

**BRIEFING FOR CABINET SECRETARY FOR HEALTH AND SPORT  
VISIT TO NHS HIGHLAND ON MONDAY 10 FEBRUARY 2020**

<b>Date and time of engagement</b>	Monday 10 January 2020 (In correct date acknowledged) *08:30 to 12:45: Caithness Hospital **14:30 to 18:00: NHS Highland
<b>Where</b>	* Caithness Hospital, Bankhead Road, Wick, KW1 5NS  **NHS Highland, Assynt House, Beechwood Park, Inverness, IV2 3BW  NHS Highland contact:  [REDACTED] [REDACTED] Contact no: [REDACTED]
<b>Who</b>	Jeane Freeman MSP, Cabinet Secretary for Health and Sport; [REDACTED] [REDACTED]
<b>Why</b>	Caithness Maternity Unit – Maternity Unit Configuration and Status Update Sturrock Review – Follow up Visit
<b>Likely themes</b>	<ul style="list-style-type: none"> <li>• Healing Process and progress</li> <li>• Compensation</li> <li>• Accountability</li> <li>• HR processes</li> </ul>
<b>In attendance and Official Support</b>	In attendance: <ul style="list-style-type: none"> <li>• Malcolm Wright, Chief Executive NHS Scotland and Director General Health &amp; Social Care</li> </ul> Official support: <ul style="list-style-type: none"> <li>• [REDACTED], -[REDACTED], Work: [REDACTED] Mobile: [REDACTED]</li> </ul>

<b>Briefing Content</b>	<p>Annex A: [REDACTED-OUT OF SCOPE]  Annex B: Afternoon Agenda (<b>p 4</b>)  Annex C: [REDACTED-OUT OF SCOPE]  Annex D: [REDACTED-OUT OF SCOPE]  Annex E: [REDACTED-OUT OF SCOPE]  Annex F: [REDACTED-OUT OF SCOPE]  Annex G: Background – Culture Plan; Argyll and Bute Review; Financial Position (<b>p 15 – 19</b>)  Annex H: [REDACTED-OUT OF SCOPE]  Annex I: Senior Corporate Leadership Team (<b>p 21</b>)  Annex J: Highland Area Partnership Forum (<b>p 22 – 23</b>)  Annex K: Whistleblowing Group (<b>p 24 - 29</b>)  Annex L: [REDACTED-OUT OF SCOPE]</p> <p><i>Provided separately:</i></p> <p><i>NHS Highland Culture Commitments</i>  <i>NHS Highland FMQ inc. current performance data.</i>  <i>NHS Highland Healing Process Update – the Board intends to present to you its updated proposals at the Senior Leadership Team Meeting (15:00).</i></p>
-------------------------	---

<p><b>Copy List</b>  DG Health and Social Care  Sean Neill, Deputy Director, Health Workforce  [REDACTED], Head of Workforce Practice  Shirley Rogers, Director of EU Exit and Transition, NHS Scotland Chief People  Richard McCallum – Interim Director of Health Finance and Governance  [REDACTED], [REDACTED],  [REDACTED], [REDACTED],  [REDACTED], Special Adviser  [REDACTED] Policy Officer  [REDACTED], Communications Healthier  [REDACTED], Child and Infant Maternal Health  [REDACTED], Child and Infant Maternal Health</p>
--

[REDACTED- OUT of SCOPE]

PM: Board Room, Assynt House, Inverness

<b>VENUE:</b> Board Room, Assynt House, Beechwood Park, Inverness		
<b>2.30-3.00 pm</b>	Catch-up with Chair and CEO	<b>Boyd Robertson</b> <b>Paul Hawkins</b>
<b>3.00-3.45</b>	Meeting with corporate leadership team	<b>Chair to attend for the first 20 Minutes</b>  <b>Paul Hawkins, Chief Executive</b> <b>David Garden</b> , Director of Finance <b>Fiona Hogg</b> , Director HR and OD <b>David Park</b> , Chief Officer North Highland <b>Joanna Macdonald</b> , Chief Officer Argyll and Bute <b>Heidi May</b> , Nurse Director [REDACTED], [REDACTED], [REDACTED], [REDACTED],
<b>Break</b>		
<b>4.00-4.45pm</b>	Meeting with Highland Area Partnership Forum	<b>Paul Hawkins</b> , Chief Executive <b>Adam Palmer</b> , Employee Director <b>Fiona Hogg</b> , Director of HR & OD <b>Gaye Boyd</b> , Deputy Director of HR & OD [REDACTED] (VC) Unite [REDACTED] – RCN [REDACTED] – People and Change Manager [REDACTED] – RCN [REDACTED] – Royal College of Midwives [REDACTED], Learning and Development <b>David Park</b> , Chief Officer [REDACTED] – GMB [REDACTED] [REDACTED], [REDACTED], [REDACTED],
<b>Break</b>		
<b>5.00-6.00pm</b>	Meet with Whistleblowers Group	[REDACTED] ( <b>spokesman for group</b> ) [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6.00-6.30pm	Meet with former Executive Directors	Non [REDACTED] [REDACTED]
-------------	--------------------------------------	---------------------------

**Annex C**

[REDACTED- OUT of SCOPE]

**Annex D**

[REDACTED- OUT of SCOPE]

**Annex E**

[REDACTED- OUT of SCOPE]

**Annex F**

[REDACTED- OUT of SCOPE]

**Annex G**

## Background

### The Sturrock Review

- The scope of the independent review led by John Sturrock, a QC and mediator was to:
  - Create a safe space for individual and/or collective concerns to be raised and discussed confidentially.
  - To understand what, if any cultural issues have led to any bullying, or harassment, and a culture where such allegations apparently cannot be raised and responded to locally.
  - To identify proposals and recommendations for ways forward that help to ensure the culture within NHS Highland in the future is open, transparent, and perceived by all concerned in this way.
- The review included conversations with over 200 affected individuals (c. 320 participated in all, including both interviews and written impact statements), including current and former staff, their representatives, Board members and Health Board Management.
- The Sturrock Report and the Scottish Government response were published on the Scottish Government website on 9 May 2019.

### Report findings

- NHS Highland has many very caring, supportive, diligent and highly skilled staff who have not been subject to bullying and harassment. This is reflected strongly in the report.
- The Report has identified a number of significant cultural issues that have potentially contributed to a variety of situations and circumstances in which there has been behaviour that might be described as bullying, typified by inappropriate behaviour.

- The report signals that there are multiple causes relating to failures in effective executive leadership and governance, poor implementation of systems and policies (particularly HR), poor relationships and no organisational focus on 'people'.
- The report acknowledges changes in senior leadership, including the appointments of a new Chief Executive and Chair. There is also a new interim Medical Director and a full-time director of HR and OD.
- The report was also critical of the Scottish Government in that it did not act sooner when it was first made aware of concerns. However, this was a developing situation where it was important to maintain the stability of the board while acting in a proportionate manner as issues arose. It was entirely appropriate that the board was given time to reflect and respond to the challenges highlighted but, when appropriate, help and support was provided by the Scottish Government Health and Social Care Directorates.

## **Recommendations**

- The report recommends that the board undertakes a dialogue with its staff to identify the way forward. It further recommends that there is a mediation exercise undertaken, with safe spaces for those to have historical concerns and complaints acknowledged.
- Specific and technical recommendations include rigorous reform to the HR function, particularly improvements in existing services and systems and reviewing local policy implementation. The recommendations are set out in terms of immediate (preventative) and longer-term (restorative) actions.

## **Healing Process**

The Scottish Government expects the Board to consider all complaints by current employees, as well as former employees who have lost their job or felt compelled to leave their employment.

The Board has assured the Scottish Government that they will approach this on a case by case basis and will review any such claims fairly and act on professional advice, including settlement, alternative dispute resolution and/or proceeding to a formal hearing to determine the outcome.

The Board is in the process of redrafting the draft 'healing process' that will enable those individuals to apply for and to receive tailored support that may include psychological therapies (including career counselling and occupational health support) and other support or resolutions that are appropriate (including re-engagement or other career support). Individuals participating in the process will be asked at the outset what they are looking for. The board will convene an independent hearing panel to oversee cases, comprising specialist technical and legal expertise, alongside board representatives. The panel will consider individual requests and the support package that is needed, including whether to honour financial claims for compensation through settlement.

A copy of the board update on the healing process is appended

## **Argyll and Bute Review**

### **Background**

The Sturrock review recommended that an independent review should be undertaken to further explore culture in Argyll & Bute. NHS Highland approved the decision to proceed to tender for

an independent individual or organisation to undertake a culture review within Argyll & Bute, as recommended in the Sturrock report.

### **Current position**

'Progressive Partnership' were successful in their tender for this work. They have developed a comprehensive questionnaire for all staff (in consultation with a range of staff) which is aimed at individuals who have either experienced or witnessed bullying in Argyll and Bute. The questionnaire will be web based and where requested can be anonymous. Staff who have left employment in the last 12 months will also be able to respond.

We have been advised that the questionnaire will be launched on 3 February 2020 and it is expected that the final report will be submitted in early April 2020 to Fiona Hogg, HR Director NHS Highland.

[REDACTED- OUT of SCOPE]  
[REDACTED- OUT of SCOPE]  
[REDACTED- OUT of SCOPE]  
[REDACTED- OUT of SCOPE]  
[REDACTED- OUT of SCOPE]

**Annex H**

[REDACTED- OUT of SCOPE]

**Annex I**

### **Meeting with Senior Corporate Leadership Team**

In attendance:

**Paul Hawkins**, Interim Chief Executive

**David Garden**, Interim Director of Finance

**Deborah Jones**, Director Strategic Commissioning, Planning and Performance

**Fiona Hogg**, Director HR and OD

**Boyd Peters**, Medical Director

**David Park**, Chief Officer North Highland

**Joanna Macdonald**, Chief Officer Argyll and Bute

**Heidi May**, Nurse Director

[REDACTED], [REDACTED],

[REDACTED], [REDACTED],

### **Key Issues**

- Presentation on the board's refined healing process and next steps.
- Priorities for 2020, which remain:
  - Making progress towards delivering a sustainable medium-term financial position; having a real and credible plan.
  - Delivering on-time against the board's published culture commitments; reinforcing governance and monitoring of the delivery of those commitments through the Culture Board.

- Launching the Healing Process in advance of the one-year anniversary of publication (09 May 2020)
- Being open, honest and transparent about the applications received and publishing updated information on how they are being responded to.
- Concluding the Argyll and Bute review.
- Making a step-change in the relationship with the Whistleblowing group to promote longer-term sustainable progress.

## Annex J

### Meeting with Representatives from Highland Area Partnership Forum

#### Attendees

**Adam Palmer**, Employee Director  
 [REDACTED] (Staffside – Managers in Partnership)  
 [REDACTED] (Staffside – GMB)  
 [REDACTED] (Staffside – RCN)  
**David Park**, Chief Officer North Highland (Management)  
**Gaye Boyd**, Deputy Director of HR (Management)  
 [REDACTED] [REDACTED], (Management)

#### Key Issues

We have been made aware that the following issues may be raised with you during your meeting with the APF.

