



Information Bundle

Introduction

We have looked closely at the terms of your request for information.

The 'enforcement notice' that was served upon the Trust was an Improvement Notice. Our free leaflet HSC4 'What to do if an inspector calls...' gives a brief outline of this tool:

'Improvement notice: Where the breach of the law is more serious, the inspector may issue an improvement notice to tell the dutyholder to do something to comply with the law. The inspector will discuss the improvement notice and, if possible, resolve points of difference before serving it. The notice will say what needs to be done, why, and by when. The time period within which to take the remedial action will be at least 21 days, to allow the dutyholder time to appeal to an Industrial Tribunal if they so wish... The inspector can take further legal action if the notice is not complied with within the specified time period'

Background

The visit to the Trust on 9th April 2003 was spurred by a complaint made to HSE by a former employee of the Trust who had resigned, it was claimed, because the Trust had not been adequately managing claims of bullying and harassment. The inspector, Alastair Cannon, took the details from the complainant, and visited the Trust in order to inspect how the organisation was managing stress generally. The Trust admitted that they had not made an assessment of the risks associated with work-related stressors, and that they did not have a policy in place to manage stressed staff. Mr. Cannon consulted the HSE's Services sector, the Stress policy team and the HSE Health Unit—mainly by telephone. The Notice was then served on 9th July 2003 following discussions with senior managers at the Trust.

Information Search

The Bristol office conducted a wide search across HSE to find any information that could possibly relate to the request.

This mass of information was then sifted and sorted to identify the parts relevant to your request. We then began making decisions as to whether this information was subject to any of the FOIA exemptions. On this occasion, we have not withheld any relevant documents in their entirety because of any exemptions, and where exemptions may apply to some relevant information contained within documents, we have blacked-out this information and explained why it was necessary in a footnote.

HSE contacted the original complainant to ask for consent to disclose information that was clearly 'personal information'. We were not given permission to disclose the complainant's name, and it was felt that even the disclosure of the complainant's role and position within the Trust would allow the complainant to be easily identified. This would be a breach of the Data Protection Principles as set out in the Data Protection Act 1998, and would amount to an actionable breach of confidence. We have therefore been forced to withhold any reference of this person and the specifics of their job.

As Mr. Cannon's intervention with the Trust was technically an 'investigation', the exemption under Section 30 of the Act applies to the material relevant to your request after other exemptions have been applied (e.g. personal information). We have made a test to determine whether the public interest in withholding the various information outweighs the public interest in disclosing it. We see no reason, in this case, why we cannot disclose the remainder of this information, and I attach it under the headings below.

Please note that I have copied and pasted the relevant information from its original format into a Microsoft Word document. There are spelling mistakes and abbreviations that I have not altered. I have enclosed a list of commonly used abbreviations to help you understand what these abbreviations mean.

Relevant extracts from 'Initial events (complaint/ other) form'. This is a computerised form used to log details of a complaint being made

Notifier			
Notifier Name:	[*****]*		
Notifier Address:	[*****]*		
Notifier Status:	MOP		
Notifiers Comments:	<p>Whilst working as a [*****] of the main [*****][#], believes [***][#] has been bullied and harassed by numerous colleagues since approx last September. Has been off sick and when returning to work was told by employer they couldn't guarantee [***][#] that the same things would not happen again. All concerns have been taken to employer who are looking into matters. Has resigned from position. [***][#] "concern" is that employer cannot guarantee to provide [***][#] with a safe working place.</p>		
Organisation			
Organisation Address:	Dorset County Hospital, Williams Avenue, Dorchester, DT1 2JY		
Additional Details			
Date Received:	25/03/2003	Referred to Client?	Y
Incident Date:	25/03/2003	Investigation Action:	Completed
Type:	Complaint	Received By:	N Winstone
Route:	Telephone	Represented by TU?	N
FMU:	200201	Referred to TU?	N
FP Name:	A Cannon	Anonymity?	Y
Client/ Location:	020000231/ 0506580	Disclosable?	Y

* Exempt information: Section 40 FOIA: Personal information that we do not have consent to disclose.

[#] Exempt information: Section 40 FOIA: This information could lead to the identification of a person, which in itself is considered personal information, which we do not have consent to disclose

Relevant information extracted from FOCUS database. This is used by inspectors and administrative staff for work recording and decision-logging.

