHS Boards and Special Health Boards should follow the procedures, advice and timescales set out in the guidance.

21 March 2024  
(Re-issued on 12 July 2024 to include clarification around the Two-Tier Workforce)

### Addressees

#### For action

Chief Executives,  
Directors of Finance,  
Directors of Human Resources:  
NHS Boards and Special Health  
Boards, NHS National Services  
Scotland (Common Services  
Agency) and Healthcare  
Improvement Scotland

#### For information

Members, Scottish Partnership  
Forum  
Members, Scottish Terms and  
Conditions Committee  
Members, Scottish Workforce and  
Governance Committee

### Enquiries to:

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E-mail:  
[hwfpaytermsandconditions@gov.scot](mailto:hwfpaytermsandconditions@gov.scot)


## Enquiries

6. Employees should direct their personal enquiries to their employing NHS Board or Special Health Board.

7. Employers should make their own arrangements for obtaining additional copies of this circular, which can be viewed at:

<https://www.publications.scot.nhs.uk/>

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Jane Hamilton', with a stylized, cursive script.

**JANE HAMILTON**

Deputy Director

Health Workforce: Pay, Practice and Partnership Division



**NATIONAL HEALTH SERVICE  
APPROVAL OF REMUNERATION AND CONDITIONS OF SERVICE**

In accordance with regulations 2 and 3 of the National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1991 (S.I. 1991/537) the remuneration and conditions of service set out in the attached Scottish Government Health Workforce Directorate circular of 21 March 2024 – PCS(AFC)2024/1 – in respect of protecting learning time for Agenda for Change staff in NHS Scotland are hereby approved for the purposes of the said Regulations.

A handwritten signature in blue ink, which appears to read 'Jane Hamilton'.

**JANE HAMILTON**

Deputy Director

Health Workforce: Pay, Practice and  
Partnership Division

12 July 2024

## PROTECTING LEARNING TIME FOR AGENDA FOR CHANGE STAFF IN NHS SCOTLAND

1. Learning and development is essential to NHS Scotland's efforts to improve both the wellbeing and retention of staff, building diverse and complementary skills throughout our healthcare system, contributing to improved patient care and clinical outcomes. As part of the Agenda for Change review the Scottish Government has agreed to implement changes to improve access to Protected Learning Time for Agenda for Change staff.
2. This document has been developed in partnership and approved by the Scottish Terms and Conditions Committee (STAC) at their meeting of 22 November 2023. This adds to existing guidance within the NHS Scotland Personal Development and Planning Review PIN Policy. All changes made within this guidance will be adopted within the refreshed Once for Scotland policy being developed.
3. Under the Health and Care (Staffing) (Scotland) Act 2019, Health Boards have a statutory duty to appropriately train and develop staff. Section 12II of the Act provides details on the 'Duty to ensure appropriate staffing: training of staff'. Every Health Board must ensure its employees receive:
  - a) Such training as it considers appropriate and relevant for the purposes set out in section 12IA (a) and (b), and;
  - b) Such time and resource as it considers adequate to undertake such training.

### Protected Learning Time

4. NHS Scotland Agenda for Change staff should complete all elements of mandatory learning during working time.
5. This includes the statutory and core mandatory learning for all NHS Scotland employees for which learning outcomes were developed by SEND, SAMD, HRDs and NES as the basis for [PCS\(AFC\)2019/03 - Appraisal and incremental progression \(scot.nhs.uk\)](https://scot.nhs.uk/PCS(AFC)2019/03-Appraisal-and-incremental-progression). Whilst not an exhaustive list of the mandatory training requirements for different Agenda for Change roles, these include:
  - a. Fire Safety (this is a statutory requirement)
  - b. Moving & Handling
  - c. Prevention & Management of Violence & Aggression
  - d. Infection, Prevention & Control
  - e. IT / Cyber Security
  - f. Information Governance / Safe Information Handling
  - g. Counter Fraud
  - h. Equality & Diversity
  - i. Adult Support & Protection.
6. In addition to the core statutory and mandatory requirements applicable to all staff groups, medical and dental staff and those working in primary care have separate arrangements that are set out in the relevant circulars.

7. NHS Scotland Health Boards will also be required to provide Protected Learning Time for Agenda for Change staff to complete profession specific mandatory training, some of which is required by professional regulators. Examples of this training are outlined below, although not limited to this list:

- Registered nurses and midwives re-validation training [35 hours every three years]
- Registration requirements for Allied Health Professionals, under the Health and Care Professions Council (HCPC)
- Role specific training for Healthcare Scientists
- Core training for maintenance and facilities staff.

8. Profession specific training will apply to all staff on Agenda for Change. These requirements will evolve as services adapt to new technologies and ways of working. Training requirements should be discussed and agreed in line with service requirements.

9. Staff can request further training and development opportunities at Annual Appraisal / Personal Development and Planning reviews, and record this on TURAS Appraisal as part of that process. Training requests should be recorded by staff and approved by line managers on TURAS Appraisal following consideration as part of these reviews. Staff should be encouraged to undertake training where possible as a benefit both to their development and the effectiveness of the service.