[REDACTED- Section 30 (b) (i)]

## Annex K

### Whistleblowing Group

#### Whistleblowing group likely to be in attendance

- [REDACTED] (spokesman for group)
- [REDACTED]

#### Background – Key Dates

- 26 September 2018: A group of senior clinicians at NHS Highland speak out about what they claim to be a culture of bullying at the Health Board. The Doctors say that for at least a decade there has been a “practice of suppressing criticism, which emanates from the very top of the organisation”.
- 2 October 2018: NHS Highland seeks a resolution to the allegations through a meeting with the clinicians, but the doctors call for the matter to go to a public inquiry.

- 5 November 2018: Cabinet Secretary requests an independent external investigation to examine allegations of bullying within NHS Highland.
- 23 November 2018: John Sturrock QC appointed to lead an independent review of the allegations.
- 9 May 2019: Independent review report published.

[REDACTED- Section 30 (b) (i)]

**Annex L**

**[REDACTED- OUT OF SCOPE]**

**BRIEFING FOR CABINET SECRETARY FOR HEALTH AND SPORT VISIT TO NHS HIGHLAND ON 21 JUNE 2019**

<b>Date and time of engagement</b>	Friday 21 June 2019 8:30-15:45
<b>Where</b>	NHS Highland, Assynt House, Beechwood Park, Inverness, IV2 3BW  NHS Highland contact:  [REDACTED]
<b>Who</b>	Jeanne Freeman MSP, Cabinet Secretary for Health and Sport; and, [REDACTED] Ms Freeman's [REDACTED]
<b>What</b>	NHS Highland review - follow up visit
<b>Why</b>	Following publication of John Sturrock QC's report into allegations of a bullying culture in NHS Highland you indicated that you would personally visit the Board to meet with key staff members.
<b>Likely themes</b>	<ul style="list-style-type: none"> <li>• Actions following the NHS Highland Independent Review,</li> <li>• bullying and harassment</li> <li>• whistleblowing</li> </ul>
<b>Official Support</b>	There will be no official support at the venue, however, if you require any further information, Scottish Government contacts are as follows:  [REDACTED] [REDACTED].  Work: [REDACTED] Mobile: [REDACTED]  [REDACTED] [REDACTED].  Work: [REDACTED] Mobile: [REDACTED]
<b>Briefing Content</b>	Annex A: Agenda Annex B: Background Briefing Annex C: Summary of Key issues



**CABINET SECRETARY'S VISIT: FRIDAY 21 JUNE 2019**  
**BOARD ROOM, ASSYNT HOUSE, INVERNESS**

**A G E N D A**

**Attendees from Government**

- Jeanne Freeman MSP, Cabinet Secretary for Health and Sport
- [REDACTED], Ms Freeman's [REDACTED]

- 0830 – 0900 Pre-meeting with the Chief Executive and Chair
- 0900 – 1000 Meeting with Chief Executive, Chair and other members of the Board
- 1030 – 1130 Meeting with Clinical Forum
- 1145 – 1245 Meeting with Partnership Forum
- 1245 – 1330 *Sandwich lunch*
- 1330 – 1430 Meeting with whistleblowers (*the Chair will be present for this meeting*)
- 1445 – 1545 Meeting with [REDACTED] (*Ms Freeman's Private Office will arrange the meeting with [REDACTED] directly*)

## **The Sturrock Review**

- The scope of the independent review led by John Sturrock, a QC and mediator was to:
  - Create a safe space for individual and/or collective concerns to be raised and discussed confidentially.
  - To understand what, if any cultural issues have led to any bullying, or harassment, and a culture where such allegations apparently cannot be raised and responded to locally.
  - To identify proposals and recommendations for ways forward that help to ensure the culture within NHS Highland in the future is open, transparent, and perceived by all concerned in this way.
- The review included conversations with over 200 affected individuals, including current and former staff, their representatives, Board members and Health Board Management.
- [REDACTED-Section 36 (1)]
- The Sturrock Report and the Scottish Government response were published on the Scottish Government website on 9 May 2019.

## **Report findings**

- NHS Highland has many very caring, supportive, diligent and highly skilled staff who have not been subject to bullying and harassment. This is reflected strongly in the report.
- The Report has identified a number of significant cultural issues that have potentially contributed to a variety of situations and circumstances in which there has been behaviour that might be described as bullying, typified by inappropriate behaviour.
- The report signals that there are multiple causes relating to failures in effective executive leadership and governance, poor implementation of systems and policies (particularly HR), poor relationships and no organisational focus on 'people'.
- The report acknowledges changes in senior leadership, including the appointments of a new Chief Executive and Chair. There is also a new interim Medical Director and further executive changes were planned when the report was published, including the recruitment of a new full-time director of HR and organisational change and a new assistant chief executive post, with responsibility for finance and corporate governance etc. These posts have now been filled
- The report was also critical of the Scottish Government in that did it not act sooner when it was first made aware of concerns. However, this was a developing situation where it was important to maintain the stability of the board while acting in a proportionate manner as issues arose. It was entirely appropriate that the board was given time to reflect and respond to the challenges highlighted but, when appropriate, help and support was provided by the Scottish Government Health and Social Care Directorates.

## **Recommendations**

- The report recommends that the board undertakes a dialogue with its staff to identify the way forward. It further recommends that there is a mediation exercise undertaken, with safe spaces for those to have historical concerns and complaints acknowledged.
- Specific and technical recommendations include rigorous reform to the HR function, particularly improvements in existing services and systems and reviewing local policy implementation. The recommendations are set out in terms of immediate (preventative) and longer-term (restorative) actions.

### **Next steps for NHS Highland**

- The next steps are predominantly for Highland to determine, in dialogue with staff and stakeholders. There is however important learning for other health boards and the Scottish Government.
- The Scottish Government wrote to NHS Highland on 10 May 2019 where they were asked to address the following three specific questions:
  - Details of immediate actions the Board have taken/plan to take on the back of the recommendations made in the Sturrock report.
  - What support the Board have put in place/will put in place for any member of staff who has been affected by bullying and harassment.
  - Details of the Board's plan for staff engagement and a timeline of when this will be carried out.
- NHS Highland responded on 31 May 2019 with their action plan: 'A culture Fit for Future' that has been devised around 5 themes:
  - Communications and Engagement
  - Human Resource Processes
  - Organisational and Workforce Development
  - Support for Staff
  - Governance
- NHS Highland has been asked to provide further clarity around actions under the "Support for Staff" theme and specifically in the following areas:
  - Whether there will be a scheme for facilitated conversations and listening with impartial third parties, including information on what that scheme might look like, who would deliver it, how long it would be available and how people might access it.
  - How the board is advertising where people can go for confidential advice and support.
  - How the board proposes to handle existing cases of bullying, harassment, whistleblowing and/or inappropriate behaviour; whether there will be a dedicated mechanism for taking forward new individual complaints emerging from the Sturrock Review and how long that will be in place.
  - The review of existing suspensions and seeking case-file reviews from other boards of on-going cases where appropriate. –
  - What occupational health and counselling support staff can directly access.

- What support will be offered to those who no longer work for NHS Highland.

In addition NHS Highland has also been asked:

- What does the board propose in terms of contingency planning – a number of the actions in the plan are dependent on the new executive structure being in place, and significantly on securing additional capacity within HR and OD.
- What are the proposed timescales for a) consulting on the plan and b) implementing the plan.
- We will continue to monitor how NHS Highland take forward and implement the recommendations to this review.
- We are also reflecting on the Health and Sport Committee’s report *“The Governance of the NHS in Scotland – ensuring delivery of the best healthcare for Scotland”*.

[REDACTED- OUT OF SCOPE]  
[REDACTED- OUT OF SCOPE]

## Annex C

[REDACTED- OUT OF SCOPE]

**BRIEFING FOR CABINET SECRETARY FOR HEALTH AND SPORT VISIT TO NHS HIGHLAND ON FRIDAY 24 JANUARY 2020**

<b>Date and time of engagement</b>	Friday 24 January 2020 8:30-12:45
<b>Where</b>	NHS Highland, Assynt House, Beechwood Park, Inverness, IV2 3BW  NHS Highland contact:  [REDACTED], [REDACTED], Contact no: [REDACTED],
<b>Who</b>	Jeanne Freeman MSP, Cabinet Secretary for Health and Sport; [REDACTED], [REDACTED],
<b>Why</b>	NHS Highland review - follow up visit
<b>Likely themes</b>	The likely themes that will be discussed during the visit will include: <ul style="list-style-type: none"> <li>• Accountability</li> <li>• Compensation</li> <li>• Healing process</li> <li>• HR processes</li> </ul>
<b>In attendance and Official Support</b>	In attendance: <ul style="list-style-type: none"> <li>• Malcolm Wright, Chief Executive NHS Scotland and Director General Health &amp; Social Care</li> </ul> Official support: <ul style="list-style-type: none"> <li>• [REDACTED], [REDACTED].</li> </ul> Scottish Government contacts: <ul style="list-style-type: none"> <li>• [REDACTED] [REDACTED].</li> </ul> Work: [REDACTED] Mobile: [REDACTED]
<b>Briefing Content</b>	Annex A: Agenda ( <b>p 3</b> ) Annex B: Background – Culture Plan; Argyll and Bute Review; Financial Position ( <b>p 4</b> ) Annex C: [REDACTED-OUT OF SCOPE], ( <b>p 9</b> ) Annex D: Whistleblowing Group ( <b>p 10</b> ) Annex E: [REDACTED-OUT OF SCOPE], ( <b>p 14</b> ) Annex F: Senior Corporate Leadership Team ( <b>p 15</b> ) Annex G: Highland Area Partnership Forum ( <b>p 16</b> ) Annex H: NHS Highland Healing Process Update ( <b>p 18</b> ) <i>Provided separately: NHS Highland Culture Action Plan NHS Highland FMQ inc. current performance data.</i>

**Copy List**

DG Health and Social Care

Communications Healthier

Sean Neill, Deputy Director, Health Workforce

[REDACTED], [REDACTED]

Shirley Rogers, Director of EU Exit and Transition, NHS Scotland Chief People

Richard McCallum – Interim Director of Health Finance and Governance

[REDACTED], Corporate Business Manager

[REDACTED], Special Adviser

**CABINET SECRETARY'S VISIT: FRIDAY 24 JANUARY 2020**  
**BOARD ROOM, ASSYNT HOUSE, INVERNESS**

**A G E N D A**

Attendees from Government:

- Jeane Freeman MSP, Cabinet Secretary for Health and Sport
- Malcolm Wright, Chief Executive NHS Scotland and Director General Health & Social
- [REDACTED], [REDACTED]

08:15 – Cabinet Secretary arrives

08:30 – 09:30 – Whistleblowing Group (**See Annex D**)

09:30 – 09:45 – Short break

09:45 – 10:00 – Iain Stewart, Chief Executive (**See Annex E**)

10:00 – 10:45 – [REDACTED], (and [REDACTED], from 10:15)

10:45 – 11:00 – Short break

11:00 – 11:45 – Senior Corporate Leadership Team

11:45 – 12:00 – Short break

12:00 – 12:45 – Representatives from Highland Area Partnership Forum (**See Annex G**)

12:45 – Cabinet Secretary departs

## Background

### The Sturrock Review

- The scope of the independent review led by John Sturrock, a QC and mediator was to:
  - Create a safe space for individual and/or collective concerns to be raised and discussed confidentially.
  - To understand what, if any cultural issues have led to any bullying, or harassment, and a culture where such allegations apparently cannot be raised and responded to locally.
  - To identify proposals and recommendations for ways forward that help to ensure the culture within NHS Highland in the future is open, transparent, and perceived by all concerned in this way.
- The review included conversations with over 200 affected individuals (c. 320 participated in all, including both interviews and written impact statements), including current and former staff, their representatives, Board members and Health Board Management.
- The Sturrock Report and the Scottish Government response were published on the Scottish Government website on 9 May 2019.