Contact No:	68773	FP:	E White
Date:	19/06/2000	Activity:	Inspection
FMU:	200003 Services	Time:	0100hrs
Client:	020000231	Location:	0506580
Comments:	<p>JV with S Denness as part of NHS MANAGEMENT audit. [*****] * (33.5 hours/wk) for the Trust (approx 2500 staff). There is a P/T Dr. (9 hrs) and share secretarial support with another unit. Dept is not computerised to much of relevant data is on a manual card index system. This is slow and time consuming. Service is mainly reactive (health surveillance and screening) except for pre-employment medicals/ driving medicals. There is no policy requiring long-term sickness absentees to be referred to OH. It is up to the decretion of the line manager. Not involved in sickness absence monitoring.</p> <p>Sickness absence database is basic and does not identify cause of absence e.g. cold or back injury. Elaine Maxwell, director of nursing, is reviewing the service personnel but has not invloved [*****]*. Not sure if annual report on OH go to the board but if done, [*****] * does not see the content. No real performance indicators set for OH. Sits on H&S committee but not involved in planning stage for new builds etc. Would like to see OH and H&S under same manager although currently co-located.</p>		

Contact No:	68777	FP:	E White
Date:	19/06/2000	Activity:	Inspection
FMU:	200003 Services	Time:	0100hrs
Client:	020000231	Location:	0506580
Comments:	<p>JV with S Denness as part of NHS MANAGEMENT audit. [*****] *. Minutes of main committee and accidents discussed. Also sits on trust H&S committee. Team meetings include H&S and these are minuted so staff not present can see what was discussed. Looking at dept sickness manageemnt and stress. Trust provides listening service and a counselling service for staff. Member of staff came up with the idea of putting training on computer database and is currently doing this so that they can track the need for refresher training. No specific training had on H&S or accident inv. H&S not specifically identified in appraisals. Sisters now sit on Drs appraisals. Setting up a training programme for Drs which will include H&S.</p>		

Contact No:	68779	FP:	E White
Date:	22/06/2000	Activity:	Inspection
FMU:	200003 Services	Time:	0030hrs
Client:	020000231	Location:	0506580

Comments: JV with S Denness as part of NHS MANAGEMENT audit.
 [*****] *. Violence to staff is increasing, especially on the trauma ward. There has been a problem with verbal aggression/bullying from more junior Drs towards nursing staff. The ward sisters have taken these incidents up with the consultants concerned - these are 2 experienced ward sisters who are prepared to take the "bull by the horns". There are courses on handling aggression if staff wish to take it but it is not mandatory.

Contact No:	68841	FP:	M McDowall
Date:	19/06/2000	Activity:	Inspection
FMU:	200003 Services	Time:	0200hrs
Client:	020000231	Location:	0506580

Comments: JV with Ms E White as part of team inspection. Visit to Elaine Maxwell, Hd of personell. Discussed stress mgt in trust. Stresss as an issue had been raised by a number of staff in different depts. Paper is about to be preseted to the trust board. This is the only real plicy, though a counselling servce is in place. However, referral to the service is by mgt, with no self referral - ADV. New policy to include training in recognising stress and mgt of it. Will need to follow up stress issue in due course. Also discussed bullying, as an adjunct to stress. Problem in certain areas, paerticualry in junior docotrs. Situation beign reviewed, but J' doctors do not acknowldge problem!

Contact No:	100243	FP:	A Cannon
Date:	09/04/2003	Activity:	Inspection
FMU:	200301 Services	Time:	0230hrs
Client:	020000231	Location:	0506580

Comments: Saw Gill Heathcote, Gen Mgr, Planned & Surgical Services, & Jane Ridgway, Personnel Mgr, for same directorate. This followed a complaint from a now ex- member of staff re the way a bullying & harassment investigation had been handled. She alleged the inv was protracted and that mgt failed to deal adequately with the issues and this led to stress illness and time off work. Trust does not have a stress policy, mgrs do not have stress mgt training, no RAs have been done, figures are not available for stress related illness (this not provided for under PRISM, the database), there is no system for workload monitoring. Previous staff attitude survey revealed widespread concern re bully & harassment but no action takne to either share this with staff nor review policy, and limited awareness of HSE guidance on this issue. However from this episode there is to be a review of the grievance procedure. Minded to issue IN re MHSW Regs 3&5 on stress; awaiting guidance from Sector & FOD health unit. Have not re-rated, but would concur with current rating re Health

Contact No: 101823 **FP:** A Cannon
Date: 02/07/2003 **Activity:** Enforcemnet
FMU: 200301 Services **Time:** 0100hrs
Client: 020000231 **Location:** 0506580

Comments: Saw Elaine Maxwell, Dir of Nursing, Hilary Jury, acting head of HR, Emma Hallett HR, S Slight, Risk Mgr. Meeting to explain draft IN requiring stress RA. Agreed wording, compliance date, approach, and interim review dates. Trust accept that RA on this topic both useful and necessary. IN and covering letter to Chief Exec copied to Risk Mgt dept to copy to safety reps etc.