### Resource

10. NHS Employers should incorporate absence associated with the completion of learning and development into decisions on staffing, and should make planning decisions that enable all Agenda for Change staff to routinely access protected learning time, without adversely affecting service provision.

11. NHS Employers have an established method for calculating the Predicted Absence Allowance which is used to inform the size and composition of their Nursing and Midwifery workforce - [Predictable Absence Allowance PTA v1.8 \(isdscotland.org\)](https://www.isdscotland.org/Predictable-Absence-Allowance-PTA-v1.8).

### Responsibilities

12. As part of the PDP review component of Appraisal, line managers should ensure staff have access to the equipment and time that they need to complete mandatory training. NHS Employers should consider the frequency with which mandatory training is repeated to ensure this is proportionate to the role, and takes account of regulatory and policy frameworks. Managers should maintain awareness of relevant opportunities and how they can support staff to access them.

13. Individuals should complete mandatory training in the time assigned, and engage with their line manager to continue to develop skills appropriate to their role. Staff have a responsibility to consider their training requirements, take up necessary training, and reach agreement with their line managers around prioritisation of this learning and development through appraisal.

14. NHS Employers will be required to define learning requirements and record uptake, ensuring appropriate resources and time are devoted to learning and development, making sure that staff can access relevant opportunities.

#### Access to Learning and Development Resources

15. NHS Education for Scotland is undertaking a review of Learning Resources available using the TURAS platform, which will provide an extensive, centralised library for learning and development.

16. A passport will be developed to remove duplication of the need to refresh mandatory training earlier than the receiving organisation's requirements where staff move between NHS Scotland employers.

#### Implementation and Evaluation

17. Learning and Development is one of five pillars within our Staff Governance standard, which requires employers and employees to share responsibility for taking up learning opportunities. The 'Appropriately Trained and Developed' question within the Staff Governance Monitoring exercise [2024-25] will be tailored to capture information that monitors performance on the delivery of Protected Learning Time.

18. Within six months of the publication of this guidance, NHSS Health Boards will be asked to identify role specific training requirements for each job family, to make sure that it is proportionate, that training time is factored into workforce planning decisions, and that there are appropriate ways of monitoring completion. Employers should also identify the frequency with which role specific training is undertaken.

19. We will adapt platforms and systems so that:

- Turas Appraisal templates ensure PDP elements of annual reviews are routinely completed.
- The completion of learning objectives and further development is routinely recorded within PDP review templates and can be reported upon.
- Data management systems should be configured to accurately record time devoted to learning and development.
- New e-Rostering systems will assist in evidencing and facilitating protected learning time for NHS Staff.

20. Each Area Partnership Forum (or equivalent) must be assured that the organisation has fulfilled its responsibility to appropriately train and develop staff, by using:

- Quantitative data (e.g. number of PDP & R discussions which have been completed and recorded in the relevant system);
- Qualitative data (e.g. what difference PDP & R has made to staff experience and the service that they help to provide).

21. Taking account of pending national learning content and system developments, NHS Employers and APFs should consider the most appropriate means of collecting the quantitative and qualitative data to ensure that they can demonstrate that they have fulfilled their responsibilities under this PIN policy.

22. It is acknowledged that performance against key indicators within the Protected Learning Time proposal cannot be realised immediately, and will be dependent on incremental improvement to systems, processes, and culture around Learning and Development. Recognising that all boards will have a slightly different starting point, Health boards should monitor progress through their Area Partnership Forums, as they progress towards full compliance with protected time for statutory, core mandatory, and role specific learning. Monitoring will be done nationally using our annual Staff Governance Monitoring exercise, with evaluation from SWAG.

### Measuring Success

23. SWAG will commission a subgroup to assess progress towards the objectives of the Protected Learning Time workstream, and its benefit to Agenda for Change staff. As part of this work, the group will be asked to identify measures of success, including:

- Access and completion of statutory and mandatory training set-out in paragraph five.
- Targets for TURAS Appraisal/ PDPR Completion.
- iMatter Appropriately Trained and Developed.
- Conducting a review of Predicted Absence Allowance to ensure calculations provide sufficient provision for staff learning time.

### Summary

24. Please cascade this guidance to line managers, to ensure that they are completing PDP Appraisals, and providing protected time for staff to complete all statutory, core mandatory and role specific learning. Implementation of the benchmarks set out above, and evaluating progress with implementation will be reviewed within our Staff Governance Monitoring returns.

25. As well as supporting the attraction and retention of our workforce, implementation of Protected Learning Time will benefit Health Boards, and contribute to sustaining improvements to our health system and services.

## **PROTECTING LEARNING TIME FOR AGENDA FOR CHANGE STAFF IN NHS SCOTLAND: FREQUENTLY ASKED QUESTIONS**

### **1. What Protected Learning Time is being agreed under these proposals?**

- Protected time for staff is for statutory, and mandatory training modules.
- It also includes the core role specific learning that staff require to safely complete their job.