### Report findings

- NHS Highland has many very caring, supportive, diligent and highly skilled staff who have not been subject to bullying and harassment. This is reflected strongly in the report.
- The Report has identified a number of significant cultural issues that have potentially contributed to a variety of situations and circumstances in which there has been behaviour that might be described as bullying, typified by inappropriate behaviour.
- The report signals that there are multiple causes relating to failures in effective executive leadership and governance, poor implementation of systems and policies (particularly HR), poor relationships and no organisational focus on 'people'.
- The report acknowledges changes in senior leadership, including the appointments of a new Chief Executive and Chair. There is also a new interim Medical Director and a full-time director of HR and OD.
- The report was also critical of the Scottish Government in that did it not act sooner when it was first made aware of concerns. However, this was a developing situation where it was important to maintain the stability of the board while acting in a proportionate manner as issues arose. It was entirely appropriate that the board was given time to reflect and respond to the challenges highlighted but, when appropriate, help and support was provided by the Scottish Government Health and Social Care Directorates.

### Recommendations

- The report recommends that the board undertakes a dialogue with its staff to identify the way forward. It further recommends that there is a mediation exercise undertaken, with safe spaces for those to have historical concerns and complaints acknowledged.
- Specific and technical recommendations include rigorous reform to the HR function, particularly improvements in existing services and systems and reviewing local policy implementation. The recommendations are set out in terms of immediate (preventative) and longer-term (restorative) actions.

## **Healing Process**

The Scottish Government expects the Board to consider all complaints by current employees, as well as former employees who have lost their job or felt compelled to leave their employment.

The Board has assured the Scottish Government that they will approach this on a case by case basis and will review any such claims fairly and act on professional advice, including settlement, alternative dispute resolution and/or proceeding to a formal hearing to determine the outcome.

The Board is currently refining the draft 'healing process' that will enable those individuals to apply for and to receive tailored support that may include psychological therapies (including career counselling and occupational health support) and other support or resolutions that are appropriate (including re-engagement or other career support). Individuals participating in the process will be asked at the outset what they are looking for. The board will convene an independent hearing panel to oversee cases, comprising specialist technical and legal expertise, alongside board representatives. The panel will consider individual requests and the support package that is needed, including whether to honour financial claims for compensation through settlement.

Indicatively process will take applications in February – subject to a press release being developed for clearance. With the panel hearing cases from April. A copy of the board update on the healing process is appended (**See Annex H**)

## **Current position**

Over the last 6 months NHS Highland have engaged with a range of staff and have developed a draft action plan 'Our Culture 2020 Action Plan', which supersedes the 'Culture Fit for the Future Action Plan'. This sets out actions, by theme and a timeline for achieving each. A copy of the board's Action Plan is appended (**See Annex I**)

## **Argyll and Bute Review**

### **Background**

The Sturrock review recommended that an independent review should be undertaken to further explore culture in Argyll & Bute. NHS Highland approved the decision to proceed to tender for an independent individual or organisation to undertake a culture review within Argyll & Bute, as recommended in the Sturrock report.

### **Current position**

'Progressive Partnership' were successful in their tender for this work. They have developed a comprehensive questionnaire for all staff (in consultation with a range of staff) which is aimed at individuals who have either experienced or witnessed bullying in Argyll and Bute. The

questionnaire will be web based and where requested can be anonymous. Staff who have left employment in the last 12 months will also be able to respond.

It is anticipated that the questionnaire will be launched on 3 February 2020 and it is expected that the final report will be submitted in early April 2020 to Fiona Hogg, HR Director NHS Highland.

**[REDACTED- OUT OF SCOPE]**

**Annex C**

**[REDACTED- OUT OF SCOPE]**

**Annex D**

## **Whistleblowing Group**

### **Whistleblowing group likely to be in attendance**

- [REDACTED]

### **Background – Key Dates**

- 26 September 2018: A group of senior clinicians at NHS Highland speak out about what they claim to be a culture of bullying at the Health Board. The Doctors say that for at least a decade there has been a “practice of suppressing criticism, which emanates from the very top of the organisation”.
- 2 October 2018: NHS Highland seeks a resolution to the allegations through a meeting with the clinicians, but the doctors call for the matter to go to a public inquiry.
- 5 November 2018: Cabinet Secretary requests an independent external investigation to examine allegations of bullying within NHS Highland.
- 23 November 2018: John Sturrock QC appointed to lead an independent review of the allegations.
- 9 May 2019: Independent review report published.

**[REDACTED- Section 30 (b) (i)]**

**[REDACTED-OUT OF SCOPE]**

## Meeting with Senior Corporate Leadership Team

In attendance:

- Boyd Robertson, Chair
- Paul Hawkins, Chief Executive Officer (Seconded)
- David Garden, Interim Director of Finance
- Deborah Jones, Director Strategic Commissioning, Planning and Performance
- Fiona Hogg, Director HR and OD
- Boyd Peters, Medical Director
- David Park, Chief Officer North Highland
- Joanna Macdonald, Chief Officer Argyll and Bute
- Heidi May, Nurse Director
- [REDACTED], [REDACTED]

### Key Issues

- Change in Chief Executive Officer and valedictory message to SLT for Iain Stewart's service.
- Introduction of Paul Hawkins as Chief Executive Officer
- Priorities for 2020, which remain:
  - Making progress towards delivering a sustainable medium-term financial position; having a real and credible plan.
  - Delivering on-time against the board's published culture commitments; reinforcing governance and monitoring of the delivery of those commitments through the Culture Board.
  - Launching the Healing Process; being open, honest and transparent about the cases received and publishing updated information on how they are being responded to.
  - Concluding the Argyll and Bute review.
  - Making a step-change in the relationship with the Whistleblowing group to promote longer-term sustainable progress.

## Meeting with Representatives from Highland Area Partnership Forum

### Attendees

- Adam Palmer, Employee Director
- [REDACTED] (Staffside – Managers in Partnership)
- [REDACTED] (Staffside – GMB)
- [REDACTED] (Staffside – RCN)
- David Park, Chief Officer North Highland (Management)
- Gaye Boyd, Deputy Director of HR (Management)
- [REDACTED], [REDACTED] (Management)

### Key Issues

We have been made aware that the following issues may be raised with you during your meeting with the APF.

[REDACTED- Section 30 (b) (i)]

## Confidential Board Update – Healing Process - 16<sup>th</sup> January, 2020

The Board is asked to:

- **Note** the approach and timing for the Healing Process as set out below
- **Note** the intention to procure a Guardian Service and Employee Assistance Programme
- **Note** the likely resource requirements for delivery of these items
- **Note** the high-level communication and messaging to be provided to the Cabinet Secretary ahead of her visit

### 1. Summary

Ahead of the Cabinet Secretary for Health and Sport's visit on Friday 24th January, this paper provides an update on the Culture programme topics which will be discussed during the visit.

### 2. Healing Process

#### 2.1 Background

The creation and launch of a healing process was discussed at NHS Highland's November Board and has generated a lot of debate, challenge and inputs from interested parties. The Cabinet Secretary issued the following statement on 16<sup>th</sup> December which informs the design of the process.

*“The Health Secretary has been very clear that she expects NHS Highland to consider all complaints by current employees, as well as former employees who have lost their job or felt compelled to leave their employment.*

*This must be done on a **case by case basis**, taking into account **each employee’s individual needs** – as recommended in the Sturrock report.*

*NHS Highland has confirmed it will **review any such claims fairly** and **act on professional advice**, including **settlement, alternative dispute resolution** and/or proceeding to a formal hearing to determine the outcome.*

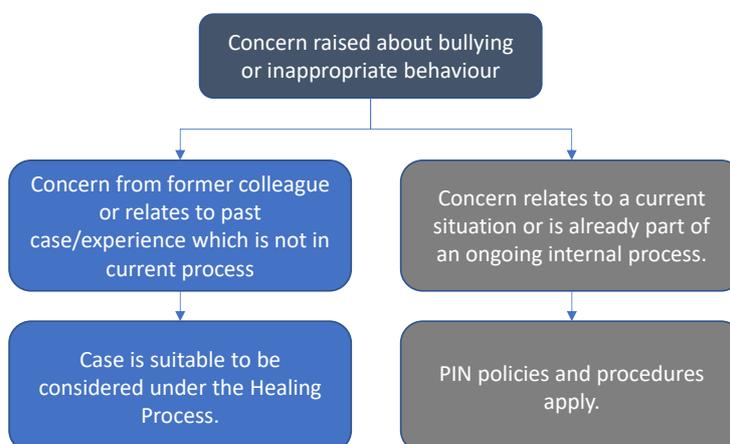
*The Health Secretary is monitoring the application of these commitments closely to ensure her expectations are met. She intends to spend time with the board and staff again in the new year”*

## 2.2 The Healing Process

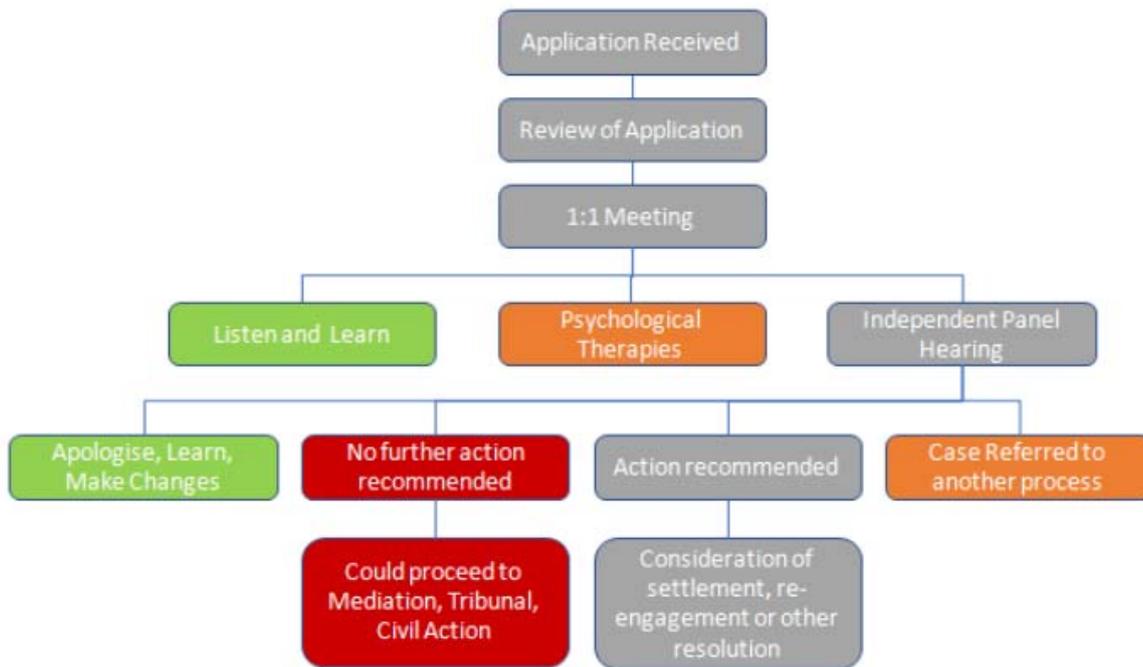
Considering the requirements set out above, a draft healing process (see Attachment 1) has been developed which is designed to provide healing to past and current employees who are in scope for the process. It will be further refined in consultation with the board, Culture Programme Board, the whistleblower group and Scottish Government.