Contact No: 101867 **FP:** A Cannon
Date: 09/07/2003 **Activity:** Complaint Invest
FMU: 200301 Services **Time:** 0030hrs
Client: 020000231 **Location:** 0506580

Comments: Two telephone conversations with complainant, [*****]*, now ex-member of trust staff, giving updates on action taken on stress (IN served). She was grateful for the update and satisfied for the action taken.

Contact No: 102376 **FP:** A Cannon
Date: 09/07/2003 **Activity:** Enforcement
FMU: 200301 Services **Time:** 0030hrs
Client: 020000231 **Location:** 0506580

Comments: Phone; Spoke Suzanne Slight, Head of Risk & Legal. i) advised of possible media interest in stress IN, provided our defensive line to take; they will let us see in advance their response. ii) checked on what in hand to progress compliance with IN; have formed a working group and will be working with Exeter Univ too on a project will, in part, address this.

Contact No: 103798 **FP:** A Cannon
Date: 23/09/2003 **Activity:** Enforcement
FMU: 200301 Services **Time:** 0800hrs
Client: 020000231 **Location:** 0506580

Comments: Nick Cox: Chief Executive; Elaine Maxwell: Director of Nursing and H&S; S Light; Head of Risk Mgt and others as per a mgt inspection. Key elements of H&S Mgt absent - no H&S plan, insufficient H&S training for Mgrs, no access to competent advice - this raised by emp reps specifically. In light of current IN on stress decided no further IN - Trust need to be allowed to demonstrate to their staff they can be proactive without one. Follow up insp rec next year once required action plan has been implemented.

* Exempt information: Section 40 FOIA: Personal information that we do not have consent to disclose.

Contact No: 104784 **FP:** A Cannon
Date: 19/11/2003 **Activity:** Enforcement
FMU: 200301 Services **Time:** 0400hrs
Client: 020000231 **Location:** 0506580

Comments: JV with Steve lee of Stress Priority team. Visit to check progress with IN. Saw Robert Pascall, HR Director, responsible now for H&S and Suzanne Slight, Risk Mgr. Trust explained action taken hitherto - mainly re survey design, awareness and results. Gave them feedback from our earlier meeting with safety reps where it was clear that very uncertain about what is now planned by the trust. Advice given on communications internally. Requirements of the IN gone over in detail. Agreed they would present a concise report; the first part the risk assessment, the second an action plan with milestones stating what next would be done and when. Agreee this would be submitted by the 10 Dec to allow time for comment. Copy of Real Solutions Real People given free!

Contact No: 104785 **FP:** A Cannon
Date: 19/11/2003 **Activity:** Enforcement
FMU: 200301 Services **Time:** 0100hrs
Client: 020000231 **Location:** 0506580

Comments: JV with Steve Lee of Stress Priority team. Meeting with safety reps (Unison, Society of Radiographers, Midwives, UCATT) to obtain thier views on the process hitherto. Reported that survey questionnaire was too long, some difficulties too with staff side rep finding out about Steering Gp meetings. Also generally unclear what is to happen next following the survey and feedback sessions. Agreed to raise these issues in the meeting with mgt (see separate contact same date).

Contact No: 106753 **FP:** A Cannon
Date: 05/03/2004 **Activity:** Enforcement
FMU: 200301 Services **Time:** 0430hrs
Client: 020000231 **Location:** 0506580

Comments: Joint visit with Steve Lee, Better Working Environment team. Visit to check progress with Stress IN ahead of 15 March compliance date. Saw staff side reps - Society of Radiographers and RCN. Subsequently spoke by phone to Jenny Price, lead RCN rep who sits on the Stress Steering Group. Separately later saw management - Robert Pascall and Suzanne Slight. Some work yet to do to marshal and present the info, however, assuming this is done, enough has been done to sign off the IN. Advised that Trust must continue to meet staff to explore the detailed issues that cause stress and to communicate effectively with staff. Trust agreed to present RA to steering gp to agree jointly. Documentation to be sent by 12th March.

