

EAST AYRSHIRE HEALTH AND SOCIAL CARE PARTNERSHIP

INTEGRATION JOINT BOARD: 16 MARCH 2021

NATIONAL WHISTLEBLOWING STANDARDS

Report by Amanda McInnes, Senior Manager Business Support

Direction Required to Council, Health Board or Both	Direction to:	
	No Direction Required	✓
	East Ayrshire Council	
	NHS Ayrshire & Arran	

PURPOSE

1. The purpose of this report is to provide the Integration Joint Board (IJB) with details of the new NHSScotland National Whistleblowing Standards and the full Independent National Whistleblowing Officer (INWO) service which were implemented on 1st April 2021.

RECOMMENDATION

2. It is recommended that Members note the contents of the report.

SUMMARY / KEY POINTS

3. This report is to inform the IJB that from 1st April 2021 new NHSScotland National Whistleblowing Standards (the Standards) were implemented and the Scottish Public Service Ombudsman took up the role of the Independent National Whistleblowing Officer (INWO). The aim is to ensure that everyone delivering NHS services in Scotland is able to speak out to raise concerns, ultimately contributing to ensuring that the NHS in Scotland is as well run as possible. The Standards are available on the INWO website - [click here](#) to access.
4. The document notes the requirement on IJBs to ensure all HSCP staff, across both the local authority and the NHS, as well as any students, trainees, agency staff or volunteers, are able to raise a concern and as such have access to both employers' procedures.
5. The content of this report has been presented to, and considered, by the Audit and Performance Committee for noting.

BACKGROUND

6. NHS Ayrshire and Arran have been promoting and striving for a culture of psychological safety, where staff have the confidence to speak up and all voices are heard, for some time. This was through a focus on organisational values of Caring Safe Respectful. The Standards are an important strand that supports this ambition for an open and honest organisational culture, and builds on the previous national Whistleblowing Policy that had been in place for a number of years.

7. Under the previous policy, whistleblowing concerns could be raised through a variety of methods, including to line manager or HR manager. For any concerns that related to speaking up in the public interest, such as patient safety or fraud, the whistleblowing policy was available for use.

NHSSCOTLAND NATIONAL WHISTLEBLOWING STANDARDS

8. The new Standards set out how the INWO expects all NHS service providers to handle concerns that are raised with them and which meet the definition of a 'whistleblowing concern'. They are underpinned by a suite of supporting documents and together these documents form a framework for the delivery of the Standards.
9. The Standards include Whistleblowing Principles which underpin the approach that must be taken to handling any concerns raised by staff or those working in NHS services; and include definitions of whistleblowing and whistleblower, and a Procedure Overview which provides definitions and an explanation of what is a whistleblowing concern, who can raise a concern, and a brief description of the procedure for handling these concerns.
10. The Standards are applicable across all NHS services and means they must be accessible to anyone working to deliver an NHS service, whether directly or indirectly. This includes current (and former) employees, bank and agency workers, contractors (including third sector providers), trainees and students, volunteers, non-executive directors, and anyone working alongside NHS staff, such as those in health and social care partnerships. Specific instructions are provided for NHS service providers (both primary care services and contracted services).
11. People who raise a concern must not be victimised or suffer detrimental treatment as a result of raising a concern. This includes bullying and harassment, inappropriate use of policies, breaking the terms of their contract, financial loss and reputational or professional damage.
12. Timescales for response should be clearly published and met wherever possible. Investigations into a reported concern should be thorough. In particularly complex cases this may mean it is not possible to keep to published timescales. If timescales are not met for a good reason, the person who raised the concern (and any other relevant person) should be advised of the reason, and given a revised timescale for completing the investigation.
13. A three stage process has been developed by the INWO. The first two stages of the process are for NHS Ayrshire & Arran to deliver, and the INWO acts as a final, independent review stage. The process gives staff support and protection to feel confident in raising concerns if they see something wrong.