We expect the healing process to be ready to start receiving applications from applicable current and past staff members in February. Those who may be in scope of the process are described in the following diagram.

Opening the applications process in February will allow NHS Highland to assess demand and to procure the resources needed to allow applications to be processed efficiently and effectively from April.



A simple schematic is shown below summarising the key components of the draft process.



Key aspects of the draft Healing Process are summarised below.

### 2.2.1 Psychological Therapies

We have listened to concerns raised about whether former colleagues would be confident enough to access an assessment based within our Occupational Health team and also whether that would create capacity challenges for the internal services provided. Therefore, we will engage with an external provider for both the assessment and treatment elements of Psychological Therapies.

Psychological Therapies could include a range of treatment and support options, what is offered would be based on the needs of the individual which are defined via a treatment plan produced as part of the initial assessment by a trained and qualified professional. This could include counselling in a range of different modes, specific trauma therapies, as well as the opportunity to participate in group-work, self-directed therapies or other tailored interventions. When selecting a provider for this service, their ability to refer into a wide range of support will be critical.

### 2.2.2 Independent Panel Composition

As described in Appendix 1, if the resolution sought requires a structured and professional hearing to justify taking that action, cases will be progressed to an Independent Panel, following the initial 1:1 meeting.

It is important to note that in other cases where the colleagues wishes to have an apology and to be heard and listened to, they will be able to do this via the 1:1 process

The composition of this panel will be discussed with stakeholders but, at this stage, it seems appropriate to assume it will be largely composed of external professionals. Possible members may include:

- An external HR Director (NHS or former NHS)
- An external Medical or Nursing Director (NHS or former NHS)
- An external senior Union official
- A member of the NHS Highland Board
- A lay panel member which could be

- An external Non-executive Director from another NHS Board
- An External Pastoral or Chaplaincy Advisor
- A lived experience representative
- The panel would also be advised by an External Legal professional

### 2.2.3 Consideration of Settlement in out of time cases

The Board has been clear that the appropriate route for claims where loss has been incurred is via the Employment Tribunal (ET). Any case submitted to the tribunal can then be reviewed and consideration given as to whether an early settlement could be pursued. This is where both parties attempt to reach agreement, before any formal hearings are required. There is no cost incurred in submitting a claim to the Employment Tribunal.

We recognise that for some people who did not feel able to pursue this route at the time of leaving us, the claims may be regarded as “out of time”. We have established that these claims if submitted to the tribunal will still be sent to us for consideration, which would allow us to initiate a discussion with a view to reaching a settlement, where this is felt appropriate.

In order for an out of time case to be considered for settlement, the same principles and tests must be applied as would have been if the case was submitted to the ET at the time. This means there must be a specific claim outlined. In order for the Board to assess these cases, it is essential that their case has been heard by the Independent Panel.

As set out in the process diagram (Appendix 1), if the Panel feels that there would have been a specific case to answer and which would have had a prospect of success at the ET, they will ask the complainant to submit a tribunal claim, which will initiate a discussion on the prospect of settlement. Any settlement has to be approved by Scottish Government and is made on the basis of considered legal advice on the details of the claim, so cannot be guaranteed.

Any out of time tribunal claim which has not been heard by the Independent Panel will have to be first heard by the panel before it can be progressed.

If the Panel determine that there is not a case to answer, the complainant can submit an out of time claim to the ET, but it is unlikely to be accepted.

### 2.2.4 Escalating to other internal processes

It is not anticipated that the panel would refer many cases, but this must be part of the process as concerns could be raised which indicate there are allegations of breaches of policy, conduct, safety or professional standards which still can, or have to, be addressed through a specific channel. In extreme cases, we could encounter something which would necessitate a criminal investigation and the panel would be bound to initiate this.

## 3. Additional Support for existing colleagues

In addition to the Healing Process, which is intended to support current and former employees to address historical issues relating to bullying in the workplace, there is a need to strengthen the support we provide for our staff moving forward to ensure issues identified in the Sturrock Report are not repeated.

We now plan to procure, the following services in order to allow new and improved employee support services to be implemented early in 2020/21.

### 3.1 Guardian / Speak Up service

A Guardian or Speak Up service provides an independent resource for colleagues to raise concerns and obtain advice (but not direction) on appropriate routes for resolving concerns relating to a wide range of issues from bullying to patient safety.

The service provides independent support from a Guardian, 24 hours each day, to encourage staff to come forward with concerns and ensures that, where appropriate, their concerns are addressed by the organisation in a transparent and timely manner. This service is mandated in the NHS in England and Sturrock recommended establishing such an independent channel for concerns.

A Guardian will listen to any concern that is raised, which could include matters deemed to be whistleblowing. The Board Whistleblowing Champion roles being appointed to NHS Scotland Boards by Scottish Government will not listen to, or action, whistleblowing concerns. Rather, they provide Board oversight and assurance of our internal processes for whistleblowing. It is envisaged that the Guardian would provide additional support but would not duplicate any of the Champion role.

### 3.2 Employee Assistance Programme (EAP)

An EAP offers 24/7 direct access from home or work, to a range of support and services ranging from financial, legal and emotional advice or information, to telephone and face to face counselling. Some services also include manager support help lines, critical incident response and there is a range of interactive and online information and support tools.

This service is important as it provides access to support that is not just for work related problems or concerns and colleagues can access it in their own time and without anyone needing to know. This is very much a health and wellbeing service whereas a Guardian Service provides a route to discuss specific work related concerns and understand how to take them forward with the organisation. The service is also able to support across the geography and scale of NHS Highland, using a network of affiliates, as well as phone and online options.

EAP services are used across the NHS, including a recently commissioned service in NHS Tayside. They are key tools in improving colleague health and wellbeing which, in turn, supports colleagues staying well enough to be at work, or to recover more quickly. This is an important benefit for NHS Highland colleagues and most major employers in the private and public sector offer this service.

## 4. Resource requirements

Resource requirements to support the Healing Process will be significant and will be discussed further with Scottish Government. The following resources will be considered and costed in more detail following co-production and scoping of the Healing Process and will be informed by the volume of applications received for the Healing Process in February 2020.

- Administration resource to log and track applicants, provide updates and information to them and provide logistics support for setting up 1:1 meetings and panels
- 1:1 meeting leads from across the organisation and the provision of skills training and standard processes for holding these meetings
- Independent Panel members and their costs and expenses
- An external Employment Law specialist
- An external assessment and psychological therapies provider
- Support and Advice for settlement cases
- Access to mediation or conciliation services

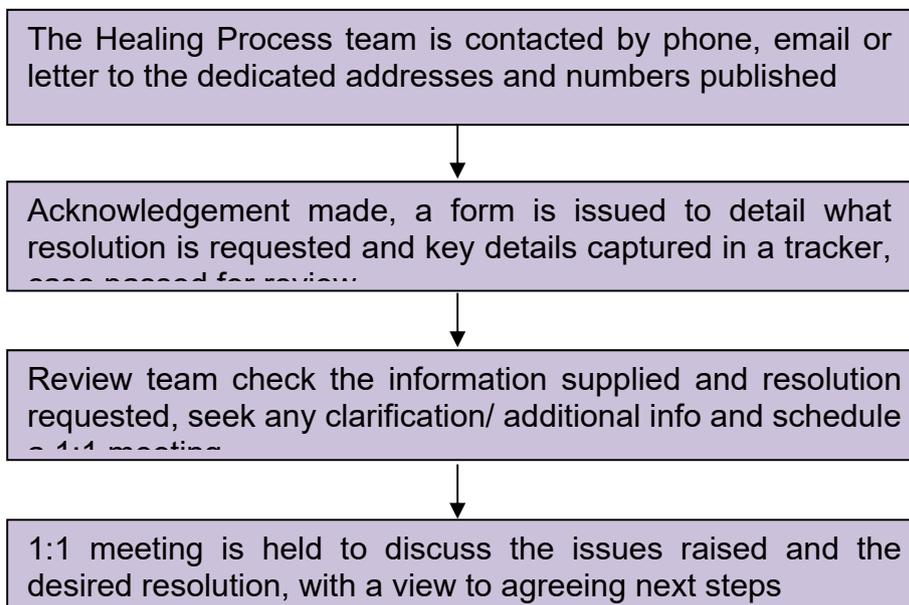
Additional temporary resource will also be needed to support the delivery of the Culture Programme, including an experienced professional leader to oversee the implementation of HR process changes and improvements. Also, a Culture Programme Administrator will be required to support the External Culture Advisor and manage the running of the Culture Programme and Board with the SRO.

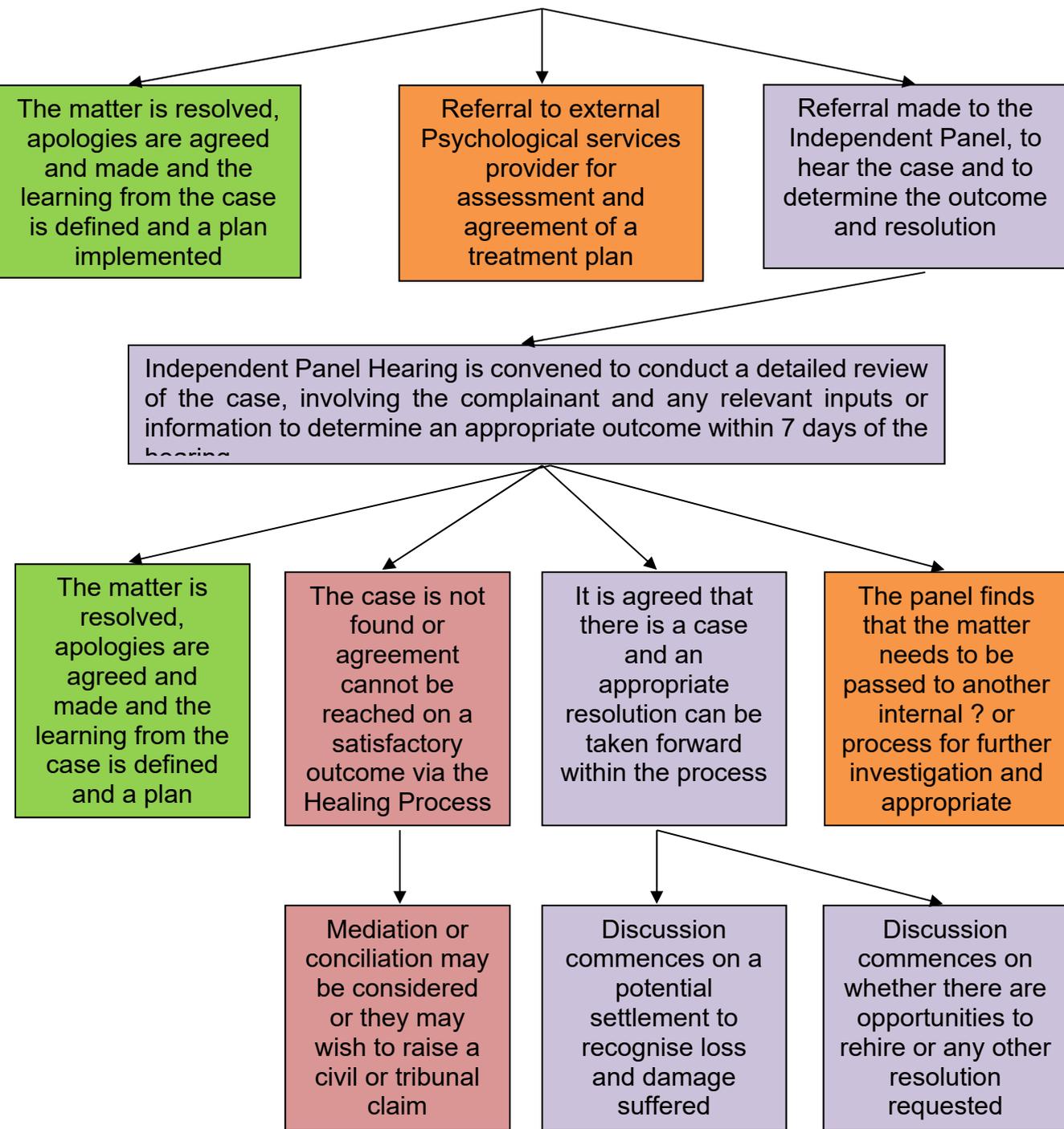
## 5. Communicating these proposals

The following key messages will be further developed and shared with Scottish Government to inform the Cabinet Secretary's visit on 24 January.