A relevant eMail from Alastair Cannon

Alastair Cannon To: Jo FOD Walker/EDINBURGH/HSE@HSE, Will Pascoe/LUTON/HSE@HSE
22/04/2003 13:01 cc: Paula Johnson/BRISTOL/HSE@HSE
Subject: Stress IN - ideas please

Jo/Will

I have spoken and/or emailed you over the last week or so about my intention to serve an IN on West Dorset NHS Trust for failure to risk assess work related stress and have adequate arrangements for effective planning, organisation, controls etc.

I am bending toward the Notice route on this occasion for two reasons;

1. the Trust are a long way from where they should be; no policy, no workload monitoring, no analysis of sickness absences, a long hours culture, and failure to act on a staff attitude survey dating from 2001 indicating that bully & harassment was a significant stressor not being managed by the Trust and yet having at the same time, (on the anecdotal evidence and a number of specific instances) a clear problem.
2. A reluctance to treat this as a priority likely to receive any significant management action for at least another 12 months and probably significantly longer.

I understand that such an IN would be a first for an NHS Trust; I am keen to get the wording just right and Jo has kindly stepped in to use this as an opportunity to put together a "model" notice that I and others subsequently can draw upon.

My plan is to arrange to meet the Chief Exec (and others) to serve the Notice and talk through expectations for compliance and explain what I believe will be the substantial spin-off benefits in recruitment, retention, reduced absence, improved general management etc. In any event I nevertheless anticipate that the Trust won't be thrilled, and likely resentful too that they are the first. With this in mind and thinking of how to maximise the impact of serving the IN I was wondering what else I/we could do to help them see it in a more positive light.

- can we put them in touch with a willing public sector benchmark organisation (other than ourselves) that they could work with and talk things through? (would one of the management stds pilots be suitable & willing?)
- what could we do to give them some positive publicity upon compliance? (I was thinking of approaching our Press office for some key H&S and HR and Health Service magazine contacts and working them to see if they would be interested)
- is there anything useful we could do with DoH with a view to evaluating the benefits and the process of working toward compliance (whilst at the same time signalling that we are prepared to take formal enforcement action on this topic)?

I would be grateful for your comments, particularly on the three bullets above and any other ideas you might have to get the most bang for our buck here!

Alastair Cannon
HSE Bristol
0117 988 6059 [VPN 501 6059]
email: alastair.cannon@hse.gsi.gov.uk

2. A relevant eMail from Alastair Cannon (on 2 pages)

Alastair Cannon To: Paula Johnson/BRISTOL/HSE@HSE
11/09/2003 17:38 cc:
Subject: Stress notice update

Paula

As I won't be at the group meeting I promised you an email giving a brief chronology and updating you on the latest position regarding the IN at West Dorset NHS Trust.

Background:

- ex member of staff raised a complaint with us complaining that [***] # was signed off sick with a work related stress condition that arose from the way that the Trust had handled disciplinary relating to staff [***] # managed. I explained our position (don't generally inv individual cases but would explore what RA and systems in place.
- I met with a senior Trust manager and a manager from Trust HR. Indications were that they recognised that they did have a problem; they knew that staff were off sick with stress, but they hadn't collated the sickness absence info; they knew too that several staff had left their employee citing stress but they weren't sure how many. A staff survey had also revealed that staff believed stress was a problem but the Trust had not acted on this information and had not conducted a RA. The managers themselves knew that there were some problems with the culture and attitude of some senior clinical staff. The managers also said that on current plans they didn't see the Trust addressing this issue in the succeeding 12 months. I signalled then that I was minded to issue an IN
- I asked the Trust to confirm formally, by email that they had no RA, numbers off sick etc. I was prepared to rely on this as my evidence should a Notice be appealed
- I consulted Sector, Health Unit etc and was surprised to find that no previous IN re stress had been served. This subsequently turned out not to be strictly true, Sandy Carmicheal's on Lotus Cars in 1998! However being this long ago meant it didn't appear on the Notices database. However it does appear to be the first on an NHS Trust. This led to me speak to several people including Rose Court Press Office; it emerged that they were receiving calls almost daily asking what HSE's position was and whether and what enforcement action had been taken. (In part this was prompted by the recent HSE announcement of the draft stress management standards which had been made available on our webpage.)

