

Supplementary Information- Whistleblowing

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The Unite Letter from the Regional Scottish Secretary and Mr Gregson's Reply

Yesterday Mr Gregson receive a letter from Pat Rafferty, the Regional Scottish Secretary. Mr Gregson has replied (his words are in blue, Mr Rafferty's are in black):

Dear Comrade Rafferty,

Thank you very much for your email. It was enlightening. First let me apologise for taking so long to get back to you, I have been at yet another hustings tonight to get more signatures for my petition.

Perhaps it would be a better use of our time to reply inline to your comments as some are, as I am sure you are aware, just plainly inaccurate.

I was surprised to receive your email threatening to denounce Unite to the Scottish media if we do not back your whistle-blower campaign.

You may not be aware that the first threatening email in this affair came from your very own legal department. Your lawyer was responding to my request for help in distributing the flyer. I replied in the same vein, as your employee was obviously not aware of your movement's "collegiate way to work on such campaigns". Also, you say "Scottish" media; my hope was not to restrict coverage to only Scottish media.

As we indicated to you last week, Unite's support for any campaigns organised by third parties can only be given once we have undertaken the due diligence expected by our members.

The support I asked for, as an individual, was from your NHS Lothian branch. Not only did they invite me to their well-attended meeting to discuss my petition, they also offered me £500 to have 50,000 leaflets printed to bring awareness to the petition. The petition was supported unanimously and the funds awarded by unanimous vote within that very meeting. The members present agreed the flyers to support this petition to the Scottish Parliament Petitions Committee will improve the lives of all NHS staff; some, so sadly blighted by the lack of an independent whistleblowing hotline. Indeed, every single one of your members at the meeting agreed with the petition because they in their workplace knew of the need of such a facility. Perhaps you could inform me just how much "due diligence" wasn't done by the Chair and Secretary of this local branch. I understand that NHS Lothian Unite NHS Branch has made many such contributions to campaign and charitable groups, none of which have been subject to due diligence checks. Perhaps you could detail the process they are required to follow and how that requirement is conveyed to branches.

For instance, I understand Unite issued a new rulebook last September but failed to either notify the branch or forward the new version to them. Do you really expect your members to follow rules drafted by your senior officers that they have never seen?

We have therefore consulted very quickly on your proposal and as a result I understand that there are some concerns as to the model you propose. These concerns need to be addressed and considered properly by the appropriate bodies within Unite.

I am surprised that your consultation has shown concerns as to the model I propose. The model of the hotline I espouse is in use with the City of Edinburgh Council, Standard Life, the Guardian newspaper, many English councils and many other private and public bodies. If you read the petition properly (you clearly have not) you will see which bodies espouse it and why. Before you get yourself, and your union, into a bigger mess, please take five minutes to read the petition properly. It will get you much further than a phone call to Dave Watson [Unison Scotland Campaign Manager], which is all the research you seem to have done on this. You can read the petition at the Parliament website at www.scottish.parliament.uk/GettingInvolved/Petitions/WhistleblowerHotlineNHS.

There, you will read that the Institute of Business Ethics noted in their “Speak Up Procedures” (2007) the company practise whereby important whistle-blower reports are escalated to corporate Audit & Risk Committees. It appears that big finance companies don’t let hotlines report to senior management but to Board members. Obviously managing risk is their business and if it’s good enough for them, it should be good enough for the public sector too.

You might even begin to understand why the present system in Scotland is so dreadful and so dangerous. A useless helpline is worse than having nothing at all, for it makes folk think that there is something in place that will help whistleblowers when it clearly does not. A hotline passes reports back to a designated person; a helpline offers advice on whether and how employees can raise a whistleblowing concern. The difference between a hotline and a helpline is spelt out in the “PAS 1998:2008 Whistleblowing Arrangements Code of Practice” which can be downloaded free from the UK Government’s Department for Business Innovation & Skills at <http://shop.bsigroup.com/forms/PASS/PAS-1998/>

It is a publication that I think should be on your bookshelf if you really seek to help your members report mismanagement and bullying without fear of retribution. What’s more, as it’s free, it won’t cost your members a penny for you to get the knowledge that I reckon you clearly need to do your job properly.

