

PE1495/E

NHS Grampian Letter of 14 January 2014

CONSIDERATION OF 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.

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

NHS Grampian is supportive of this petition and indeed has 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 new implications for NHS Grampian as the practice is already in place.

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 Grampian is currently in the process of reviewing our Dealing with Bullying and Harassment policy and the final draft is out to consultation. Once we have agreed its content we are proposing to relaunch the policy with events across the organisation. We have, for many years, run our own internal Mediation Service and have benefitted from being able to address issues of conflict in a timely and robust fashion. The National Alert Line has also been promoted across NHS Grampian. We are also, as part of our Staff Governance duties, rolling out the Dignified Workplace scheme across the organisation which seeks to engage staff and encourages them to become involved in taking responsibility for and resolving issues at local level.

Laura Gray
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NHS Grampian