WHISTLEBLOWING CHAMPION

14. Each NHS board has a Whistleblowing Champion who monitors and supports the effective delivery of the organisation's whistleblowing policy. This role has been developed by the Scottish Government and complements the work of the INWO. Dr Sukhomoy Das is the appointed Whistleblowing Champion for NHS Ayrshire & Arran.

15. The Whistleblowing Champion is predominantly an assurance role which helps NHS boards comply with their responsibilities in relation to whistleblowing. The Whistleblowing Champion provides critical oversight ensuring managers are responding to whistleblowing concerns appropriately, in accordance with the Standards. The Whistleblowing Champion is also expected to raise any issues of concern with the board as appropriate, either in relation to the implementation of the Standards, patterns in reporting of concerns or in relation to specific cases.
16. Beyond the services delivered directly by the NHS board, the Whistleblowing Champion will have responsibility for ensuring that the organisation has appropriate systems in place to ensure that services delivered indirectly, including primary care services, contracted services and those delivered by HSCPs, are meeting the requirements of the Standards. In particular, they may need to work with colleagues in IJBs to clarify expectations and requirements in relation to raising concerns.

HEALTH AND SOCIAL CARE PARTNERSHIPS

17. HSCPs are in an unusual position in having employees from two organisations delivering services together. The policy sets out the importance of senior managers in HSCPs and the IJB in promoting a culture that encourages staff to raise issues or concerns at the earliest opportunity.
18. IJBs must ensure that all HSCP staff, across both the local authority and the NHS, as well as any students, trainees, agency staff or volunteers, are able to raise a concern and as such have access to both employers procedures.
19. Regular briefings by NHS Ayrshire & Arran providing updates on the new system were issued to staff prior to implementation. A staff guide has been published and circulated and a copy is attached at Appendix A for information. This guide gives details of the Confidential Contacts, Speak Up Advocate and simple instructions on how to use the Standards. Posters have been produced and circulated and these are also being displayed in HSCP buildings. A copy of these are attached at Appendix B and C, for information.
20. East Ayrshire Council Whistleblowing Policy was updated in January 2019 and is available to all employees including those who work within the Health and Social Care Partnership. This policy sets out clear guidance on principles, definitions, guidance and advice on how to raise any concerns. A copy of the policy can be accessed here <http://eacintranet/Services/Human-Resources/Policies-and-Procedures/PoliciesProcedures/Whistleblowing-Policy-January-2019-04-19.pdf>.
21. East Ayrshire Council Human Resources department will, as part of their normal Policy Review Schedule, cross reference the new NHS policy with the current EAC Whistleblowing Policy. The EAC Whistleblowing Policy will also be updated with a reference for HSCP employees on how to raise and report issues relating to NHS services.
22. Reporting on concerns raised by staff relating to NHS services, will be made to the IJB on a quarterly basis.

PEOPLE WHO USE SERVICES AND CARERS IMPLICATIONS

23. There are no direct implications arising from this report.

FINANCIAL IMPLICATIONS

24. There are no direct financial implications arising from this report.

HUMAN RESOURCE IMPLICATIONS

25. There are no direct HR implications arising from this report.

POLICY / LEGAL IMPLICATIONS

26. There are no direct policy / legal implications arising from this report.

COMMUNITY PLANNING IMPLICATIONS

27. This report has no direct community planning implications.

EQUALITY IMPLICATION

28. There are no direct implications arising from this report.

RISK IMPLICATIONS

29. There are no direct risk implications arising from this report.

COMMUNICATION IMPLICATIONS

30. There are no direct implications arising from this report.

RECOMMENDATIONS

31. It is recommended that Members note the contents of the report.

Amanda McInnes
Senior Manager Business Support
8th June 2021




Raising whistleblowing concerns Staff Guide

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New process for helping staff raise concerns

From 1 April 2021 there is a new process for raising concerns about patient safety or other harm such as poor practice or fraud. These changes mean that there is a new focus on:

- helping staff raise concerns as early as possible, and
- support and protection for staff when they raise concerns.