Whilst you are at it, please download the NHS Scotland Staff Survey from

www.staffgovernance.scot.nhs.uk/monitoring-employee-experience/staff-survey/ to understand the level of bullying in NHS Scotland and the fact that so many fear reporting mismanagement. (The 2015 stats are almost the same as the 2014 stats)

The Staff Survey asked staff about their being “provided with a continuously improving and safe working environment, and promoting the health and wellbeing of staff, patients and the wider community”. 23% of staff did not believe it was safe to speak up and challenge the way things were done if they had concerns about quality, negligence or wrongdoing by staff. Only 57% thought it was safe.

Staff were asked if they had experienced bullying/harassment in the past 12 months from their manager or from other colleagues. 9% of those who responded said that they had experienced bullying/harassment from their manager and 15% said that they had experienced bullying/harassment from other colleagues.

Of those respondents who said that they had experienced bullying/harassment, 37% said they had reported it. The most commonly identified reasons for non-reporting were:

- I felt nothing would happen (87%)
- I feared what would happen if I did report it (78%)
- I was concerned about confidentiality (76%).

Fewer than two in five respondents (37%) who reported the bullying/harassment they experienced were satisfied with the response they received. The whistleblowing hotline would allow reports of bullying and harassment to be reported and investigated by the hotline provider, with a report submitted to the Regional Health Board if necessary.

We also understand that Unison, your own union, does not support your proposal. Having clarified their position with them, they have advised us that they have provided evidence to the Scottish Parliament supporting the principle of an independent line, however, you should be aware that the combined unions who operate within the health sector agreed, in the proper forum, that we should give the current system an opportunity to function before advocating an alternative.

Firstly, I have not asked Unison to support my proposal. I am sure that if I did, they would. Unfortunately, my local branch have not had a meeting for months so I have been unable to ask them for support. I am glad that Dave Watson has provided evidence supporting the principle of an independent line and I hope that Unison will continue to do so for the sake of their members suffering, sometimes in silence. The current system you and Unison support has done- and will do - nothing for whistleblowers. The new Regional Whistleblowing Champions will have no investigatory powers. They are a sop to public concern and their existence will not prevent NHS management carrying on as it has always done.

We have advised you further that in order to be compliant with the law the £500 you have received from your local branch of Unite may require to be classified as spending from our political fund. This has potential legal consequences that should have been discussed with the Regional Political Officer prior to approval.

I would like to thank you for that advice on compliance. It has now come to the part of the reply where I can repay some of the goodwill of your local branch. I am pleased to inform you that the kind £500 donation will not require to be classified as spending from your political fund. All potential legal consequences are null and void. I am happy to notify you that the Department for Business Innovation & Skills have again helped us by providing the information that your Regional Political Officer requires to put his mind at ease:

When does a union need a political fund?

A trade union needs a political fund only if it wants to use its funds for what the law defines as "political objects".

What are "political objects"?

"Political objects" cover what can broadly be described as electoral or other party political activities. They are defined as the expenditure of money:

- on any contribution to the funds of, or on the payment of any expenses incurred directly or indirectly by, a political party;
- on the provision of any service or property for use by or on behalf of any political party;
- in connection with the registration of electors, the candidature of any person, the selection of any candidate or the holding of any ballot by a union in connection with any election to a political office (that is the office of Member of Parliament, Member of the Scottish Parliament, Member of the Welsh Assembly, Member of the European Parliament, or member of a local authority, or any position within a political party);
- on the maintenance of any holder of a political office (as defined above);
- on the holding of any conference or meeting by or on behalf of a political party or of any other meeting the main purpose of which is the transaction of business in connection with a political party (including any expenditure incurred in connection with the attendance of delegates or other participants); or
- on the production, publication or distribution of any literature, document, film, sound recording or advertisement the main purpose of which is to persuade people to vote or not to vote for a political party or candidate.

Expenditure for any purpose not included on this list, but allowable under the union's own rules, may be made out of its general, or some other, fund.

(Department for Business Innovation & Skills (BIS): Trade Union Political Funds – A Guide for trade unions, their members and others
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/245595/10-817-trade-union-political-funds-guide.pdf)

I am pleased that the UK Government is able to reassure you that at no time were you at risk of breaking the law by donating £500 to this cause.

We note that you are not a Unite member. Ordinarily we would ask you to submit a proper proposal to the Union for these monies and support, identifying how your proposal is in keeping with Unite policy and would benefit this union's members.