- NHS Highland has set out a framework for the Healing Process, showing the options it will be able to offer and how it will be managed, based around the principle of individualised support for each person who participates, based on their needs and desired outcome.
- Applications to participate in the Healing Process will launch in February 2020.
- NHS Highland will co-design the finer details of the Healing Process with key stakeholders including the whistleblowing group throughout February, to ensure we build confidence with those who would wish to use the process and understand and accommodate their concerns about participating.
- On conclusion of the co-production effort, NHS Highland will identify and then secure the resources in discussion with Scottish Government to ensure the Healing Process can be fully implemented in April 2020.
- NHS Highland has been taking advice with regard to Employment Tribunal Claims which may otherwise have been considered "out of time" and is exploring how these may be able to be taken forward to a settlement discussion following an Independent Panel Hearing and formal submission of a claim to the Employment Tribunal.
- NHS Highland is also procuring resources to offer its current and future employees best in class employee assistance and guardianship services to ensure that we never again allow the conditions that led to the Sturrock Report to persist.

## Appendix 1- The Healing Process (Draft)





**Email action plan 3 June 2019 with two attachments:**

Cover letter to Cab Sec ( attachment A)  
Action plan Culture fit for future Version 1 ( already attached)

Kind regards,  
[REDACTED]

**From:** [REDACTED] **On Behalf Of** Cabinet Secretary for Health and Sport  
**Sent:** 03 June 2019 15:42  
**To:** [REDACTED] @gov.scot Cabinet Secretary for Health and Sport <[REDACTED]@gov.scot>  
**Cc:** DG Health & Social Care <[REDACTED]@gov.scot>; Rogers S (Shirley) <[REDACTED]@gov.scot>; Neill S (Sean) <[REDACTED]@gov.scot> [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
**Subject:** NHSH to Cab Sec - Response to John Sturrock Report

[REDACTED],

Apologises for not sharing this sooner. I can confirm we have received the letters from NHS Highland.

Thanks,  
[REDACTED]

**From:** [REDACTED]

**Sent:** 31 May 2019 16:47  
**To:** Cabinet Secretary for Health and Sport <[REDACTED]@gov.scot>  
**Cc:** DG Health & Social Care <[REDACTED]@gov.scot>  
**Subject:** RE: Response to John Sturrock Report

Dear Cabinet Secretary

There was an error on the previous letter sent which showed [REDACTED] as the Interim Chair. I have attached an amended letter showing the correction information. Please accept my apologies for this mistake.

Kindest regards

[REDACTED]

[REDACTED]  
[REDACTED]  
NHS Highland Interim Chair  
Assynt House  
Beechwood Park  
INVERNESS  
IV2 3BW  
Tel: [REDACTED]

E-mail: [REDACTED]

**From:** [REDACTED] **On Behalf Of** STEWART, Iain (NHS HIGHLAND) [REDACTED]@nhs.net

**Sent:** 31 May 2019 16:29

**To:** '[REDACTED]@gov.scot'

**Cc:** '[REDACTED]@gov.scot'

**Subject:** Response to John Sturrock Report

SENT ON BEHALF OF IAIN STEWART

Dear Cabinet Secretary

Please see attached letter from Professor Boyd Robertson and me for your attention.

Regards

Iain

Iain Stewart  
Chief Executive  
NHS Highland  
Assynt House  
Beechwood Park  
Inverness, IV2 3BW

Iain Stiubhairt  
Àrd-oifigear  
NHS na Gàidhealtachd  
Taigh Asainn  
Pàirce nam Faidhbhile  
Inbhirnis, IV2 3BW

Direct: [REDACTED]  
Mobile: [REDACTED]  
email: [REDACTED]@nhs.net

**Email action plan- 5 June 2019 with one attachment**

Submission - CSHS - NHS Highland Sturrock Review - Action Plan

Kind regards,

[REDACTED]

**From:** [REDACTED] **On Behalf Of** Cabinet Secretary for Health and Sport

**Sent:** 05 June 2019 08:58

**To:** [REDACTED]@gov.scot; Cabinet Secretary for Health and Sport

<[REDACTED]@gov.scot

**Cc:** DG Health & Social Care <[REDACTED]@gov.scot Rogers S (Shirley)

<[REDACTED]@gov.scot Neill S (Sean) <[REDACTED]@gov.scot

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

**Subject:** RE: Sturrock Report etc Action Plan Culture Fit for the Future Action plan V Draft 0.1 - 31 May 2019.docx

[REDACTED],

The Cabinet Secretary has considered and agrees with your helpful analysis. She has suggested that we may also want to add into point 8, what the Board's position is for those staff who have left the organisation? Ms Freeman agrees with the approach you outline at paragraph 11 re contingency planning and has asked what the Board's timeline for the action plan is?

I'd be grateful if you could consider these comments and provide further advice as soon as is practically possible.

Many thanks,  
[REDACTED]

**From:** [REDACTED]@gov.scot;

**Sent:** 31 May 2019 16:24

**To:** Cabinet Secretary for Health and Sport <<[REDACTED]@gov.scot

**Cc:** DG Health & Social Care <<[REDACTED]@gov.scot

Rogers S (Shirley) [REDACTED]@gov.scot >; Neill S (Sean) <<[REDACTED]@gov.scot

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

**Subject:** FW: Sturrock Report etc Action Plan Culture Fit for the Future Action plan V Draft 0.1 - 31 May 2019.docx

P/S Cabinet Secretary for Health and Sport

Iain Stewart and [REDACTED] will write to the Cabinet Secretary this afternoon to provide an action plan on the board's proposed response to the Sturrock Review (a copy of the review seen by officials is enclosed).

Officials have provided some initial feedback to the board on a copy of the plan received earlier today. A short submission, providing a brief, initial analysis of the plan, is attached.

Regards  
[REDACTED]

[REDACTED]  
Directorate for Health Workforce, Leadership and Service Reform  
T: [REDACTED]

M: [REDACTED]

**Scottish Government | Riaghaltas na h-Alba**  
Area GR  
St. Andrew's House  
Regent Road  
EH1 3DG

*"he/him" pronouns*

**From:** STEWART, Iain (NHS HIGHLAND) [REDACTED]@nhs.net

**Sent:** 31 May 2019 12:14

**To:** [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED]@gov.scot

**Cc:** [REDACTED] [REDACTED]

**Subject:** RE: Sturrock Report etc Action Plan Culture Fit for the Future Action plan V Draft 0.1 - 31 May 2019.docx

Feasgar math

Please find attached final version per our conversation over the last hour. Many thanks for your help

Deagh dhùrachd

Iain

Iain Stewart  
Chief Executive  
NHS Highland  
Assynt House  
Beechwood Park  
Inverness, IV2 3BW

Iain Stiubhairt  
Àrd-oifigear  
NHS na Gàidhealtachd  
Taigh Asainn  
Pàirce nam Faidhbhile  
Inbhirnis, IV2 3BW

Direct: [REDACTED]  
Mobile: [REDACTED]

email: [REDACTED]@nhs.net



**From:** STEWART, Iain (NHS HIGHLAND)  
**Sent:** 30 May 2019 18:04  
**To:** [REDACTED] [REDACTED] [REDACTED][REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]@gov.scot; [REDACTED]  
**Cc:** [REDACTED]

**Subject:** Sturrock Report etc Action Plan Culture Fit for the Future Action plan V Draft 0.1 - 31 May 2019.docx

Dear all

Please find attached the DRAFT action plan which will be submitted to the SG tomorrow (Friday 31 May). I am happy to consider any significant changes i.e. any majors omissions.

Many thanks  
Iain

\*\*\*\*\*  
\*\*\*\*\*

This message may contain confidential information. If you are not the intended recipient please inform the sender that you have received the message in error before deleting it. Please do not disclose, copy or distribute information in this e-mail or take any action in relation to its contents. To do so is strictly prohibited and may be unlawful. Thank you for your co-operation.

NHSmail is the secure email and directory service available for all NHS staff in England and Scotland. NHSmail is approved for exchanging patient data and other sensitive information with NHSmail and other accredited email services.

For more information and to find out how you can switch,  
<https://portal.nhs.net/help/joiningnhsmail>

---

This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

---

## **Email Action plan- 12 June 2019**

**From:** [REDACTED]@gov.scot  
**Sent:** 12 June 2019 12:08  
**To:** [REDACTED] [REDACTED]  
**Subject:** FW: A Culture Fit for the Future - Action Plan

**Feedback to Iain Stewart and [REDACTED] on the Action Plan – we’ve not had anything formally from NHS Highland yet. Iain Stewart is meeting with Shirley Tomorrow.**

Iain/[REDACTED],

We’ve now received immediate feedback from Ms Freeman on the Action Plan. Ms Freeman was content that the plan identified the right issues and attempts to synthesise the findings of the Sturrock and other reviews with the board’s corporate priorities.

In terms of next steps, Ms Freeman has signalled that she felt the weakest component of the action plan “Theme 4” – Support for Staff. In particular, it was felt that the action plan would need to specify more clearly the following in respect of John Sturrock’s recommendations under the themes of ‘present support and listening’ and ‘specific complaints: independent processes and safe spaces’:

- Whether there will be a scheme for facilitated conversations and listening with impartial third parties, including information on what that scheme might look like, who would deliver it, how long it would be available and how people might access it.
- How the board is advertising where people can go for confidential advice and support.
- How the board proposes to handle existing cases of bullying, harassment, whistleblowing and/or inappropriate behaviour; whether there will be a dedicated mechanism for taking forward new individual complaints emerging from the Sturrock Review and how long that will be in place.
- It is noted that the action plan mentions a review of existing suspensions and seeking case-file reviews from other boards of on-going cases where appropriate – it would be good to get a sense of the scale of this and what you will be asking for in terms of assistance from other boards, [REDACTED] and I can offer assistance in terms of brokering an ask from colleagues across NHSS, but they will need a clear steer on the ask and the timescales we are working to.
- What occupational health and counselling support staff can directly access.
- What support will be offered to those who no longer work for NHSH.