A three stage process has been developed by the Scottish Independent National Whistleblowing Officer (INWO). The process for raising concerns is set out in the National Whistleblowing Standards (the Standards). The first two stages of the process are for NHS Ayrshire & Arran to deliver, and the INWO acts as a final, independent review stage. The process gives staff support and protection to feel confident in raising concerns if they see something wrong.

Why we want to hear your concerns

Everyone benefits if concerns can be raised early and dealt with promptly and professionally. The new process under the Standards is a formal process, and we want staff to feel free to raise concerns before they get to the formal stage so that managers can listen and learn from staff's concerns.

How to raise a concern

In many cases, concerns can be resolved through informal conversations with colleagues and managers, and through ordinary or 'business as usual' processes (such as incident reporting systems or raising an issue in a shift handover meeting).

Where raising a concern informally is not an option, for example, where confidentiality is an issue or the issue is complex - you can raise a concern in writing, by email, by phone or in a face-to-face

meeting with a line manager, speak up advocate or confidential contact. They will talk to you about the Standards and any other business as usual and HR processes relevant to your concern.

Contact details

aa.speakup@aapct.scot.nhs.uk

Telephone (voicemail only) – 01292 616970

Who are the confidential contacts?

Under the Standards, NHS Ayrshire & Arran must ensure that all staff have access to a 'confidential contact'. Their role is to provide a safe space to discuss your concerns and to give you the information you need. They also have the knowledge and skills to help you to raise your concern with the appropriate manager.

NHS Ayrshire & Arran's confidential contacts are:

- Hazel Borland, Nurse Director and Deputy Chief Executive: hazel.borland@aapct.scot.nhs.uk or telephone 07825112380
- Sarah Leslie, HR Director: Sarah.Leslie@aapct.scot.nhs.uk or telephone 07971899454
- Derek Lindsay, Finance Director: derek.lindsay@aapct.scot.nhs.uk or telephone 07715014189
- Crawford McGuffie, Medical Director: Crawford.McGuffie@aapct.scot.nhs.uk or telephone 07792651708

Using the Standards

Raising a concern under the Standards allows you to access additional protection and support. There are a few eligibility

checks that need to happen before you can use the process. Your manager or confidential contact will need to check:

- Your concern fits the definition of whistleblowing, such as, is it in the public interest?
- If it is being handled through a business as usual process already. The business as usual process should run its course to avoid duplication.
- The outcome you are seeking. It may be that another process will get you a better outcome, for example, a grievance.
- If the concern has been raised in time. It should normally be raised within six months of you becoming aware of the issue of concern.
- If you want to use the Standards. It's your choice. If you choose not to use the Standards the organisation will decide how to investigate your concern.

Please note that you cannot raise an anonymous concern under the Standards, nor can you bring an anonymous complaint to the INWO. However, your identity will be kept confidential under the Standards process.

Stage 1 under the Standards

Stage 1 of the process involves little or no investigation. The response will usually be a straightforward solution to the problem. You should get a response within five working days with an explanation of the outcome, and limited action might be required in response to the issue you raised. You should also get details of how to raise your concern to stage 2 if you are unhappy with the response.

Stage 1 isn't appropriate for serious concerns or concerns that need detailed investigation.

Stage 2 under the Standards

Stage 2 concerns are usually about serious risks or complex issues that need investigation. You can ask for your concern to be looked at under stage 2 if you think a full investigation is needed.

Your concern will be acknowledged within three days and responded to in 20 working days. If the investigation is complex and is taking longer, there may be a need to extend the timescale.

An independent senior manager will investigate your concern. You will get a written response and action may be taken on the back of your concern. The response should tell you how you can raise your concern to the INWO if you are unhappy with how it has been handled.