At present I am not a Unite member. I am however a dedicated trade unionist with 40 years' experience in the trade union movement (with BECTU and Unison). I am and always have been a socialist. I would like to thank you for supplying the information for what a Unite member would have to go through rather than myself, just a member of the public. My experience of branch meetings , whether they be union ones or Labour party ones, is that the branch invites a campaigner to address their meeting, and votes at the end to decide if they want to donate funds to the cause. I fear that your tick-box bureaucratic procedure will only further stifle workplace activism, but if your



members want to let you get away with this effort to control their activities, more fool them.

Given all I set out above, it would be premature for Unite to make an instant and uninformed decision to support the measure you propose.

Given all that you have set out, together with my reply comments, I am sure you can see that you may not have been in possession of all the facts before emailing me. I never asked the Unite the Union to formerly come out in support of the measure I propose. I must admit that I am a tad surprised that you would be reticent in your position as the UK's largest union to do such a small thing to better the conditions for your members – further, that you would try to stop your local branch members for helping. Surely in the trade union movement, the power comes from the bottom and not the top.

You will be aware that union membership has been falling drastically since the mid-eighties and nothing you have written here gives me very much hope for my children and grandchildren as you can see from this graph.

Why would full-time officers of the union try to stymie a local branch who were supporting a member of their local community whose only intention was to help the members of that union especially when that community member had been successful in the past, with the same measure, for group of workers? It really does make sense to me that the community involvement shown by the local branch can only help further the cause of trade unionism as a whole and promote workers' rights.

It is very regrettable that you have chosen to write to the union in such aggressive terms, but it is also extremely puzzling as it is not in keeping with the collegiate way this movement seeks to work on such campaigns.

You will of course recall that the aggression was first instigated by a staff member of your organisation and further complicated by yet another staff member of your organisation demanding that the cheque be stopped, which incidentally, would have left me personally in considerable debt. Perhaps Unite staff members should remember that individuals like me very rarely get funding for what we do. I spend my own money and my own time pursuing justice, mostly on behalf of others.

You may not know this, but I was no longer an employee of the City of Edinburgh Council (I'd been sacked for campaigning) when I successfully ran the campaign for their whistleblower hotline. I was doing it for the people I had left behind because I knew of the injustices served to so many by so few.

And as a ratepayer I knew it would save me money. Which the Council now agree it has done. They said in January in their Whistleblowing Annual Report : "Many of the recommendations that have resulted from investigations have

led to amendments to policy, improvements to procedures and processes, the development and sharing of best practice and improved service delivery.”

You may now understand why I feel I should fight fire with fire. I was hoping that maybe Unite would help in the distribution of my leaflets, but now that is a far and distant dream. I will instead over the next couple of weekends drive the length and breadth of Scotland dropping copies off at all the hospitals I can, again at my own expense, to try and get justice and an improvement in the working conditions of my colleagues. I have an overdraft but I will find the money for petrol and accommodation.

I hope that you will reconsider your approach as it would seem counter-productive to your efforts to build an alliance in support of this campaign and it will require Unite to publicly clarify our considered position.

Whilst you may feel that my approach needs further consideration I hope that after reading my reply, you will find that I too can be conciliatory, although probably not as enlightening as your good self. The leader of the Labour Party in Scotland is behind my petition and has signed it. The vast majority of the current crop of parliamentary candidates whether they be Labour, SNP, Green, Liberal Democrat or Conservative have willingly signed my petition. I have gone around the majority of the hustings in Edinburgh and the Lothians and I also troll around all of the canvassing tents, shops, tables around the city to garner more support, in my own time, for the benefit of my NHS colleagues, your members and anyone who will ever visit, or pay for, a Scottish hospital.

Your members' local representatives did a nice thing for their community and a nice thing for their colleagues and I hope that you don't now chastise them. They do not need it. Perhaps you should leave your office and have a cup of tea with them because from what I have heard from some, is that their treatment by some full-time members of your staff would leave them needing and using a hotline facility - similar to the one that I am campaigning for - at Unite itself.

I will continue to campaign for the hotline for NHS staff and use every tool in the box (and it seems some people just hand you tools you never expected) to get the Scottish Parliament to consider my petition. Some people may not like it but hopefully it will make a difference for the majority.

I know your organisation never went as far as sending me a letter from Carter-Ruck, but receiving a letter from your legal department threatening to sue me in court, when your very own General Secretary said in his letter to the Guardian on 12th May 2015 that “Trade unions know all too well that the judiciary is a flawed guardian of democratic rights” is quite galling.