The Notice:

So this brought me to the point were we sure that an IN was appropriate, the Trust were expecting one and some publicity was possible. I then worked with Health Unit to produce what we hoped might be a model IN on this topic (with input from you, Max and the Sector). This was agreed.

Handling:

- I was keen to ensure that the Trust would be fully onside with what we proposed, or at least aware of what their residual concerns might be, therefore I arranged to meet their Director with H&S responsibility, HR managers etc to talk through the Notice in draft, HSE's guidance, timescales, liaison & review arrangements. This was a positive meeting. I then
- served the IN by post and copied in key H&S rep.
- spoke to a lead H&S rep by phone to confirm what action taken
- emailed Sector asking them to ensure Dept of Health were aware

- copied in Press Office, Health unit, stress priority prog team, Max , Terry, FOD Secretariat, DG's office
- asked that we find out if this was the first IN

As I expected, press Office then approached me and others for a line to take; others outside FOD seemed very unwilling to put their heads above the parapet so I put something together; others were then quick to point out where this might be improved! I shared our line with the Trust and asked that they let us have what they would say if asked about it, which they did. Press office asked whether we wanted to do interviews locally, we said we would prefer not to but signalled that we thought this a good opportunity to get our message on stress out. It then emerged that we didn't have one.

A day or so later the story got into the press, we believe it leaked from staff at the Trust. The story appeared in almost all the nationals and somewhat surprisingly as lead story on the front page of the Times (well it was August). There was then huge interest from the media. This was largely handled by press office however individual queries about the enforcement action were directed here so admin and I had a couple of busy days.

Sadly HSE turned down an opportunity to appear of C4 news to put our case - as a result a lot of inaccurate and misinformed reporting went unchallenged. Other difficulties emerged, unfortunately Sector chose not to tell DoH in advance about the Notice and were not amused. Nevertheless they responded as we would wish and have now written to all NHS Chief Execs and Directors of HR reminding them of their responsibilities.

Latest developments:

BBC Money programme expressed interest, last I heard they are planning some kind of general piece. They initially wanted to do a blow-by-blow fly on the wall piece until we told them there wouldn't be anything to see.

Bill Callaghan's recent piece in the Evening Std. led on the Notice issue, which was helpful. Although his comment (if accurately reported) that we definitely won't be prosecuting the Trust in relation to compliance wasn't particularly what we would want to see in print.

All along the Trust have been very supportive and their comments in the same Evening Std piece were very welcome.

Since serving the Notice various other allegations of bullying etc leading to stress at the trust have emerged.

The initial complainant appears to have told [***] # story to the [*****] # (they asked us to confirm the name, we didn't but it was the right name) so more may appear soon.

Ben and I are about to carry out a management inspection. I have contacted Trust, Press Office etc letting them know in case this is picked up in the media

Alastair Cannon
 HSE Bristol
 0117 988 6059 [VPN 501 6059]
 email: alastair.cannon@hse.gsi.gov.uk

Exempt information: Section 40 FOIA: This information could lead to the identification of a person, which in itself is considered personal information, which we do not have consent to disclose

5. A relevant email from Alastair Cannon (written after he served the Notice, but it discusses the reasons why he served it)

Alastair Cannon To: Chris Rowe/LONDON/HSE@HSE, Laura Whitford/LONDON/HSE@HSE, Colin Mackay/BOOTLE/HSE@HSE, Benjamin Bayman/LONDON/HSE@HSE
07/10/2003 14:50 cc: Chris Area08 Taylor/LUTON/HSE@HSE, Paula Johnson/BRISTOL/HSE@HSE, Anne Wilson/EDINBURGH/HSE@HSE, Will Pascoe/LUTON/HSE@HSE, Terry Rose/CARDIFF/HSE@HSE, Max Walker/BRISTOL/HSE@HSE, Sian Lewis/LONDON/HSE@HSE, Paul Kloss/LONDON/HSE@HSE
Subject: Min Sub: Stress IN at West Dorset

Chris/Laura

As requested; see below. As Ben requires the sub to be with him by 11:00 on Thursday could you get the draft to me by close tomorrow?

Colin Mackay

The Minister has asked for a submission on the IN served. I've mentioned you below and invited Chris to speak to you for an update should he think that necessary. If there have been any developments I would welcome being copied in.