In addition to those points, Ms Freeman has asked the following questions:

- What does the board propose in terms of contingency planning – a number of the actions in the plan are dependent on the new executive structure being in place, and significantly on securing additional capacity within HR and OD.
- What are the proposed timescales for a) consulting on the plan and b) implementing the plan.

In relation to that latter question it might help to think about how the actions will be sequenced and prioritised, noting that you've already broadly set them out in the short, medium and longer terms. From our perspective, the most important thing will be to successfully manage expectations in terms the speed with which staff and stakeholders are expecting 'turnaround'.

Happy to pick up on the above early next week as we look to put a short update note to Cab Sec. I'd also be very happy to support the work now to take the plan forward and out to consultation.

Kind regards

[REDACTED]

[REDACTED]

Directorate for Health Workforce, Leadership and Service Reform

T: [REDACTED]

M: [REDACTED]

**Scottish Government | Riaghaltas na h-Alba**

Area GR

St. Andrew's House

Regent Road

EH1 3DG

*"he/him" pronouns*

**Email Action plan 31 May 2019 with 2 attachments**

Culture fit for future action plan version one 31<sup>st</sup> May (attachment one)  
Submission to minister-NHS Highland action plan (attachment two)

Kind regards,  
[REDACTED]

**From:** [REDACTED]@gov.scot  
**Sent:** 31 May 2019 16:24  
**To:** Cabinet Secretary for Health and Sport <[REDACTED]@gov.scot>  
**Cc:** DG Health & Social Care <[REDACTED]@gov.scot>; Rogers S (Shirley) [REDACTED]@gov.scot>; Neill S (Sean) <[REDACTED]@gov.scot>; [REDACTED] REDACT][REDACTED] [REDACTED]

**Subject:** FW: Sturrock Report etc Action Plan Culture Fit for the Future Action plan V Draft 0.1 - 31 May 2019.docx

P/S Cabinet Secretary for Health and Sport

Iain Stewart and [REDACTED] will write to the Cabinet Secretary this afternoon to provide an action plan on the board's proposed response to the Sturrock Review (a copy of the review seen by officials is enclosed).

Officials have provided some initial feedback to the board on a copy of the plan received earlier today. A short submission, providing a brief, initial analysis of the plan, is attached.

Regards  
[REDACTED]

[REDACTED]  
Directorate for Health Workforce, Leadership and Service Reform  
**T:** [REDACTED]  
**M:** [REDACTED]

**Scottish Government | Riaghaltas na h-Alba**  
Area GR  
St. Andrew's House  
Regent Road  
EH1 3DG

*"he/him" pronouns*

**From:** STEWART, Iain (NHS HIGHLAND) [REDACTED]@nhs.net  
**Sent:** 31 May 2019 12:14

**To:** [REDACTED]  
[REDACTED][REDACTED][REDACTED][REDACTED][REDACTED]  
[REDACTED][REDACTED] [REDACTED]  
[REDACTED][REDACTED]@gov.scot [REDACTED]  
**Cc:** [REDACTED] [REDACTED]

**Subject:** RE: Sturrock Report etc Action Plan Culture Fit for the Future Action plan V  
Draft 0.1 - 31 May 2019.docx

Feasgar math

Please find attached final version per our conversation over the last hour. Many thanks for your help

Deagh dhùrachd

Iain

Iain Stewart  
Chief Executive  
NHS Highland  
Assynt House  
Beechwood Park  
Inverness, IV2 3BW

Iain Stiubhairt  
Àrd-oifigear  
NHS na Gàidhealtachd  
Taigh Asainn  
Pàirce nam Faidhbhile  
Inbhirnis, IV2 3BW

Direct: [REDACTED]  
Mobile: [REDACTED]  
email: [REDACTED]@nhs.net



**From:** STEWART, Iain (NHS HIGHLAND)  
**Sent:** 30 May 2019 18:04  
**To:** [REDACTED] (Greater Glasgow& Clyde) [REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED] [REDACTED][REDACTED]  
[REDACTED]@gov.scot; [REDACTED](NHS Tayside)  
**Cc:** [REDACTED]

**Subject:** Sturrock Report etc Action Plan Culture Fit for the Future Action plan V  
Draft 0.1 - 31 May 2019.docx

Dear all

Please find attached the DRAFT action plan which will be submitted to the SG tomorrow (Friday 31 May). I am happy to consider any significant changes i.e. any majors omissions.

Many thanks  
Iain

**From:** [REDACTED]  
**Sent:** 25 February 2020 16:45  
**To:** Cabinet Secretary for Health and Sport <[CabSecHS@gov.scot](mailto:CabSecHS@gov.scot)>  
**Cc:** [REDACTED] [REDACTED]@gov.scot, Neill S (Sean) <[REDACTED]@gov.scot>; [REDACTED]  
**Subject:** RE: NHS Highland - update

Hi [REDACTED]

Further to your call, the ½ day workshop is on Thursday (27/02) morning.

Regards

[REDACTED]  
**From:** [REDACTED]  
**Sent:** 25 February 2020 16:19  
**To:** Cabinet Secretary for Health and Sport <[CabSecHS@gov.scot](mailto:CabSecHS@gov.scot)>  
**Cc:** [REDACTED]>; [REDACTED]@gov.scot; Neill S (Sean) [REDACTED]@gov.scot>;[REDACTED]  
**Subject:** NHS Highland - update

Hi [REDACTED]

Further to our earlier conversation I've now heard back from Fiona Hogg, HR Director in NHS Highland.

She confirmed that they met the whistleblowing group last Tuesday (18<sup>th</sup> Feb) to discuss proposals for the healing process in more detail. A half day joint workshop has also been arranged for the whistleblowing group and management where these proposals will be refined. The Board is also in the process of procuring an external organisation to support and progress this work.

I hope this is helpful and let me know if you need anything else?

Regards

[REDACTED]  
[REDACTED] | Health Workforce, Leadership and Service Reform Directorate | St Andrew's House | Regent Road | Edinburgh EH1 3DG

**Tel:** [REDACTED]  
**BlackBerry:** [REDACTED]

## Email planned visit- Cab Sec- 24 Jan 2020

**From:** [REDACTED]@gov.scot>

**Sent:** 07 January 2020 17:40

**To:** [REDACTED]@nhs.net

**Cc:** Cabinet Secretary for Health and Sport [REDACTED]@gov.scot>; [REDACTED] DG Health & Social Care <[DGHSC@gov.scot](mailto:DGHSC@gov.scot)>; Rogers S (Shirley) <[REDACTED]@gov.scot>; ROBERTSON, Boyd (NHS HIGHLAND) [REDACTED]@nhs.net>

**Subject:** Planned Visit - Cabinet Secretary for Health and Sport - Friday 24 Jan 2020

Dear [REDACTED],

As you may already be aware, the Cabinet Secretary for Health and Sport is planning to visit NHS Highland on Friday 24 January 2020, where she will hold a series of meetings with the Senior Leadership Team, representatives from the Area Partnership Forum and representatives from the Whistleblowing Group. I have set out an indicative schedule below. In anticipation of the visit, I would be extremely grateful if you could issue appropriate invitations on the Cabinet Secretary's behalf and in due course confirm invitees' attendance. I spoke briefly with Iain Stewart's PA yesterday, with a view to booking suitable rooms in Assynt House for the meetings.

08:30 – 09:30 am	Representatives from the Whistleblowing Group.  <i>Ms Freeman's office have already confirmed the meeting with the whistleblowing group representatives and will simply need to confirm the meeting location and room number.</i>
09:30 – 09:45 am	Short Break
09:45 – 10:00 am	Iain Stewart
10:00 – 10:45 am	Boyd Robertson
10:45 – 11:00 am	Short Break
11:00 – 11:45 am	Senior Leadership Team
12:00 – 12:45 pm	Representatives from the Area Partnership Forum
12:45 pm	Cabinet Secretary Departs

On the day Ms Freeman will be accompanied by staff from her office, the Director General for Health and Social Care and supporting officials. I will confirm precise numbers in advance. Meantime, if you have any queries or require any further information, please don't hesitate to contact either myself or [REDACTED] in my team (copied above).

Kind regards

[REDACTED]

[REDACTED]

Directorate for Health Workforce, Leadership and Service Reform

T: [REDACTED]

M: [REDACTED]

**Scottish Government | Riaghaltas na h-Alba**

Area GR

St. Andrew's House

Regent Road

EH1 3DG

*"he/him" pronouns*

From: [REDACTED]  
Sent: 30 August 2019 17:26  
To: Cabinet Secretary for Health and Sport; DG Health & Social Care  
Cc: Rogers S (Shirley); Neill S (Sean); [REDACTED] [REDACTED]  
Communications  
Healthier; [REDACTED] [REDACTED] [REDACTED]  
Subject: FW: NHS Highland board meets to deal with the Sturrock Review

Attachments: [300819NHS Highland board meets to deal with the Sturrock Review.docx \[Section 25 \(1\)- link provided in cover letter\]](#)

P/S Cabinet Secretary for Health and Sport  
Malcolm

You will be aware that the board of NHS Highland met on Wednesday and Thursday of this week to hold a 'strategy workshop' to collectively agree how the board will move forward with implementing the actions set out in the Sturrock Review. The two key objectives of the workshop for the board were: 1) to understand the impact and severity of what had happened through first-hand testimony, and to accept corporate collective responsibility for this, and 2) to agree the strategic priorities for the board going forward in building a more positive workplace culture.

I attended the final session of the workshop to receive feedback from the board on progress and to hear an update on progress. The board reported that it had collectively agreed that the first priority is healing and to do so it will establish a process for providing support and restitution where harm has been caused. The board has agreed that a single 'process' will be established and that this will be open to both current and former staff, with support being provided on a case-by-case basis.

Fiona Hogg, HR Director, as Senior Responsible Officer for NHS Highland's "Culture Fit for the Future" action plan will now provide firm proposals to the board for the design and delivery of such a scheme, including when it will go live and for how long it will be open.

The board also looked at other key themes including information gathering and early warning systems and more effective implementation of workforce policies, alongside values and the board's role in modelling values. A second iteration of the "Culture Fit for the Future" action plan will now be developed and consulted on as part of a suite of 9 staff engagement sessions across the board.

#### Assessment

Overall, my impression was that the workshop was valuable in encouraging the board to collectively accept responsibility and work more effectively and collegiately, nevertheless, there was still clearly some tension and some working relationships will take time to develop. There is still some fragility and there are also some capacity issues in managing the workload associated with this agenda.

There were a number of requests for support and assistance from the Scottish Government; I advised that the board needs to more clearly articulate what it needs in relation to taking forward its action plan and that the Scottish Government will continue to offer advice and support.

There is a sense that the board have been a little slow in reaching this point and agreeing first principles about restitution and healing; there is however now an opportunity now for the board to more positively and proactively engage with staff and the wider community, providing the handle the comms aspects sensitively.

The board released the attached press-release today. Officials were not given advance sight of the release though we were aware the board were proposing to draft something; we initially understood that the board would be approaching us in advance to seek a comment from the Scottish Government.