Issues your manager, Speak Up Advocate or the confidential contact will discuss with you

At the start of the process, your manager, Speak Up Advocate or the confidential contact will talk to you about:

- **What your concern is about.** They will need to know all the details of your concern and what you think needs to be done. You should also raise any urgent issues that need resolved immediately, for example, issues affecting patient safety or individuals.
- **Who else is involved.** Other people who know about the issue and also anyone who has investigated it already. Knowing this will help to manage the process and maintain confidentiality.
- **What you want to achieve.** Identifying what you want to achieve will allow your manager, Speak Up Advocate or the confidential contact to suggest other appropriate processes. You may need to use more than one process to achieve your aim. For example, you might also need to raise a grievance for some parts of your concern.

- **Confidentiality.** Confidentiality is key to the Standards. Your details must not be shared with anyone who does not need to know them. Your manager, Speak Up Advocate or the confidential contact will discuss with you how your details will be used and stored and who will have access to them.
- **What support you might need.** Raising concerns can feel isolating. You should be given support to raise your concern and for any other needs you have including counselling, psychological support or occupational health.

Writing down your thoughts on these issues before meeting with your manager, Speak Up Advocate or the confidential contact will help you with this process.

Bringing your complaint to the Independent National Whistleblowing Officer (INWO)

You can contact the INWO at any time for advice if you are not sure about something.

The INWO will normally only investigate a concern after it has been through both stages of the local process. At this point of the process you should have a stage 2 letter which says that you can bring your concern to the INWO. A concern brought to the INWO is referred to as a 'complaint'. You should bring your complaint to the INWO within 12 months of when you first became aware of the issue.

The INWO can consider complaints about:

- Any actions taken by your organisation in response to your concern
- Whether your organisation followed the process laid out in the Standards

- How you were treated during and after you raised a concern
- How the organisation supports a culture of speaking up

The INWO will investigate and come to a decision on your complaint. They can:

- Refer the concern back to the organisation if it has not been fully investigated. If you remain dissatisfied with the organisation's further response, the INWO can investigate the complaint.
- Discontinue an investigation where an appropriate resolution has been agreed between the parties.
- Uphold your complaint. The INWO can make recommendations to ensure that the situation doesn't happen again. They can also recommend redress where people have been personally affected.
- Not uphold your complaint.

If you are unhappy with a decision on your complaint, you will have an opportunity to provide comments and express why you feel the decision is not correct.

More information about an independent review by the INWO is available at <https://inwo.spsa.org.uk/>

Contact details:

Independent National Whistleblowing Officer

Bridgeside House

99 McDonald Road

Edinburgh

EH7 4NS

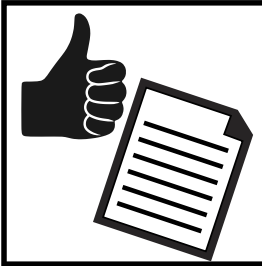
<https://inwo.spsa.org.uk/contact-form>

FREEPHONE 0800 008 6112

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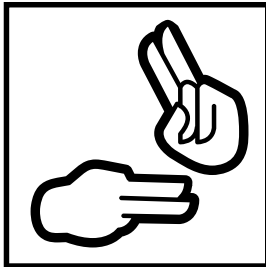
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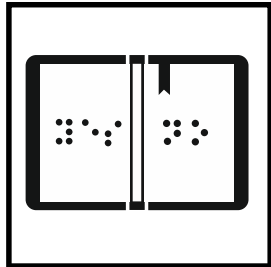
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Email: pil@aapct.scot.nhs.uk



reviewed for
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Tell us what you think...

If you would like to comment on any issued raised by this document, please complete this form and return it to our Feedback and Complaints team: PO Box 13, Eglinton House, Ailsa Hospital, Dalmellington Road, Ayr KA6 6AB.