Ben Bayman

I am not sure who is to clear the sub. If Chris is leading I guess a policy Band 0. I have copied Terry Rose in to this email but can you please ensure that he is copied into the final version of the submission when it goes? Thanks.

Background:

The intervention arose from a complaint in April this year from a junior member of staff with management responsibilities (now ex member) who complained to us about the way a bullying and harassment case had been dealt with which resulted in her being signed off work with work related stress illness. A visit to the Trust was made on 9th April when a general manager and a HR manager were seen. Investigation revealed no work-related stress policy in place or planned (despite advice from an inspection in 2000), and no risk assessment. Further, although they admitted that they knew of several cases of stress related ill-health and resignations and suspected there were more they had no management information to quantify this, nor any plans to obtain it. They also had the results of two staff surveys that cited stress as an issue, but no action has been taken and one of the survey's results had not been shared by staff. So the information to hand indicated something of a problem; in the absence of a risk assessment neither I nor the Trust could say how serious the problem was, hence the need for a risk assessment.

In view of;

- the complete absence of policy and assessment,
- the fact of the complaint,
- the admission that there were several known stress related ill-health cases at present and possibly more
- the previous advice
- plus an indication that this did not form a priority for the Trust and they did not anticipate taking any action in the coming 12 months
- the decision was made to serve a Notice. Wide consultation took place inside HSE and a draft Notice put together with considerable input from Health Unit.

A further meeting was arranged with the Trust Director of Nursing where the draft Notice was made available and discussed along with the reasons for serving it. Compliance dates were discussed and agreed. I believe I have sent a copy of the Notice before but attach it again here for reference; essentially it requires a risk assessment..



West Dorset General - Stress.c

[NOTE: this document (the actual Improvement Notice) has been released and follows on page 13]

The Trust approached the Psychology Dept of Exeter University to assist them in complying; they are helping put together a specific staff survey and other work. HSE in the form of Health Unit and particularly Colin Mackay in Human Factors are in contact with the Univ to help them help the Trust toward compliance (and so help us be clearer about what a suitable and sufficient risk assessment on work related stress looks like). You might wish to speak to Colin directly for the up to date position.

I am due to visit on 17 November to check progress ahead of the compliance date which is 15 December.

From the point of our intention to serve the Notice, the Trust have exhibited an exemplary approach and have been very positive in their dealings both with us and the media. We fully expect them to comply with the Notice and we are working actively with the trust to try to ensure that this is the case. Should an unexpected problem still arise we have the discretion to extend the compliance period.

You will wish to be aware as further background that a management inspection was carried out at West Dorset Trust on 23 & 24 September. The management inspection was planned some time ago; consideration was given to postponing the inspection in the light of recent media interest however the decision was reached that itself would more likely provoke comment and be difficult to justify. The inspection focussed on patient handling and found reasonable actual controls including training and equipment provision. However non patient-specific risk assessment was highly variable, H&S planning largely absent and, following the recent departure of the H&S officer, a lack of competent advice. Other topics were touched on and an absence of violence and aggression risk assessments was found.

Careful thought was given to appropriate action in the particular circumstances of this Trust; there was sufficient evidence to warrant Improvement Notices. The relatively new senior team at the Trust pleaded a case to be given the opportunity to demonstrate to HSE and their staff that they are capable of taking effective and decisive action without the spur of a Notice. Mindful of the potential media misunderstanding that further enforcement action now might cause, the degree to which further media interest would distract an already stretched management team and the Trust's hitherto exemplary response to the stress Notice it was decided not issue further Notices. Instead the Trust have given a commitment to produce an action plan by the end of October to implement the inspection findings in full by end of April 2004.

Alastair Cannon
HSE Bristol
0117 988 6059 [VPN 501 6059]
email: alastair.cannon@hse.gsi.gov.uk



Serial number
I/ 006638

Improvement Notice

To : Name West Dorset General Hospitals NHS Trust
 Address Dorset County Hospital, Williams Avenue, Dorchester , DT1 2JY
 Trading as ,
 Inspector's full name I, Alastair Scott Cannon
 name
 Inspector's official designation one of Her Majesty's Inspectors of Health and Safety, being an Inspector appointed by an instrument in writing made pursuant to section 19 of the said Act and entitled to issue this Notice
 Official address of Inter City House, Mitchell Lane, Bristol, BS1 6AN
 Telephone number 0117 988 6000
 Location of premises or place of activity hereby give you notice that I am of the opinion that
 at premises where you have employees
 you, as An employer
 are contravening the following statutory provisions :
 Health & Safety at Work etc. Act 1974, Section 2
 and Regulation 3 of the Management of Health & Safety
 Regulations 1999
 The reasons for my said opinion are :
 You have failed to make a suitable and sufficient assessment of
 the risks to the health and safety of your employees from
 exposure to work related stressors.

