

PE1495/O

Response to Public Petitions Committee

T3.40 Scottish Parliament, Edinburgh, EH99 1SP

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PETITION PE1495

Calling on the Scottish Parliament to urge the Scottish Government to ban the use of confidentiality, or so called 'gagging' clauses in compromise agreements with NHS staff in Scotland, which may prevent staff speaking freely about matters that affect patient safety and quality of care, as well as employment issues such as workplace bullying.

Thank you for the opportunity to provide views on the issues raised at the discussions of the Scottish Parliament's Public Petitions Committee on 26th November 2013, and you have set out 3 particular areas for response. Our response to these is set out below.

1. What are your views on what the petition seeks and the discussions that took place at the meeting on 26th November?

NHS Greater Glasgow and Clyde firmly supports the principle that staff should be able to raise concerns. As an NHS Board, in response to the revised Partnership Information Network Guideline, we took the opportunity to revise our Whistleblowing Policy, as part of a launch of a new Code of Conduct for staff. This was part of our on-going commitment to openness and transparency. At this time, we sent out a message to all line managers, expressing the importance that all staff were made aware of the Code of Conduct and the revised arrangements for Whistleblowing. Our staff newsletter in September carried a full page feature on the Code. This also featured prominently the Whistleblowing NHS confidential hotline number. A key theme of this article was that whistleblowing arrangements are intended to be transparent, supportive and encouraging. A message was also included on all staff payslips in August 2013.

Therefore, we have in place clear and robust arrangements for whistleblowing.

The petitioner seeks an outright ban on gagging orders, confidentiality clauses and compromise agreements in the NHS in Scotland. NHS Greater Glasgow and Clyde makes use of compromise agreements, now known as settlement agreements which include confidentiality clauses to conclude employment disputes or where an individual whose post has been affected by service change seeks to leave our employment as an alternative to redeployment. This is a recognised way of concluding such matters to ensure the protection of the individual and the organisation in relation to the terms of the settlement. They are not used as a means of preventing staff from raising legitimate concerns in relation to patient care or employment issues such as bullying. We understand that a submission from the

Central Legal Office is being made available to the Committee which sets this out in more detail.

In addition to our whistleblowing arrangements, the Board has its Grievance Policy and Procedure, for general employment concerns and our Dignity at Work Policy to deal specifically with bullying and harassment.

We encourage staff engagement through our Facing the Future Together Programme which sets out the values in which we wish all our managers and staff to provide our services within.

Specifically in relation to patient care and the quality of the patient experience, we have developed a range of ways of capturing and seeking the views of our patients their families and our staff, some examples include:

- The development of our web site to enable patients and their families to tell us about their experiences.
- Members of the public participate in inspections of our services where they have the opportunity to hear directly from patients what they think and feel about their care.
- Senior doctors and nurses and Non-Executive Board Members undertake patient safety ward rounds, where they meet with clinical teams and patients who have the opportunity to share directly their experience.
- We publish in each Acute ward our results of our Nursing Quality Indicators, which demonstrate the quality of care in each ward, and our plans for on-going improvement.
- Through our person centred care programme, we seek the views of our patients on their care relating to dignity respect and compassion, and we ensure the findings are reported the Board's Quality and Performance Committee.
- Our Acute Patients Panel and our Patient and Public Forums are also active in providing feedback from patients.

Also the recent launch of our Nursing and Midwifery programme "Put Patients First Always" aims to reinforce the importance we attach to patient safety and patient experience.

Professional staff are guided by the codes of conduct of their own professional bodies which include the duty to report instances of poor patient care.

Therefore, against this background, it is unclear why the use of confidentiality clauses in settlement agreements which are for a specific purpose, inhibit the openness and transparency we all strive for, while recognising at times an individual employees right to confidentiality in specific sets of circumstances.

2. What management training do you have in place to ensure that 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?

The Board provides training to staff on all its policies at the induction stage, when staff join the organisation. We also have a wide range of on-going management development and leadership programmes which are set within the context of our organisations values and stress our commitment to quality and patient safety.

We encourage staff to raise concerns about bullying and the number of cases raised are monitored through our management teams, the Area Partnership Forum and Staff Governance Committee.

We are also about to commence a piece of work through our auditors PwC looking at this issue to gain some further assessment as to what other interventions we can take to address this issue.

3. What were the reasons for you seeking funding from the £200,000 made available by the Scottish Government to tackle bullying and harassment in the workplace, and has this additional resource had the desired impact?

In relation to the funding from the Scottish Government made available to tackle bullying and harassment in the workplace, we were allocated £16,000, to support training in mediation. As part of our Dignity at Work Policy, we have the facility for mediation, should individuals consider this as an option, as opposed to following a formal process. We have internal mediators, who we wish to further develop. Mediation is often one way of resolving effectively interpersonal differences at an early stage. We have not yet, undertaken the training as we are in the process of reviewing our Dignity at Work Policy with the Trade Unions and this may impact on our existing mediation arrangements.

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