Regards  
[REDACTED]

[REDACTED]  
[REDACTED]  
Directorate for Health Workforce, Leadership and Service Reform  
T: [REDACTED]  
M: [REDACTED]

Scottish Government | Riaghaltas na h-Alba  
Area GR  
St. Andrew's House  
Regent Road  
EH1 3DG

“he/him” pronouns

From: [REDACTED] (NHS HIGHLAND) [REDACTED]  
Sent: 30 August 2019 16:31  
To: [REDACTED] [REDACTED]@gov.scot>;  
[REDACTED][REDACTED]@gov.scot>;  
[REDACTED]<[REDACTED]@gov.scot>  
Cc: [REDACTED] (NHS HIGHLAND) < [REDACTED]@nhs.net>  
Subject: NHS Highland board meets to deal with the Sturrock Review

Good afternoon,

Please see the attached press issued which was issued today for your information.

Regards,

[REDACTED]Communications  
NHS Highland  
[REDACTED]  
[REDACTED]@nhs.net

www.facebook.com/nhshighland www.twitter.com/nhshighland  
For urgent out-of-hours queries please contact 01463 704000 and ask for the duty  
press officer

\*\*\*\*\*  
\*\*\*\*\*

This message may contain confidential information. If you are not the  
intended recipient please inform the  
sender that you have received the message in error before deleting it.  
Please do not disclose, copy or distribute information in this e-mail or take  
any action in relation to its contents. To do so is strictly prohibited and  
may be unlawful. Thank you for your co-operation.

NHSmal is the secure email and directory service available for all NHS staff  
in England and Scotland. NHSmal is approved for exchanging patient data and  
other sensitive information with NHSmal and other accredited email services.

For more information and to find out how you can switch,  
<https://portal.nhs.net/help/joiningnhsmal>

---

This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

---

\*\*\*\*\*  
\*\*\*\*\*

This email has been received from an external party and has been swept for the  
presence of computer viruses.

\*\*\*\*\*  
\*\*\*\*\*

From: [REDACTED] on behalf of Cabinet Secretary for Health and Sport  
Sent: 13 May 2019 15:32  
To: [REDACTED] ; Cabinet Secretary for Health and Sport  
Cc: Rogers S (Shirley); [REDACTED] ; [REDACTED] [REDACTED] Neill S (Sean), Wright M (Malcolm); DG Health & Social Care; [REDACTED] [REDACTED]

Communications Healthier; [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
Subject: RE: Ministerial Statement: Sturrock Review - Supp Questions  
Attachments: Sturrock Review - SCANCE Note - May 2019 (2).doc

[REDACTED]  
Thank you for the SCANCE. Ms. Freeman has cleared.

Regards,  
[REDACTED]

[REDACTED] | [REDACTED] (Diary)  
Private Office of Ms. Jeane Freeman MSP, Cabinet Secretary for Health and Sport  
Room 1E.10 | St Andrew's House | Regent Road | Edinburgh | EH1 3DG | Ext.  
[REDACTED] |

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.

Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

From: [REDACTED]  
Sent: 13 May 2019 11:18  
To: Cabinet Secretary for Health and Sport <[REDACTED]@gov.scot>  
  
Cc: Rogers S (Shirley) <[REDACTED]@gov.scot> [REDACTED]  
[REDACTED]@gov.scot [REDACTED] Neill S (Sean) <[REDACTED]@gov.scot>  
Wright M (Malcolm)  
<[REDACTED]@gov.scot>  
DG Health & Social Care <[REDACTED]@gov.scot>  
[REDACTED] [REDACTED] >; Communications Healthier  
[REDACTED]@gov.scot [REDACTED] [REDACTED] [REDACTED]  
Subject: RE: Ministerial Statement: Sturrock Review - Supp Questions

[REDACTED]

As requested, please see attached SCANCE note.

Let me know if you need anything else.

Regards

[REDACTED]

[REDACTED] | [REDACTED] | Workforce Practice Unit | Health Workforce,  
Leadership and Service Reform Directorate | St Andrew's House | Regent Road |  
Edinburgh  
EH1 3DG

Tel: [REDACTED]

BlackBerry: [REDACTED]

From: [REDACTED] On Behalf Of Cabinet Secretary for Health and Sport  
Sent: 10 May 2019 13:40  
To: Cabinet Secretary for Health and Sport <[REDACTED]@gov.scot  
[REDACTED]@gov.scot  
Cc: Rogers S (Shirley) <[REDACTED]@gov.scot  
>; Hutchison D (David) [REDACTED]@gov.scot  
[REDACTED] [REDACTED] Neill S (Sean) <[REDACTED]@gov.scot  
Wright M (Malcolm) <[REDACTED]@gov.scot>; DG Health & Social Care  
<[REDACTED]@gov.scot [REDACTED] [REDACTED] Communications Healthier  
[REDACTED]@gov.scot >; [REDACTED] [REDACTED] [REDACTED]

Subject: RE: Ministerial Statement: Sturrock Review - Supp Questions

[REDACTED]/Shirley,

The Cabinet Secretary has asked for three more follow up points around the Sturrock review:

1) the Cabinet Secretary would be grateful if a SCANCE note could be prepared for Cabinet next week. This should cover the recommendations made in the Sturrock report, the key announcements made by the Cab Sec in her statement and her asks of NHS Highland following the statement. If a draft SCANCE could be with us by 1330 on Monday, 13th May it would be most appreciated.

2) [REDACTED] Fol (attached) – the Cabinet Secretary is aware that most of these points were either covered in her statement yesterday or covered in the briefing however she would like confirmation that this Fol will be handled accordingly within the appropriate timeframes.

3) The Cabinet Secretary is still considering the submission providing initial advice on the proposal to convene a Ministerial Short Life Working Group and will provide comments shortly. She has however indicated that she would like to meet with the Royal Colleges, GMC, BMA and a representative from the National Partnership Forum before the Short Life Working Group is convened. I will discuss with the Cabinet Secretary whether this is best done by meeting individually or collectively but I would be most grateful if you could provide me with the names and contact details of the appropriate people at these organisation so I have them to hand when setting up meetings.

Happy to discuss any of these points further if necessary.

Many thanks,  
[REDACTED]

From: [REDACTED] On Behalf Of Cabinet Secretary for Health and Sport  
Sent: 10 May 2019 08:27  
To: Cabinet Secretary for Health and Sport <[REDACTED]@gov.scot  
[REDACTED]@gov.scot  
Cc: Rogers S (Shirley) [REDACTED]@gov.scot  
>; Hutchison D (David) <[REDACTED]@gov.scot [REDACTED] [REDACTED] Neill S  
(Sean) <[REDACTED]@gov.scot Wright M (Malcolm) <[REDACTED]@gov.scot  
DG Health & Social Care <[REDACTED]@gov.scot [REDACTED] [REDACTED]  
Communications Healthier [REDACTED]@gov.scot [REDACTED] [REDACTED]  
[REDACTED]  
Subject: RE: Ministerial Statement: Sturrock Review - Supp Questions

[REDACTED],

Apologies for the delay in sending this (delay is due to the IT problems of last night). On the back of yesterday's statement the Cabinet Secretary has asked that you contact NHS Highland with the following actions:

By the 31st May she would like to know the following;

- 1) Details of immediate actions the Board have taken/plan to take on the back of the recommendations made in the Sturrock report
- 2) What support the Board have put in place/will put in place for any member of staff who has been affected by bullying and harassment
- 3) Details of the Board's plan for staff engagement and a timeline of when this will be carried out

She would also like the Board to know that she intends to visit again in mid-June and which time she would like to meet with them along with meeting members of the partnership forum and clinical leaders. I have yet to identify a date but I would be

grateful if you could ask the CE if there are any dates we should avoid.

Can I also add in here my thanks to you and the team for the work you did in preparing yesterday's statement – it was very much appreciated by the Cabinet Secretary and by us in Private Office.

Kind regards,  
[REDACTED]

From: [REDACTED]@gov.scot; On Behalf Of Cabinet Secretary for Health and Sport  
Sent: 09 May 2019 11:58

To: [REDACTED]@gov.scot

Cc: Cabinet Secretary for Health and Sport <[REDACTED]@gov.scot  
Rogers S (Shirley) <[REDACTED]@gov.scot

>; Hutchison D (David) <[REDACTED]@gov.scot [REDACTED] [REDACTED] Neill  
S (Sean) <[REDACTED]@gov.scot

Subject: Ministerial Statement: Sturrock Review - Supp Questions

[REDACTED],

Please see expected supplementary questions to the statement later. There may be more to follow but in the meantime, I'd be grateful if you could provide answers to these by 13:30.

Many thanks,  
[REDACTED]

[REDACTED-Section 30 (b) (i)]

Email Ministerial Statement to Parliament Sturrock Review 07 May 2019  
With two attachments – Parliamentary statement & Sturrock review

From: [REDACTED] on behalf of Cabinet Secretary for Health and Sport  
Sent: 07 May 2019 15:36  
To: [REDACTED]@gov.scot; Cabinet Secretary for Health and Sport  
Cc: DG Health & Social Care; Wright M (Malcolm); Rogers S (Shirley); Neill S (Sean); [REDACTED] [REDACTED] Communications Healthier; [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
Subject: RE: Ministerial Statement to Parliament - Sturrock Review

Attachments: *Sturrock Review -Statement to Parliament - Draft Statement - Annex A.docx; The Scottish Government Response to the Sturrock Review.docx [section 25 (1)- links provided in cover letter]*

[REDACTED],

I am including [REDACTED] in this copy-list.

The Cabinet Secretary has considered the first version of Thursday's statement and doesn't feel it is strong enough therefore she will amend it to reflect the following. It is her intention to convene a short life working group with the Royal Colleges [RCM, RCN etc] and Unions to consider what more we can do together to review continued adequacy of current procedures and importantly what we need to do to promote practice of a positive culture across the NHS at every level and for every staff role. Her statement will reflect that she recognises that this is a 176 page report and members will wish time to consider and that she intends, consequently with the reflections of the short life group, to return to Parliament to benefit from members views through a debate on how we can promote a positive culture in our NHS.

Re the SG response to the recommendations, the Cabinet Secretary feels they need redrafted to reflect the comments above. She feels they need to be much more clearly set out against John's Sturrock's recommendations and must consider the language used so that, for example, we do not say that NHS Highland may convene staff group instead we say that Ms Freeman expects NHS Highland to respond in the spirit of the report and therefore engage directly with staff across their board area.

Grateful if these comments could be considered and for revised SG responses to the report to be re-submitted as soon as practically possible.

Many thanks,  
[REDACTED]

From: [REDACTED]@gov.scot  
Sent: 03 May 2019 18:14  
To: Cabinet Secretary for Health and Sport <[REDACTED]@gov.scot

Cc: DG Health & Social Care <[REDACTED]@gov.scot Wright M (Malcolm) <[REDACTED]@gov.scot Rogers S (Shirley) <[REDACTED]@gov.scot Neill S (Sean) <[REDACTED]@gov.scot [REDACTED] [REDACTED] Communications Healthier <[REDACTED]@gov.scot [REDACTED] [REDACTED] [REDACTED]  
Subject: Ministerial Statement to Parliament - Sturrock Review

P/S Cabinet Secretary for Health and Sport,

I enclose a draft ministerial statement and briefing pack in advance of the forthcoming statement on the Sturrock Review. I also attach a draft Scottish Government response to the review, for publication alongside.

John Sturrock conveyed his final report this afternoon, which has been submitted to APS for publication and printing. I enclose a copy of the final report also.

Officials will be able to provide additional briefing and amendments as necessary on Tuesday; I will also be available on Monday 06 May if there is anything urgent.

