

REVIEW OF ALLEGATIONS OF BULLYING AND HARASSMENT OF THE UNITED LINCOLNSHIRE HOSPITALS NHS TRUST BY THE EAST MIDLANDS STRATEGIC HEALTH AUTHORITY

RESPONSE BY DAVID NICHOLSON, NHS CHIEF EXECUTIVE, 28th OCTOBER 2009

Following public allegations of bullying and harassment against the East Midlands Strategic Health Authority, I asked Neil Goodwin, who has both Acute Trust and SHA experience at Chief Executive level, supported by Susan Pyper, Lord-Lieutenant of the County of West Sussex and an experienced NHS chair recently retired to undertake an independent review of these allegations. It was clear that there had been serious performance problems at University Lincolnshire Hospitals NHS Trust (ULHT), but I asked the reviewers to investigate how the SHA responded to performance issues at ULHT, in particular the allegations of bullying and harassment.

I chose to commission an independent review for two reasons. Firstly, the allegation of bullying and harassment is itself a serious one that I take extremely seriously. In addition, it was also claimed that the alleged bullying was compromising patient safety. The NHS Constitution has set out the right for staff to have healthy and safe working conditions, one which has no place for bullying, harassment or discrimination. The NHS has taken strong steps to eliminate bullying and harassment in the workplace and all NHS employers are expected to have policies and procedures in place to tackle this.

Secondly, there has been considerable public interest in this issue and therefore I felt it was important to gather all information possible to establish if there is any evidence to support the claims that had been made'.

I welcome Neil Goodwin's report, and accept his conclusion that in his judgement he has found no evidence whatsoever of bullying or harassment of the Trust by the SHA. Indeed, based on these conclusions the SHA acted appropriately throughout. The reviewers considered 160 pieces of correspondence and conducted 50 interviews as part of their process, and in their judgement concluded 'the SHA's approach was fair, consistent with its own procedures, equitable and patient'.

I now expect the relevant NHS organisations in the East Midlands to consider the full report, and to discuss the findings with their boards. It is vital that the local NHS now draws a line under these allegations, and focuses on how best to work together in the interests of their patients and public.

In terms of national action, I will take forward the recommendation that we develop a single Code of Conduct between DH and the regulators, with clear links to the NHS Constitution. I have already taken steps to address the issues highlighted around the need to identify the most challenging posts in the NHS and ensure adequate support is in place, which is progressing through the work of the National Leadership Council.

I want to make it absolutely clear that those with performance management responsibilities, such as PCTs and SHAs, are paid to support local services to be the best that they can be, but also to intervene when services and organisations begin to fall short. This requires judgement and experience, and sometimes tough decisions have to be made.

The whole point of priorities such as 18 weeks is to raise our ambitions for patients, and to ensure that everyone has swifter access to high quality care. Performance management has a vital role to play in ensuring that the NHS delivers on the promises it has made to its population. The overwhelming majority of NHS organisations continue to deliver their targets, whilst delivering continuing service improvements for patients and staying in financial balance.

Nevertheless, it is important that the NHS continues to learn and develop, and I am today sharing a summary of the report to all SHAs for them to consider. There are important lessons in this example for the wider NHS, and Neil Goodwin makes some useful recommendations about what organisations can do locally to identify, support and develop both executive and non-executive leaders, and encourage the right behaviours. It is also important that people continue to speak out if they have concerns about inappropriate or unacceptable behaviours.