

PE1495/A

NHS Lothian Letter of 23 December 2013

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?

Within NHS Lothian we would be supportive of this petition and indeed have already taken steps to ensure such ‘gagging clauses are not included in Compromise Agreements. All our Compromise Agreements are prepared in conjunction with the Central Legal Office and the ability to make ‘whistle blowing’ disclosures about patient safety or workplace bullying is explicitly unrestricted. There is a general confidentiality clause included in the interests of both parties covering other matters specifically relating to the details of the Compromise Agreement. Employees who are signing a Compromise Agreement are required to do this in conjunction with legal advice and therefore they should be in a position to properly understand and be advised on the nature and limits of the terms they are agreeing to. Such a petition would therefore have no implications for NHS Lothian as the practice is already in place.

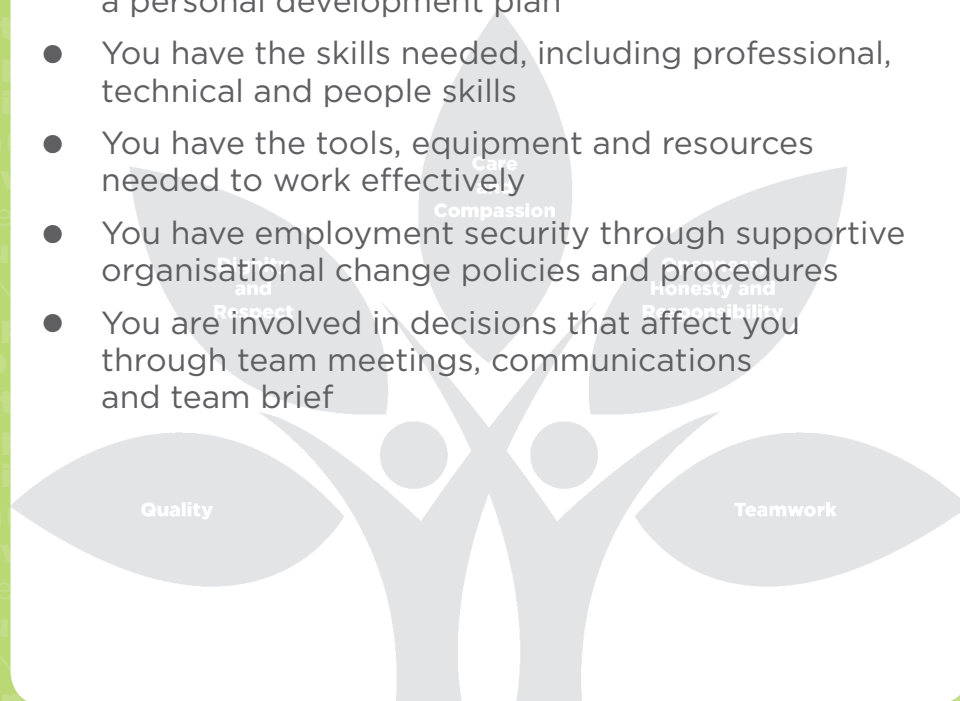
2. What management training do you have in place to ensure that all staff are enabled and encouraged to raise matters that may affect patient safety and quality of care as well as employment issues such as workplace bullying?

Within NHS Lothian we have recently re-launched our Preventing and Dealing with Bullying and Harassment policy and this is available as part of our HR On-line System which is accessible for all managers and staff. This promotes the use of confidential contacts. We have approximately 20 of these contacts across the organisation who are regularly approached by staff for advice and guidance. The National Alert Line has also been promoted across NHS Lothian. Earlier this year, and after direct consultation with 3,000 members of staff we also launched ‘Our Values into Action’ which lays out the behaviours we will demonstrate as a Board and individual employees and encourages staff to highlight when these values are not met. A copy of the leaflet “Our Values into Action” is attached.

Alan Boyter
Director of Human Resources and Organisational Development
NHS Lothian

To help you work to the best of your ability and live our values you can expect NHS Lothian to ensure that:

- You are managed fairly and consistently, with dignity and respect, valuing diversity
- You are provided with a working environment which promotes your health and wellbeing
- You are supported to make the best use of new technology
- You have fair and appropriate access to mandatory training, learning and development opportunities
- You have time for learning and are supported to develop your skills, knowledge and competence
- You have a meaningful annual appraisal that helps to improve performance and encourages behaviours that reflect our core values through a personal development plan
- You have the skills needed, including professional, technical and people skills
- You have the tools, equipment and resources needed to work effectively
- You have employment security through supportive organisational change policies and procedures
- You are involved in decisions that affect you through team meetings, communications and team brief