Alternatively, you can call free on **0800 169 1441** or email **complaintsteam@aapct.scot.nhs.uk**

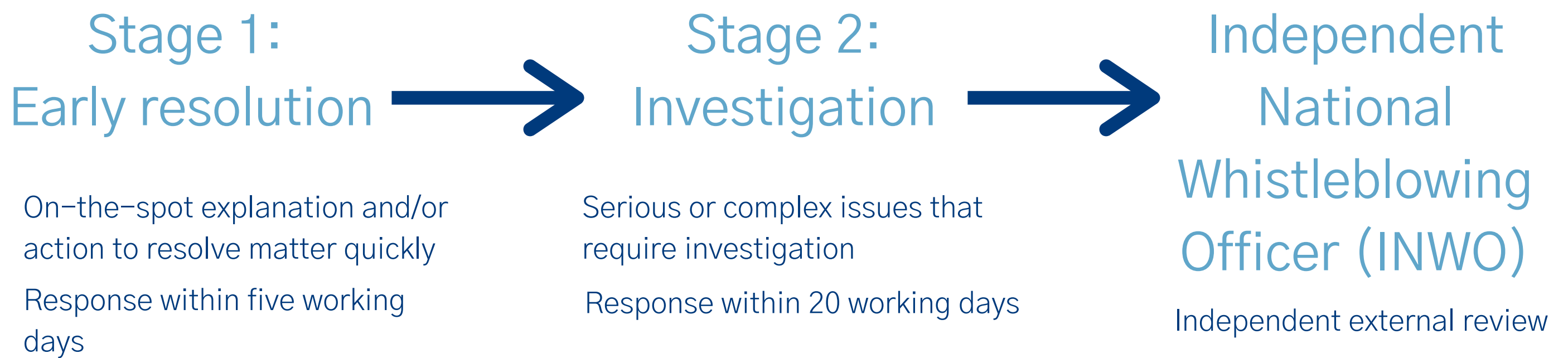
Name

Address

Comment

Raising a whistleblowing concern

Do you have a concern?



What to consider

- is it in the public interest?
- is it being handled through a business as usual process already?
- are you raising it within six months of becoming aware of the issue?
- what outcome are you seeking?

INWO

The INWO can consider:

- concerns about the delivery of NHS services
- any actions taken by your organisation
- whether your organisation followed the correct process
- how the whistleblower is treated during and after raising a concern
- how the organisation supports a culture of speaking up

The INWO can:

- seek to resolve your complaint with the organisation
- investigate your complaint
- if your complaint is upheld, they can make recommendations for redress (in some cases), learning and improvement

Confidentiality and support

Confidentiality is key to safe handling of concerns. Your details will not be shared with anyone who does not need to know them.

You should be supported throughout the process and your confidential contact can provide a safe space to discuss any concerns

Looking for more information or advice?

Speak to your confidential contact, contact the INWO or go to the INWO website

Hazel Borland, Nurse Director and Deputy Chief Executive:
email - Hazel.Borland@aapct.scot.nhs.uk

Sarah Leslie, HR Director:
email - Sarah.Leslie@aapct.scot.nhs.uk

Derek Lindsay, Finance Director:
email - Derek.Lindsay@aapct.scot.nhs.uk

Crawford McGuffie, Medical Director:
email - Crawford.McGuffie@aapct.scot.nhs.uk

**INDEPENDENT
NATIONAL
WHISTLEBLOWING
OFFICER**

People Centred | Improvement Focused

FREEPHONE 0800 008 6112
www.inwo.org.uk/contact-form



Have you heard about the new process for whistleblowing?

There are increased protections for anyone delivering NHS services

Scan the code below!



Want to talk to someone in confidence about a whistleblowing issue that is concerning you?

Speak to your confidential contact or contact the Independent National Whistleblowing Officer

Hazel Borland, Nurse Director and Deputy Chief Executive:
email - Hazel.Borland@aapct.scot.nhs.uk

Sarah Leslie, HR Director:
email - Sarah.Leslie@aapct.scot.nhs.uk

Derek Lindsay, Finance Director:
email - Derek.Lindsay@aapct.scot.nhs.uk

Crawford McGuffie, Medical Director:
email - Crawford.McGuffie@aapct.scot.nhs.uk



FREEPHONE 0800 008 6112
www.inwo.org.uk/contact-form