To conclude, what next? Well, I am going to send out the press release, and I need to explain to you why.

The actions of Unite- of Mary Alexander, of your Legal Dept, have served to delay the publication and distribution of the flyer. As you might appreciate, its lifespan is limited. The Unite branch wanted to assist me in getting it out quickly so that as many citizens as possible might sign the petition. This is a parliamentary petition and the more that sign, the greater a message it sends to the politicians that this is something the public want. I think it will save lives; you will probably not agree - because I know you have not bothered to read the petition - and most likely never will.

But I, and those other groups that have put their name to the petition want to see it succeed. Having lost 5 days of this vital time due to Unite's actions- the deadline for getting names in is now less than 2 weeks away, we now need to get as much publicity as possible, to secure support in getting this flyer into hospitals. To do that I must send out the press release and use the scandal of the way your senior officers have treated me as the motor for promoting the petition. I think that after a few days of media coverage, most folk will know of the existence of the petition and I hope not only that we will then amass names of supporters but that NHS whistleblowers will come forth and identify themselves to me. I will then call upon them to give evidence to the Parliamentary Petitions Committee when the times comes for this petition to be heard. One already has; more will follow.

Now, if the price, as far as I can see, of having a system in place that works and saves lives - is a dent to Unite's reputation, then so be it. For what would you do, if you were in my shoes?

Indeed, there might be a chance that after a bit of media exposure around the way that Unite treats its branches that your senior officers decide to grow up a bit and stop throwing their weight around, and perhaps Unite might learn better how to treat its branches- and therefore its members. So maybe, long term, you might be grateful that

by getting the likes of the Daily Mail involved (newspapers that are no friends of the unions), we might see two improvements as a result of my taking this matter to the press.

The first, is that Unite reflects on the way it treats its members- and, goodness me, decides to stop bullying them.

The second is that Scotland gets a whistleblowing system that saves lives and money for our beleaguered NHS. You do not work for the NHS, but I do- and I think I understand far better than you the need for a whistleblowers hotline.

Whilst it would have been nice to have Unite's support, you can see that media exposure is going to have to do the job instead. So I do not now need to "build an alliance [with Unite] in support of this campaign" because there is little I think you will ever willingly do to help me promote it. By denting your reputation, the world will learn of the petition- and the world will, hopefully, rush to sign it.

So, Mr Rafferty, I hope you are able to "suck it up" over the next few days. I hope you do not trot out to the media your tired denial of wrongdoing - about seeking to stay within the law – of acting in Unite's best interests by having to issue legal threats to avoid your being seen to break the law for political donations - for letting the Lothian Unite NHS Branch donate funds - when you know this is a rotten excuse for the bullying that we have witnessed here.

It is ironic that the petition is there to stop management bullying staff, yet Unite itself seem to be not averse to a bit of bullying too.

So the press release will go out and I hope you do the right thing and throw up your hands, admit that your senior officers will benefit from some political education, and try to get them to think before they get nasty with campaigners and branch office-bearers in future.

So I leave you with the hope that together we might build a better and stronger trade union. And that we get a whistleblower hotline that saves lives.

Please do inform me if you disagree with anything I have said and especially if you decide you can help in the distribution of the leaflets. I would be grateful of a confirmation of receipt.

Kind regards,

Pete Gregson.

The Unite Branch Chair iterates his Support

[From Kev Ferguson, NHS Lothian Unite Branch Chair, to freelance investigative reporter, John Wallace]

Hi John,

I can confirm Pete's version of events esp with regard to the NHS Lothian UNITE Branch support which explicitly voted in favour of Without objection on 3 aspects:

1. Branch support for his petition;
2. permission from the Branch to use the BRANCH logo - there might be some grey legal area here as the Branch logo might be something which has no legal entity as its just something I knocked up for internal correspondence. So the legal objection might be Pete's use of something like UNITE logo rather than the actual logo. But the Branch provided him with permission to allow Pete to state our support & use our logo.
3. provided him with a donation to print 500 leaflets

If required, you can get me on 07747 148764

ATB

Kevin Ferguson

From: postmaster@roseburn32.plus.com
To: john@eztu.com
CC: kevin.ferguson@nhslothian.scot.nhs.uk; enradgey@hotmail.co.uk
Subject: FW: Unauthorised use of Unite Logo
Date: Mon, 18 Apr 2016 01:30:43 +0100

