

British minister warns on 'gagging clauses' in NHS

February 17 2013

Health Secretary Jeremy Hunt has written to hospitals in England to warn them against using "gagging orders" to stop staff from exposing poor practices, the ministry said Saturday.

The letter referred to the case of Gary Walker, a former [National Health Service](#) (NHS) manager who received a legal warning this week after revealing how he was forced to keep quiet about his dismissal and his fears for patient safety.

Hunt said this exertion of pressure was particularly worrying as it came just days after an official report was published into a major scandal of care at Stafford Hospital in central England.

The report revealed how staff, managers and professional bodies had all failed to expose the appalling neglect of mostly [elderly patients](#) over three years, which saw them denied the most basic care and attention.

"Fostering a culture of openness and transparency is essential if we are to ensure we never repeat the mistakes of Mid Staffs (Stafford Hospital)—which means creating a climate where it is easy for staff, present and former, to come forward with any concerns they have relating to patient safety," Hunt wrote.

In the letter sent on Friday, the [health minister](#) warned against a "culture which is legalistic and defensive" and a level of "institutional self-defence that prevents honest acknowledgement of failure".

Prime Minister David Cameron admitted that the scandal at Stafford Hospital had rocked the public's faith in the NHS, a vast cradle-to-grave system of healthcare which has been free at the point of use since its creation in 1948.

Last week's report blamed the neglect on management's focus on meeting government targets and cutting costs, but said there also needed to be a change in culture so everyone took responsibility for patient care.

In an interview with the BBC this week, Walker said he had been forced to sign a confidentiality agreement two years ago promising not to go public with his concerns about [patient care](#) at the United Lincolnshire Hospitals Trust in central England where he was chief executive until his dismissal in 2010.

Following the interview, he received a letter from the trust's lawyers warning he was in breach of their agreement and would have to repay the £500,000 (\$775,000, 580,000 euros) pay-off he was given when he left.

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