

PE1495/AA

## Shetland NHS Board

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Date 24<sup>th</sup> April 2014  
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Dear Sir

### Consultation of Petition PE1495

Thank you for your email dated 17 March 2014 in which you refer to a previous email and attachment dated 6 December 2013.

Firstly can I apologise for any inconvenience the delay in replying may have caused and reassure the Committee that this in no way reflects on the importance of this issue, and in particular on the right of our staff to raise concerns, including “whistle blowing” as necessary

In response to the specific questions asked our response is as follows:-

### **What are your views on what the petition seeks and the discussion that took place at the meeting on 26 November 2013?**

You will be aware of the action taken, over recent months, by the Scottish Government’s Directorate of Health Workforce and Performance in relation to Settlement Agreements. The most recent letter from Lorimer MacKenzie, Head of Pay and Conditions, dated 20 March 2014 described the decision to be implemented in relation to confidentiality clauses.

NHS Shetland will comply with this and supports the open and transparent approach proposed. We believe that the concept of ‘gagging’ runs contrary to our organisational values which encourage openness and transparency. Such clauses are also inconsistent with our approach to whistleblowing and the encouragement given to staff to speak out on serious issues which affect our patient care services.

It is however, important, I believe to recognise the difference between a “gagging clause” that would inappropriately restrict the right of a member of staff to raise issues of concern and a settlement agreement which is mutually agreed between the member of staff concerned and their employer in relation to an employment issue.

No Settlement Agreement previously agreed between NHS Shetland and an employee looked to prevent an employee from raising concerns or, if necessary whistle blowing.

However it is also important that the Public in Scotland have confidence in the openness and transparency of our systems and as stated above we are therefore happy to comply with the revised proposals made by the Scottish Government.

**What management training do you have in place to ensure all staff are enabled and encouraged to raise matters that may affect patient safety and quality of care as well as employment issues such as workplace bullying.**

Our management training is delivered in the context of the Everyone Matters 2020 Workforce Vision launched by the Cabinet Secretary for Health and Wellbeing in June 2013.

Locally we have a workforce strategy to ensure we deliver our commitments, in partnership with Trade Union colleagues under the Staff Governance Standard.

A current priority in our Staff Governance Action plan is to develop a positive culture about raising concerns and in extreme cases whistle blowing and we have agreed a set of, locally determined, values which inform our approach to staff development, leadership and management.

These issues are included within our Corporate Induction and Compulsory refresher programmes for all staff.

We have a "Voicing Concerns: Grievance and Whistleblowing policy and procedure in place, which was agreed in partnership with our Staff representatives. Within this staff are encouraged to report any concerns via their line management structure, Human Resources, Trade Union Representatives or confidential contacts. Availability of the national whistleblowing alert line, run independently by the charity Public Concern at Work, is also promoted to staff across the organisation.

I hope this information is helpful to the deliberations of the committee.

Yours faithfully

**RALPH ROBERTS**  
**Chief Executive**