Hi John,

I forgot to add- the Chair of the NHS Lothian Unite Branch is Kevin Ferguson- I have copied Kev into this e-mail- Kev is happy to speak to any press to verify that his branch gave unanimous approval for me to use the Unite logo and funding of £500 to make 50,000 flyers to paper Scotland with. Kev can be contacted on 07747 148764

(you might remember Kev from the East Edinburgh hustings- it was he that put the question to the Panel on their support for a whistleblowing hotline. There is a video of it and all the info you'll need at

www.kidsnotsuits.com/nhs-staff-whistleblower-hotline-parliamentary-petition)

Also attached is the revised flyer and the logo Mr Gillam said we could not use- and the letter from Mr Gillam. But it is Mr Gillam's final threat that really galls me- also attached.

If you, or any of your press chums, can exert any pressure on Unite to withdraw their threats and help us save lives by distributing the flyers to every hospital in Scotland, well, that would be great.

Cheers

Pete

I can be contacted on 0758 472 2191.

The First e-mail from Unite Lawyers

From: Gillam, Neil [<mailto:Neil.Gillam@unitetheunion.org>]
Sent: 15 April 2016 15:25
To: 'postmaster@roseburn32.plus.com' <postmaster@roseburn32.plus.com>;
Cc: Alexander, Mary <Mary.Alexander@unitetheunion.org>
Subject: Unauthorised use of Unite Logo

Dear Mr Gregson,

Please see attached correspondence which is self-explanatory. I would be grateful if you could acknowledge receipt.

Regards

Neil Gillam

Legal Department

Unite the Union
128 Theobalds Road
London WC1X 8TN

Unite House
128 Theobald's Road
London WC1X 8TN

Tel: 020 7611 2500
Fax: 020 7611 2555



LEGAL DEPARTMENT

Mr Peter Gregson
By email postmaster@roseburn32.plus.com

15th April 2016

Dear Sir

**Unauthorised use of 'Unite' logo
Whistleblower Hotline for NHS Staff**

It has been drawn to our attention that you intend to utilise the 'Unite' logo in support of a campaign you are presently publicly noted as the Organiser.

A draft flyer has been made available to us and you have sought by correspondence to the Deputy Regional Secretary (Scotland) permission to use our logo in support of your campaign.

We in Unite are asked to support many initiatives and use of the logo is reserved for those campaigns which have been approved formally utilising the procedures and process set down within our Rule Book and procedures.

We have not provided approval for the use of the logo and request that you desist from doing so. To do so in contravention of this correspondence is a potential infringement of our trademark and is actionable.

I note from your correspondence that you cite the authority of the branch to utilise the logo. The right to the logo does not reside with the branch but as with all Union property and resources, is vested with Executive Council of the Union.

We regret having to write to you in such terms but in addition to the requirement to accord with the structure we have in place, we are also within a regulated period for the purpose of election spending, and we have strict guidelines in place for the approval of spending during the time.

Please confirm by return that you will remove our logo from the flyer you are seeking to produce. A failure to do so in light of this correspondence will result in appropriate action being taken. We do hope that this is unnecessary.

Yours faithfully,


Neil Gillam
Unite Legal Department

Len McCluskey
General Secretary

www.unite.theunion.org

The Second e-mail from Unite Lawyers

--Forwarded Message Attachment--

From: Neil.Gillam@unitetheunion.org
To: postmaster@roseburn32.plus.com
CC: Mary.Alexander@unitetheunion.org

Subject: Re: Call for Volunteers from Across Scotland to Help Save NHS

Date: Sat, 16 Apr 2016 13:00:48 +0100

Dear mr Gregson,

Your attitude and correspondence and that of the organisation you seem to represent is noted and will be acted upon.

It is disappointing both for you and your campaign that you are provoking an inevitable response by choosing to ignore the warning you have been given which is clear and unequivocal.

Please reflect further.