Date for compliance

and I hereby require you to remedy the said contraventions or, as the case may be, the matters occasioning them, by **15 December 2003**
 and I direct that the measures specified in the Schedule which forms part of this Notice shall be taken to remedy the said contraventions or matters

Signature

Date

Environment and Safety Information Act 1988

This is not a relevant notice for the Environment and Safety Information Act 1988
 This page only will form the register entry

Signature

Date



Schedule

1. Compliance with this Notice can be achieved if you:

- (i) Establish a baseline of current exposure to stressors by reviewing existing organisational data (sickness absence, staff attitude survey, exit interviews, etc) supplemented where necessary by collecting additional data.. This review should establish;
 - a) The extent to which staff perceive stress as a problem
 - b) Those factors which staff perceive as causing stress
 - c) Whether patterns of reporting highlight priority areas or issues
- (ii) Assess the likelihood of employees continuing to be exposed to stressors at a level that could cause harm.
- (iii) Assess the effectiveness of existing controls, including managers' training
- (iv) Identify any necessary additional preventative and protective measures
- (v) Record the significant findings of the assessment and make it available to employees.

(You may take other means to comply with this Notice but they must be equally effective; you are advised to consult an Inspector of Health & Safety before doing so)

2. You should also consider mechanisms for reviewing progress with stress management and evaluating success.

3. You should ensure at all stages in the assessment the consultation and participation of employees and their representatives.

4. For information: "Stressors" are sources of work-related stress which have the potential to cause harm. Other organisations have found the following classification helpful:

- a) Demands at work – such as work overload, physical work environment
- b) Control – amount of say an employee has over the way their work is undertaken
- c) Support – from managers and co-workers
- d) Relationships – aversive behaviours at work, including bullying and harassment
- e) Role – lack of clarity in employee role
- f) Change – how well organisational change is managed and communicated.



Schedule

5. I draw your attention to HSE guidance, HSE218, "Tackling Work-related Stress" available from HSE Books, tel:01787 881165 and the information available on the HSE website stress page: www.hse.gov.uk

NOTES

1. Failure to comply with this Improvement Notice is an offence as provided by section 33(1)(g) of the Health and Safety at Work etc Act 1974 and section 33(2A) of this Act renders the offender liable on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding £20,000, or both, or, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
2. An Inspector has power to withdraw an Improvement Notice or to extend the period specified in the notice, before the end of the period specified in it. If you wish this to be considered you should apply to the Inspector who issued the notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this notice.
3. The issue of this notice does not relieve you of any legal liability for failing to comply with any statutory provision referred to in the notice or to perform any other statutory or common law duty resting on you.
4. You can appeal against this notice to an Employment Tribunal. Details of the method of making an appeal, a form to use, and information about where to send it are contained in booklet ITL 19 which will be provided by the Inspector with this notice. Copies are also available from the Employment Tribunal Enquiry Line (Tel: 0845 795 9775).

Time limit for appeal

A notice of appeal must be sent to the Employment Tribunal within 21 days from the date of service on the appellant of the notice, or notices, appealed against, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days. If posted the appeal should be sent by recorded delivery.

The entering of an appeal suspends the Improvement Notice until the appeal has been determined, but does not automatically alter the date given in this notice by which the matters contained in it must be remedied.

The rules for the hearing of an appeal are given in The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2001 (SI 2001 No 1171), for England and Wales and The Employment Tribunals (Constitution and Rules Procedure) (Scotland) Regulations 2001 (SI 2001 No 1170), for Scotland.

