

**PE1495/V**

NHS Highland Response

**Scottish Parliament Public Petition PE 1495 on the use of 'gagging clauses' in agreements with NHS Staff in Scotland**

Thank you for providing us with the opportunity to respond to the above public petition. In response to the questions raised we would respond as follows:

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

NHS Highland is supportive of the petition in its objective to remove 'gagging clauses' from any settlement agreements. We believe that the concept of 'gagging' runs contrary to our organisational values which encourage openness, transparency and integrity. Such clauses are also not congruent with the NHS Scotland approach to whistleblowing and the encouragement given to staff to speak out on serious issues which affect our patient care services.

NHS Highland never utilised 'gagging clauses' in any of its settlement agreements (formerly known as Compromise Agreements). Such agreements are principally related to employment matters and are entered into by both parties with legal advice. General confidentiality matters may form an element of the agreement for the benefit of both parties but this should not be construed as a 'gagging clause' which would prevent a whistleblowing claim or a public interest disclosure.

We endorse the petition which, if successful, would have no implications on current NHS Highland practice.

**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?**

NHS Highland has adopted in full the National Policies on Whistleblowing and Preventing and Dealing with Bullying and Harassment. We are updating our confidential contacts in relation to the Bullying and Harassment Policy, and the Whistleblowing Policy has been widely discussed and disseminated across committees of the Board and operational management structures. The national alert line has also been publicised across the Board and further information is available on our intranet page and from our HR Department. A Personnel Management Skills Programme is available within Highland where these issues are covered through workshop and case study examples.

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