Regards

Neil gillam

Sent from my iPhone

On 16 Apr 2016, at 12:53, Peter Gregson <postmaster@roseburn32.plus.com> wrote:

Sue me

From: Gillam, Neil [<mailto:Neil.Gillam@unitetheunion.org>]
Sent: 16 April 2016 12:48
To: Peter Gregson <postmaster@roseburn32.plus.com>
Cc: Alexander, Mary <Mary.Alexander@unitetheunion.org>
Subject: Re: Call for Volunteers from Across Scotland to Help Save NHS

Mr gregson,

The name Unite the Union is similarly protected and should be removed from the flyer. Further, the use of any phrase or likeness which creates a likelihood of confusion on the part of the public is also a potential infringement. Please remove same.

Yours sincerely,

Neil gillam

Unite legal department

Sent from my iPhone

On 16 Apr 2016, at 11:41, Peter Gregson <postmaster@roseburn32.plus.com> wrote:

Mr Gillam,

Here you are: I have taken out the Unite logo. I think it is your loss.

Below is press release just sent out.

Best wishes

Pete Gregson

From: Peter Gregson [<mailto:postmaster@roseburn32.plus.com>]
Sent: 16 April 2016 11:33
To: 'Peter Gregson' <postmaster@roseburn32.plus.com>
Subject: Call for Volunteers from Across Scotland to Help Save NHS

Kids not Suits is looking from volunteers from across Scotland to help keep the NHS safe

Pete Gregson's [Parliament petition](#) for a whistleblowing hotline for NHS staff received a welcome boost yesterday when Unite NHS Lothian decided to fund the production of 50,000 flyers to be distributed to the 160,000 NHS workers across Scotland.

But whilst Unite have funded the flyers, they are weak in the public sector and have little ability to distribute the flyers. For this reason, Kids not Suits campaigner Mr Gregson is seeking volunteers to distribute the flyers (attached) by taking them into their local hospitals, so staff and patients alike might learn of and sign the petition.

But time is short, for the Petitions clerk at Parliament has made a unique deal with Kids not Suits to publish any names Mr Gregson can collect provides he gets them to her before polling day on the 5th May.

The Parliament website crashed repeatedly in the run up to dissolution, due to the numbers trying to sign, so the website failed to record the details of many who thought they had signed (including the petitioners own!). Hence the offer.

Mr Gregson thinks much of Scotland's population would like to sign this petition if it meant their next trip to hospital would be a safer one.

If readers would like to help make the NHS safer, they can contact Mr Gregson through the Kids not Suits [website](#) and he will parcel up a bundle of flyers and send it to them. Hospitals all over Scotland need attention. But time is short: polling day is but 3 weeks away; if citizens want to help other citizens to sign, they must move fast.

Unite's support comes hot on the heels from that of Labour Leader Kezia Dugdale and Lothian List candidates from the SNP, Conservative, Green and Lib Dem parties, who all signed the petition at hustings last week.

More from Pete Gregson, Kids not Suits, 0758 472 2191

[See flyer below]

Dear Scot,

Please sign this petition to the Parliament's Petitions Committee, calling for

"A SAFER WAY TO REPORT NHS MISMANAGEMENT AND BULLYING"

The petition seeks an **independent whistleblowing** hotline to which Hospital staff could report not just **negligence, malpractice and ill treatment of a patient**, but management instructions which are contradictory to **safe and effective person-centred care**. Also the **bullying** by managers and colleagues that 15% of staff complain about.

Sign online now at www.kidsnotsuits.com

and your name will be added to the parliamentary petition at

www.scottish.parliament.uk/GettingInvolved/Petitions/WhistleblowerHotlineNHS



End the fear. No NHS managers would see staff reports— just the **Regional Health Board members**. Whistleblowers jobs and careers would be safe, their identity secure. This is the **mechanism** whereby hospital workers could let those at the **top** learn as to what is really going on. NHS blunders compensation costs are huge. The hotline could be run by **Safecall** (who run Edinburgh Council's hotline) or any another of the 5 UK providers. Cost? **£450,000 pa** for 160,000 Scottish NHS staff. Saving? **£Millions**. **It will make hospitals safer.**

The **hotline** will have investigatory teeth and would replace the existing useless helpline which has been branded “**a waste of time**” by campaigners. **Dr Kim Holt** of Patients First said “We have tried it out a few times. The people who called found it was **hopeless**. They’re being told ‘tell your manager, speak to your union’. They don’t have any power, so all they can do is advise you.”