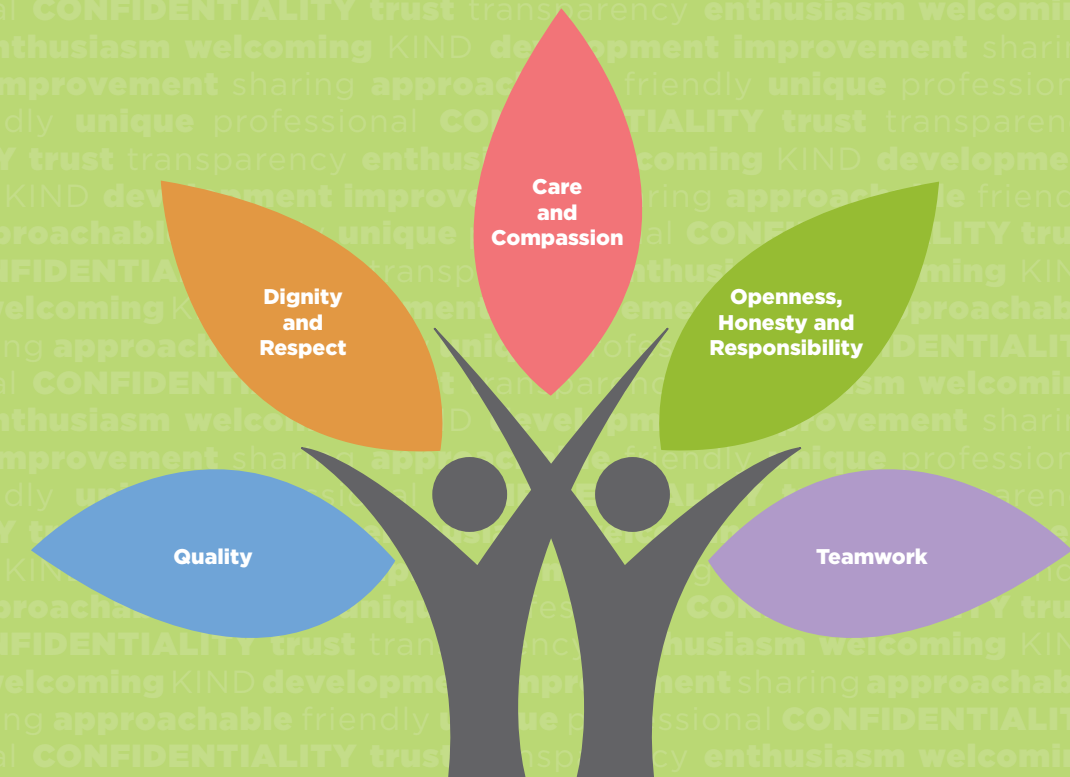
You can challenge and expect to be challenged. Here, for instance, are some examples of behaviour and conduct which staff told us are NOT acceptable:

- Criticising colleagues or disagreeing with them in front of patients and relatives
- Imposing personal beliefs, judgements and opinions on patients, families or staff
- Blaming others or other departments for mistakes affecting patients and relatives
- Wearing inappropriate dress or having an unprofessional appearance
- Being unwilling to consider new ideas for improvement in your service
- Moaning and demoralising others without making an attempt to make things better
- Not speaking up about unsafe practice which endangers patients or staff
- Failing to treat patients and staff with dignity and respect



Search Our Values Into Action
on the NHS Lothian intranet

Our Values Into Action



We are determined to improve the way we work. Around 3,000 colleagues across the organisation have developed a set of common values and ways of working which we now need to turn into everyday reality – to the benefit of everyone working in the organisation and, most importantly, to the benefit of our patients.

These values reflect what staff have told us really matters. The Board and NHS Scotland have also endorsed them.

Let's ensure we all embrace them.

Our Values

CARE AND COMPASSION

- We will demonstrate our compassion and caring through our actions and words
- We will take time to ensure each person feels listened to, secure, understood and is treated compassionately
- We will be visible, approachable and contribute to creating a calm and friendly atmosphere
- We will provide a safe and caring setting for patients and staff, and an efficient, effective and seamless care experience
- We will meet people's needs for information and involvement in all care, treatment and support decisions

DIGNITY AND RESPECT

- We will be polite and courteous in our communications and actions
- We will demonstrate respect for dignity, choice, privacy and confidentiality
- We will recognise and value uniqueness and diversity
- We will be sincere, honest and constructive in giving, and open to receiving, feedback
- We will maintain a professional attitude and appearance

QUALITY

- We will demonstrate a commitment to doing our best
- We will encourage and explore ideas for improvement and innovation
- We will seek out opportunities to enhance our skills and expertise
- We will work together to achieve high quality services
- We will use our knowledge and enthusiasm to implement positive change and overcome challenges

TEAMWORK

- We will understand and value each other's role and contribution
- We will be fair, thoughtful, welcoming and kind to colleagues
- We will offer support, advice and encouragement to others
- We will maximise each other's potential and contribution through shared learning and development
- We will recognise, share and celebrate our successes, big and small



OPENNESS, HONESTY AND RESPONSIBILITY

- We will build trust by displaying transparency and doing what we say we will do
- We will commit to doing what is right – even when challenged
- We will welcome feedback as a means of informing improvements
- We will use our resources and each other's time efficiently and wisely
- We will maintain and enhance public confidence in our service
- We will be a positive role model



We will be working with staff and managers to make sure that you have the support, skills and confidence to model these values.

We want to support you to make these values meaningful in your work and care, to display positive attitudes and behaviours and help you to be able to speak up constructively when you see something that needs to be challenged. A range of organisational development initiatives and support will be available to you to take our values forward into action and we would welcome your involvement.