PUBLIC REGISTERS OF ENFORCEMENT NOTICES UNDER THE ENVIRONMENT AND SAFETY INFORMATION ACT 1988

1. Under the requirements of the Environment and Safety Information Act 1988, the Health and Safety Executive (HSE) maintains at its Offices public registers of information on notices which do not impose requirements or conditions solely for the protection of persons at work. These are called "relevant notices" under this Act and will be identified by the inspector serving the notice (see overleaf). Entries will be kept in the public register for a period of at least 3 years.
2. The entry in the register will be made within 14 days either of the expiry of the right of appeal or of the disposal of an appeal. Where a notice is cancelled on appeal no entry will be made. Where an inspector is satisfied that a notice has been complied with, a further entry will be made in the register within 7 days to show this. If a notice is withdrawn or amended the entry on the register will be withdrawn or amended within 7 days.
3. The entry on the register will normally be the front page of the notice form. If you think that the entry for this notice would disclose information about a trade secret or secret manufacturing process, you should give written notice to HSE **within 14 days**. HSE will then draft an entry which it believes will not reveal the secret and serve this on you. In the meantime the entry in the register will specify only your name and address, any place involved and the relevant legal provisions.
4. If you are not satisfied with the redrafted entry you have a further right of appeal to the Secretary of State within 14 days. HSE will give you further information about appeals to the Secretary of State at this time.

PUBLIC AVAILABILITY OF INFORMATION ON OTHER NOTICES

1. Under the Code of Practice on Access to Government Information HSE is committed to make available on request information about its actions and decisions, which includes information about the notices it has issued. In general the information that HSE will make available about a notice is the information on the front page.
2. Information on a notice will not be made available until the right of appeal against the notice has expired or the appeal has been disposed of. Where an inspector is satisfied that a notice has been complied with, this information will be made available at the same time as the information on the front page of the notice.
3. If you think the information in the notice would disclose commercially confidential information you should give written notification to HSE **within 14 days**. HSE will then redraft the information in such a way that it believes will not reveal the commercially confidential information. In the meantime the only information that HSE would make available would be your name and address, any place involved and the relevant legal provisions.
4. If you are not satisfied with the redrafted information there is no further appeal. However, HSE will make every effort to agree with you a form of words which would not reveal any commercially confidential information.

A relevant copy of a letter from Alastiar Cannon to Mr. Cox, the Chief Executive of West Dorset General Hospitals NHS Trust

The Chief Executive
West Dorset General Hospitals NHS Trust
Dorset County Hospital
Dorchester
Dorset
DT1 2JY

Your Reference:

Our Reference: FMU01/asc/020000231

9 July 2003

Dear Mr Cox

RE: IMPROVEMENT NOTICE NUMBER 006638

Please find enclosed an Improvement Notice number 006638. This has been issued as a result of my investigation into a complaint about stress arising from the operation of the Trust's bullying and harassment policies. It became clear during my investigation that the Trust had neither a work-related stress policy nor had conducted a risk assessment of work related stressors.

Work-related stress sickness absence is a priority topic for the Government and HSE's Revitalising Health & Safety programme and HSE has been working in conjunction with employers and others to produce management standards; these have recently been published in draft form. The Improvement Notice has been framed with these very much in mind.

I have had extremely productive and co-operative meetings with your staff on this issue; most recently with Elaine Maxwell, Hilary Jury, Emma Hallett and Suzanne Slight. I was pleased to note the recognition of the value of conducting such an assessment; the Improvement Notice sets out clearly what is required and provides a timescale for necessary action. I should mention that the date for compliance was discussed and agreed with your staff as being realistic and achievable. We also agreed interim review dates.

In these meetings I have emphasised the need to ensure the consultation and participation of employees and their representatives. Potentially there is a key role for safety representatives and the health & safety committee here and I am sure you will find them to be a valuable resource.

Improvement Notices are legal documents and you should read the notes attached to the Notice with care. Failure to comply with a Notice is an offence which can lead to prosecution; in a Magistrates Court a fine of £20 000 can be imposed. The compliance date for this Notice is 15 December 2003. If you have difficulty complying by this date, please contact me beforehand as an extension may be possible. You have the right to appeal against the Notice, and should you wish to do so the required form, ITL19, is enclosed.

I have forwarded a copy of the Notice and this letter to Elaine Maxwell and Suzanne Slight under separate cover. The Trust is required to bring the issuance of the Notice to the attention of staff and I have asked Suzanne to ensure that all staff representatives receive a copy of the Notice.

Yours sincerely

Alastair Cannon
HM Inspector of Health & Safety

Cc:
Elaine Maxwell, Director of Nursing
Suzanne Slight , acting Head of Risk and Legal Services

Enc:
Improvement Notice 006638
Form ITL 19