Due to IT problems before dissolution it has been agreed that **Kids not Suits**, who lodged the petition, can collect signatures, which will be published on the Parliament website. Signatories so far include **Kezia Dugdale** (Leader, **Labour** Scotland), Lloyd Quinan (**SNP** Lothian List candidate), Andy Wightman (**Green** Lothian), Sarah Boyack (**Labour** Lothian), Cospatric D'inverno (**Lib Dem** Lothian) and Cllr Jeremy Balfour (**Conservative** Lothian). Add your name too, **before 6th May**, by going to:

unite
theUNION
NHS Lothian



SCOTLAND PATIENTS ASSOCIATION



www.kidsnotsuits.com



E-Mail to Unite which Started all the Grief

Hi Liz,

Thanks for speedy response.

Will do.

Kind regards,

Kevin

Kevin Ferguson
NHS Lothian UNITE Branch Chair

MacKinlay Room
56 Canaan Lane
Edinburgh
EH10 4SG
Mob.: 07810 378104



Check our website for the latest Unite news



From: Cairns, Elizabeth [<mailto:Elizabeth.Cairns@unitetheunion.org>]

Sent: 13 April 2016 16:04

To: UNITEtheUnion,

Cc: 'Peter Gregson'; Doyle, Pauline

Subject: RE: NHS Whistleblower Hotline- Petition to Parliament- Promotion

Hi Kevin

I received your email and have passed this to our Edinburgh office. Mary Alexander, Deputy Scottish Secretary, will be in touch with you regarding this.

I would suggest however, that you don't get anything printed at this stage until you hear back from Mary.

Regards

Liz

From: Ferguson, Kevin [<mailto:Kevin.Ferguson@nhslothian.scot.nhs.uk>] **On Behalf Of** UNITEtheUnion,

Sent: 13 April 2016 14:57

To: Welsh, Peter; Cairns, Elizabeth

Cc: 'Peter Gregson'; Doyle, Pauline

Subject: RE: NHS Whistleblower Hotline- Petition to Parliament- Promotion

Hi Peter/ Elizabeth,

I can confirm that the Branch met last night and not only voted unanimously to support & promote Pete's initiative but also granted permission to use the Branch's logo and make a donation.

Regards,

Kevin

Kevin Ferguson

NHS Lothian UNITE Branch Chair

MacKinlay Room
56 Canaan Lane
Edinburgh
EH10 4SG
Mob.: 07810 378104



Check our website for the latest Unite news



From: Peter Gregson [<mailto:postmaster@roseburn32.plus.com>]

Sent: 13 April 2016 05:14

To: peter.welsh@unitetheunion.org

Cc: Ferguson, Kevin

Subject: NHS Whistleblower Hotline- Petition to Parliament- Promotion

Dear Peter,

The Chairperson of the Unite Lothian NHS Branch invited me to their branch meeting last night. The branch had passed a motion in support of an independent whistleblower hotline for NHS Staff the month before. Kev, having learned of my petition to the Scottish Parliament, invited me to speak on it.

I need to get 50,000 of the attached flyers into every hospital in Scotland (there are 160,000 NHS workers) and if you looked at [the petition](#) on the Parliament website you'll know that 57% of them are too frightened to speak out if they see something going wrong. I seek to get enough signatures to this petition to send a strong message to the Scottish Government that this hotline is urgently needed. I went to ask the branch if they would help fund the printing of the flyer.

The branch has offered me £500 to get the flyers printed and I seek to get them run off as soon as the copy is approved. There is an election on, and this is a good time to be getting attention for this proposal. Also the Petitions Committee clerk has assured me that she will add the names of those who seek to sign the petition to the Parliament website if I collate them. (this is because of IT problems the website suffered in the run up to dissolution, which prevented many folk's signatures being recorded). She says she will publish these names on the 6th May. That only gives me 3 weeks.

I ought to mention that I am a Unison NHS shop steward (The Lothian Branch Chair of Unison refuses to back this). Therefore I am grateful for Unite's interest in the matter. I need to check a couple of things. I assume there is no problem with Unite's logo appearing on the flyer?

I want to get the attached to the printers tomorrow, so if you could give me confirmation you are OK with the Unite logo being on it I will get them printed tout de suite.

You may want to know more about who I am and what this is all about. I am fortunate in having the petition supported by a whistleblower who has seen such wrongdoings and saw his career go down the swanee as a result- Rab Wilson: see Rab's video here to see what us NHS staff have to put up with
<https://www.youtube.com/watch?v=7TG1Bcv45il> .