### **2. What is core role specific training?**

- Core role specific training is the training that a Health Board and/or regulator considers to be necessary for staff to deliver their job, and the organisation to function, safely and effectively.
- As NHS Health Boards differ in the range of services they deliver, and the roles that deliver them, we are asking Boards to compile a list of training that is mandatory for each job family, and for all staff, so that a consistent approach is applied across each board.
- Boards will also consider how frequently staff need to complete each training module, to minimise any unnecessary duplication in mandatory training.

### **3. What if staff don't complete mandatory training in the allocated time?**

- Staff should be provided with learning time proportionate to the training they are required to complete, and they have a responsibility to complete that training.
- NHS Scotland employers should allow some flexibility for the speed at which staff complete training, and will then ensure that mandatory training is up to date.
- Some training will include a statutory requirement for NHS Staff, with other training mandated by NHS employers, or a requirement for professional registration. Core mandatory training will be determined at a Health Board level, in line with those listed in this guidance.
- Where staff access training will depend upon the training type, and the equipment required to complete it.

### **4. How can I request training that is not listed within the core mandatory or role specific training set?**

- Staff continue have the option of requesting training that is not a job requirement, and should be encouraged to undertake professional development by managers.
- Staff can direct training requests to their line managers, during one to one meetings.
- Line Managers should support staff with these requests.
- Annual Personal Development and Planning Reviews / TURAS Appraisals, give staff the opportunity to set learning objectives, which will be agreed with their line managers, and can then track them through to completion as part of the appraisal process.



## **5. Does this apply for medical staff?**

- Separate arrangements are in place that also support the provision of protected learning time for medical staff.
- The GMC have published standards for Medical Education and Training which are set out here:

[Promoting excellence: standards for medical education and training \(gmc-uk.org\)](https://www.gmc-uk.org/promoting-excellence/standards-for-medical-education-and-training)

These state:

R1.16 Doctors in training must have protected time for learning while they are doing clinical or medical work, or during academic training, and for attending organised educational sessions, training days, courses and other learning opportunities to meet the requirements of their curriculum. In timetabled educational sessions, doctors in training must not be interrupted for service unless there is an exceptional and unanticipated clinical need to maintain patient safety.

- A Directors Letter from the Scottish Government Primary Care Directorate on Protected Learning Time sets out the position for General Practice staff – [PCA\(M\)\(2023\)05](#).

## **6. What if staff do not have time to complete core role specific mandatory training?**

- We are aware that service pressures will have an impact on the day to day availability of NHS Staff, and their availability for training.
- However, it is a priority for staff to be able to access training. NHS Employers have a responsibility for ensuring that staff are appropriately trained and developed for their role.
- Where training is being held in person at a set time, employers should ensure they make that time available to staff.
- A predicted absence allowance of 2% of staff time, has been used for workforce planning purposes within Nursing and Midwifery, and gives an example of how effective workforce planning can protect time for learning.
- Training may occasionally need to be rescheduled for exceptional reasons, including to ensure patient safety.
- Work will be commissioned to support the development of a national passport for NHS Scotland staff moving between health boards, to avoid training being duplication.

## **7. What about staff who have difficulties accessing training resources?**

- NHS employers have a responsibility for making reasonable adjustments to enable staff to access and complete all statutory, core mandatory and role specific training relevant to their role.
- This includes providing staff access to a computer or other equipment that is required for them to complete this training.

**8. Where can staff go to for support if they do not feel they have been allocated time to protect their learning?**

- If staff are unable to access mandatory training and development due to staffing pressures, this should be raised with their line manager and noted within their PDP Review.
- Where individuals do not receive support from Line Managers to access protected learning time, this can be discussed with a Trade Unions representative.
- Area Partnership Forums will be involved in monitoring performance against Protected Learning Time proposals, and raising any concerns over its implementation.

**9. What is the anticipated cost of providing Protected Learning Time across the workforce for NHS Employers?**

- Protected Learning Time proposals have been forecast and indicative cost modelling has been shared with Employers and Unions as part of the Agenda for Change Review STAC report.
- Training and developing staff increases their capability to deliver services, and improves the quality of care across NHS Scotland.
- It will also have a positive impact on career development, progression, and the retention of staff.
- Some Learning Time will already be covered under our current mechanisms for workforce planning, including a predicted absence allowance for some job families.

**10. Does this change to terms and conditions apply to private provider staff?**

- Under NHS Scotland's Two-Tier Agreement, most recently issued as [STAC\(TCS03\)2018](#), those staff working for private providers contracted to NHS Scotland Boards, and falling within the remit set out in the agreement, are entitled to terms and conditions no less favourable than directly employed staff.
- This being the case, Boards where Two-Tier staff are working should take the necessary steps to ensure those staff benefit from the Protected Learning Time policy outlined in this guidance.