Kind regards  
[REDACTED]

[REDACTED]  
[REDACTED]

Directorate for Health Workforce, Leadership and Service Reform

T: [REDACTED]

M: [REDACTED]

Scottish Government | Riaghaltas na h-Alba  
Area GR  
St. Andrew's House  
Regent Road  
EH1 3DG

“he/him” pronouns

NHS Highland review - follow up  
From: [REDACTED]@gov.scot>  
NHS Highland review - follow up

To:[REDACTED]@nhs.net  
Cc: DG Health & Social Care; Rogers S(Shirley) Neil S(Sean) [REDACTED]  
[REDACTED]  
Bcc Cabinet Secretary for Health and Sport

Dear Mr Stewart,

It was good to speak with you earlier and as promised I'm now sending a follow up e-mail to confirm what is being looked for.

As discussed, the Cabinet Secretary would like to know, by the 31<sup>st</sup> May 2019, the following;

- 1) Details of immediate actions the Board have taken/plan to take on the back of the recommendations made in the Sturrock report.
- 2) What support the Board have put in place/will put in place for any member of staff who has been affected by bullying and harassment.
- 3) Details of the Board's plan for staff engagement and a timeline of when this will be carried out.

We also discussed the Cabinet Secretary's intention to visit NHS Highland again in mid-June where she would like to meet, along with yourself, the Chair, members of the area partnership forum and clinical leaders/members of the clinical forum. Private Office has since advised me that Ms Freeman will also want to meet with the [REDACTED] whistleblowers who initially raised the concerns in NHS Highland [REDACTED].

I've also checked about timings dates etc. Ms Freeman's office have confirmed that the best dates for the Cabinet Secretary to visit NHS Highland are as follows:

- Monday 17 June 2019
- Friday 21 June 2019
- Monday 24 June 2019

The Cabinet Secretary's preference, if possible, would be either of the Mondays. You asked about the length of the visit and I have been advised that a starting time of around 09:00 would be ideal with a finishing time of around 15:00, including a break for lunch.

I hope this clarifies our conversation and please feel free to contact me if there is any other information you need.

Kind regards

[REDACTED].

[REDACTED].

[REDACTED].

Leadership and Service Reform Directorate | St Andrew's House | Regent Road |  
Edinburgh EH1 3DG

**Tel:** [REDACTED].

**BlackBerry:** [REDACTED].

From: [Redacted-Out of Scope]  
Sent: 09 March 2020 11:05

From: [Redacted-Out of Scope]  
Sent: 04 March 2020 17:40

From: [REDACTED]@gov.scot>  
Sent: 25 February 2020 16:45  
To: Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>  
Cc: [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; Neill S (Sean)  
<[REDACTED]@gov.scot>; [REDACTED]@gov.scot>  
Subject: RE: NHS Highland - update

Hi [REDACTED]

Further to your call, the ½ day workshop is on Thursday (27/02) morning.

Regards

[REDACTED]

From: [REDACTED]  
Sent: 25 February 2020 16:19  
To: Cabinet Secretary for Health and Sport <CabSecHS@gov.scot>  
Cc: [REDACTED]@gov.scot> [REDACTED]@gov.scot> [REDACTED]@gov.scot>  
[REDACTED]@gov.scot>  
Subject: NHS Highland - update

Hi [REDACTED]

Further to our earlier conversation I've now heard back from Fiona Hogg, HR Director in NHS Highland.

She confirmed that they met the whistleblowing group last Tuesday (18th Feb) to discuss proposals for the healing process in more detail. A half day joint workshop has also been arranged for the whistleblowing group and management where these proposals will be refined. The Board is also in the process of procuring an external organisation to support and progress this work.

I hope this is helpful and let me know if you need anything else?

Regards

[REDACTED]  
[REDACTED]  
| [REDACTED].

|Workforce Practice Unit | Health Workforce,  
Leadership and Service Reform Directorate | St Andrew's House |Regent Road |  
Edinburgh  
EH1 3DG

Tel: [REDACTED]

BlackBerry: [REDACTED]

## **SCANCE – Sturrock Review - Report, recommendations and Scottish Government response**

The Review by John Sturrock QC identified a number of significant cultural issues that have potentially contributed to circumstances in which there has been behavior that might reasonably be described as bullying, or at the very least, inappropriate. The Board must carefully consider this substantive report and actively engage with staff at every level to consider its conclusions and recommendations. The Board have been asked, by 31 May, to provide:

- Details of immediate actions the Board have taken/plan to take on the back of the recommendations made in the Sturrock report.
- What support the Board have put in place/will put in place for any member of staff who has been affected by bullying and harassment.
- Details of the Board's plan for staff engagement and a timeline of when this will be carried out.

The Cabinet Secretary will visit the Board in June. A package of measures to support positive workplace culture across the whole of the NHS was also set out. This includes:

- A summit, to be held this summer to establish what more can be done to promote positive workplace practices across the NHS. This will bring together the leadership of NHS Boards, staff and trade unions, royal colleges and professional and regulatory bodies
- Dedicated whistleblowing champions recruited to every health board by the end of 2019.
- The introduction of legislation to allow the Scottish Public Pensions Ombudsman to take on the role of the Independent National Whistleblowing Officer for NHS Scotland by summer 2020.
- The Health Secretary writing to all NHS boards to ensure that they reflect on and learn from the findings of the Sturrock Review.

### **Speaking Note**

- The Sturrock report focusses on repairing relationships and the practical steps and leadership needed to restore trust and build a truly exemplary workplace culture in NHS Highland.
- I commissioned this review as it concerned me greatly that a group of staff in NHS Highland felt that they had no option but to raise their concerns publicly.
- Whilst the Review only considered matters in Highland, it is clear to me that there are important issues raised here that require serious reflection across the health service more broadly.
- I intend to bring together the leadership of our Boards, including staff and union representatives, our Royal Colleges and professional and regulatory bodies to examine how collectively, we can take forward measures to support and promote an open and honest working environment for all our staff.
- We will commence this important work in the Summer by hosting a summit on wellbeing, engagement and employee experience in NHS Scotland.
- We have also introduced legislation to Parliament, to allow the Scottish Public Services Ombudsman to take on the role of Independent National Whistleblowing Officer for NHS Scotland.
- And we will now proceed with recruiting new Non-Executive Whistleblowing Champions to every health board, so that we have these in post by the end of this year.
- I am committed to ensuring that everyone in NHS Scotland feels valued, safe and supported.

Cabinet Secretary for Health and Sport

## **STURROCK REVIEW: NHS HIGHLAND ACTION PLAN “A CULTURE FIT FOR THE FUTURE”**

### **Purpose**

1. To provide you with a summary and initial analysis of NHS Highland’s proposed action plan in response to the Sturrock Review.

### **Timing**

2. Routine

### **Background**

3. On 10 May 2019, you wrote to the Chair and Chief Executive of NHS Highland to request written detail of the action plan that the board proposes to put into place in response to the publication of the Sturrock Review. You specifically asked for information relating to a) the immediate actions the board intends to take; b) the support that the board will put into place for any member of staff who has been affected; c) the board’s plan for staff engagement going forward.
4. NHS Highland have this morning provided sight of their proposed action plan for implementing the recommendations of the Sturrock Review to officials. The Chair and Chief Executive will write to you formally this afternoon to convey the final version of their action plan.

### **The Action Plan**

5. The action plan has been devised around 5 themes, with a range of actions set out against each theme, set out according to whether they are short, medium or longer term. Actions include:
  - *Communications and Engagement*
    - a) review of internal department and structure; b) roadshow of employee engagement sessions; c) briefings with partnership fora
  - *Human Resources Processes*
    - a) appointment of a new director of HR and OD; b) a people management review; c) review of all live suspensions; d) review of outstanding cases by other boards.
  - *Organisation and Workforce Development*
    - a) review of senior leadership team structure and development of a workforce strategy; b) review of clinical relationship management; c) renewed engagement in iMatter
  - *Support for Staff*
    - a) provision of mediation; b) provision of confidential contact officers; c) development of a health and wellbeing framework.

- *Governance*
  - a) appointment of executive lead for the board's action plan; b) board delivery group; c) a board training programme.

### **Initial Analysis**

6. Initial analysis suggests that the board has focussed correctly where it needs to review existing internal structures and processes, particularly in HR and organisational development. The plan also identifies key posts within the executive team structure that require filling urgently in order to be able to effectively deliver the actions going forward. There is a sense that the board is managing the communications challenge and understands how it needs to engage with staff going forward. There is evidence of the board and chief executive being more proactive in providing regular updates to staff.
7. Equally, the board has correctly identified where it needs to focus its workforce strategy, particularly in terms of consistently articulating NHS Scotland values across the organisation going forward.
8. The weakest element of the action plan is theme 4 – Support to Staff (officials have provided some immediate feedback on this issue). Although the board has set out a number of actions under this heading, there is insufficient detail about what support to staff looks like and how it might be delivered. Given the importance of providing support to staff, and the suite of actions that John Sturrock sets out under the themes of 'present support and listening' and 'specific complaints: independent processes and safe spaces', the action plan needs to clarify the following:
  - Whether there will be a scheme for facilitated conversations and listening with impartial third-parties, including what that scheme looks like, who has been commissioned to deliver it and for how long it will be available.
  - Where staff can go internally for confidential advice and support (the action plan does mention a 24 hr helpline).
  - What the board proposes to do specifically to resolve existing cases and whether there will be a dedicated mechanism for taking forward new cases related to the Sturrock Review and for how long that will be in place (the action plan mentions a review of existing suspensions and seeking case-file reviews from other boards of on-going cases).
  - What occupational health and counselling support is to be made available.
9. In terms of presentation of the plan, officials have advised that the action plan should more clearly set out the link between the themes and actions, and the recommendations of the Sturrock Review. This could be achieved by adding a small narrative under each theme heading stating which of the Sturrock Review's recommendations the actions in that section will directly address.

### **Overall Picture**

10. Overall, the plan appears to be a reasonable first iteration, that seeks to strike a compassionate tone and contextualises the actions not only in terms of the Sturrock Review, but also in relation to the board's own core priorities of 'caring for patients', 'looking after our own people' and 'achieving financial balance'.

Providing that the board consults directly with all staff groups on the proposed actions and takes forward the plan iteratively, thus allowing the workforce to contribute to its development and delivery, then there is a reasonable chance that the action plan will be received positively, subject to the board providing more clarity on some of the issues raised at paragraphs 8 and 9 above.

11. Officials have asked that the board clarifies what its proposed monitoring arrangements are for implementing the action plan, particularly in terms of on-going board oversight. We might also want to ask now about contingency planning or alternative options for delivery if it is not possible to recruit to the vacant senior leadership posts within the short-term timescales proposed, along with how the board might address capacity issues it identifies within its proposed directorate reviews.

### **Next Steps**

12. You are invited to note the initial analysis of the plan set out immediately above; officials will continue to engage directly with NHS Highland.

[REDACTED]

Workforce Practice Unit

X[REDACTED]

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Const. Interest	General Awareness
DG Health and Social Care Shirley Rogers, Chief People Officer NHS Scotland & Director of Workforce, Leadership and Service Reform Sean Neill, Deputy Director Health Workforce Division [REDACTED], Workforce Practice Unit [REDACTED], Workforce Practice Unit [REDACTED], HR Professional Adviser [REDACTED] Special Adviser					