And who am I? I am an ex-youth worker who got a job at Edinburgh Council in 2005. Eight years later I was sacked for attempting to blow the whistle on Mike Rosendale (ex-Head of Schools) who had been put in charge of the Mortonhall enquiry by crony Labour Leader Andrew Burns. Burns succeeded in getting me sacked and the Unison QC said Rosendale would sue for slander if it went to an ET.

Anyway, I managed to use the time I was suspended to get an independent whistleblower hotline set up at Edinburgh Council. It took a huge amount of campaigning- its history is laid out [here](#) and its success was evidenced by myself in the Edinburgh Evening News a month ago [here](#). The Council admits to its impact in its annual whistleblowing report [here](#). The NHS hotline would be modelled on Edinburgh's arrangement, with reports going to the Regional Health Board. Dissatisfied whistleblowers could take the matter all the way to the new Scotland whistleblower champion.

Anyway, we have been fundraising to try and get the costs of the flyers printed at
<https://crowdfunding.justgiving.com/hotlineNHS>. If you look at the site, you'll see we have only £5 of the £500 we need. That was donated by an unemployed friend in London. Our fundraising was not doing well- until last night!

Why the rush? Well, we (I and the others supporting this petition- [Unite NHS Lothian Branch](#), Scotland Patients Association, Action for a Safe & Accountable People's NHS ([ASAP NHS](#)) and the [UK Patient's Association](#)) all want to see this petition get as many signatures as possible.

Although you might think the petition, being lodged, is now closed to signing, I have a special arrangement with the petitions clerk. The Scottish Parliament website crashed so often in the days running up to dissolution, due to the numbers of people rushing to sign this NHS whistleblower hotline petition (and another two I have lodged) that there was a rash of complaints from both Kids not Suits and MSPs Alison Johnstone (Green) and Sarah Boyack (Labour) to the Petitions clerk that citizens were being denied a voice.

The Parliament Petitions Clerk accepted there was huge frustration over the parliamentary IT system failings and has made a deal with me. Although the website normally prevents the collection of signatures during dissolution, I have been told that if I collect signatures from those who would support the petition, they will be published on the Parliament website as soon as Parliament resumes on the 6th May.

It would be ideal if we could add a few thousand names. It would show that this petition really matters. I guess you may be wondering by now what the chances of success are for this proposal.

Well, if you are up to date with the Scottish Government you may have heard the announcement a few weeks ago that the useless [NHS Scotland whistleblowing line is to get an extra year](#). Also that there is a plan for each Health Board to have a whistleblowing rep and for there to be an Independent [National Whistleblowing Officer](#), who will scrutinise the handling of whistleblowing cases in NHS Scotland. My scheme complements these actions but I think the Government will argue that we need a couple of years for their new whistleblowing champions to bed in before my petition can be considered. But they admit these officers have no investigatory powers, so staff are unlikely to be much better off than they are just now if they want their concern to be investigated without fear of bias or retribution.

I don't think the regional and national whistleblowing champions scheme is going to make much difference. We can't afford to delay. If you were going into hospital, would you feel confident that the nurse is unlikely to report anybody who mismanages your case? Folk die because things go wrong. On the 26th February 2016 the Edinburgh Evening News reported that "Delivery room blunders had cost NHS Lothian £12m".

And I think austerity should not be used as a reason for not doing this. NHS Scotland has 160,000 staff, so the annual cost of an independent investigating hotline provider could come to £450K. But the cost should be set against the

NHS Scotland annual budget of £12 Bn. To understand the cost/benefit ratio for such a scheme, the cost of a hotline should be considered in the light of savings it should create. For instance, the cost of the hotline would be relatively minuscule if it helped minimise just one of the delivery room blunders mentioned above.

My second big question is this- would Unite help me get these 50,000 flyers into every hospital in Scotland? If you can give me the names and postal addresses of each NHS branch chair I am happy to sort out getting them posted out. There are 13 Health Boards, so that would mean 13 Branches, I suppose. I think the petition flyer will help promote Unite as a union that wants to help hospital staff. It might get you a few new members. If there were any other way you could help me promote this, I would be most grateful.

So- what do you say? If you want to discuss this, please ring me on 0758 472 2191.

If you want to sign the petition yourself, let me know.

Best wishes

Pete Gregson

www.kidsnotsuits.com