

NHS Grampian

Meeting:	Board meeting
Meeting date:	02 June 2022
Item Number:	12.5.1
Title:	Whistleblowing Standards Quarter Four – 1 January to 31 March 2022 Report
Responsible Executive/Non-Executive:	Adam Coldwells, Deputy Chief Executive
Report Author:	Louise Ballantyne, Head of Engagement Diane Annand, Staff Governance Manager

1 Purpose

This is presented to the Board for:

- Endorsement

This report relates to a:

- Legal requirement under The National Whistleblowing Standards

This aligns to the following NHS Scotland quality ambition(s):

- Safe
- Effective
- Person Centred

This aligns to the NHS Grampian values of:

- Caring
- Listening and
- Improving.

2 Report summary

2.1 Situation

Following the introduction of the National Whistleblowing Standards on 1 April 2021, this is the fourth quarterly report covering 1 January to 31 March 2022. NHS Grampian must record and review information in relation to Whistleblowing concerns raised about their services on a quarterly basis, reported via the governance structure to the Board.

The Report is outlined in Section 2.3 Assessment, for the Board to review and scrutinise and confirm that it provides assurance that the Whistleblowing Standards are being applied appropriately by NHS Grampian.

2.2 Background

Whistleblowing is when someone who works (or worked) within an organisation raises a concern that relates to speaking up in the public interest where an act or omission has created, or may create, a risk of harm or wrong doing, or exposes information or activity that is deemed illegal, unsafe, or a waste, fraud, or abuse of taxpayer funds.

The public value of whistleblowing has been increasingly recognised since the term was introduced in the 1960s, and is an invaluable mechanism for organisations to become aware of issues that need to be addressed.

NHS Grampian, the three Health and Social Care Partnerships (HSCPs) and the other NHS care providers in Grampian, are united in their aim to develop a culture that welcomes, handles and responds to whistleblowing concerns in a caring and supportive way.

To achieve this we are working together across the whole care system to embed an efficient, consistent, system wide approach which promotes, encourages and ensures learning comes from whistleblowing concerns. A key part of this, is for all staff to feel supported, encouraged and given the time to complete a 30-40 minute whistleblowing modules on Turas.

2.3 Assessment

During the first 12 months since the new Whistleblowing Standards came into effect on 1 April 2021, 14 whistleblowing concerns have been received. Of this 14, 8 have closed and 6 are still open. Also during this time, 10 concerns have been raised through whistleblowing route that have not met the Whistleblowing criteria and support has been given to re-route these concerns to other more appropriate processes.

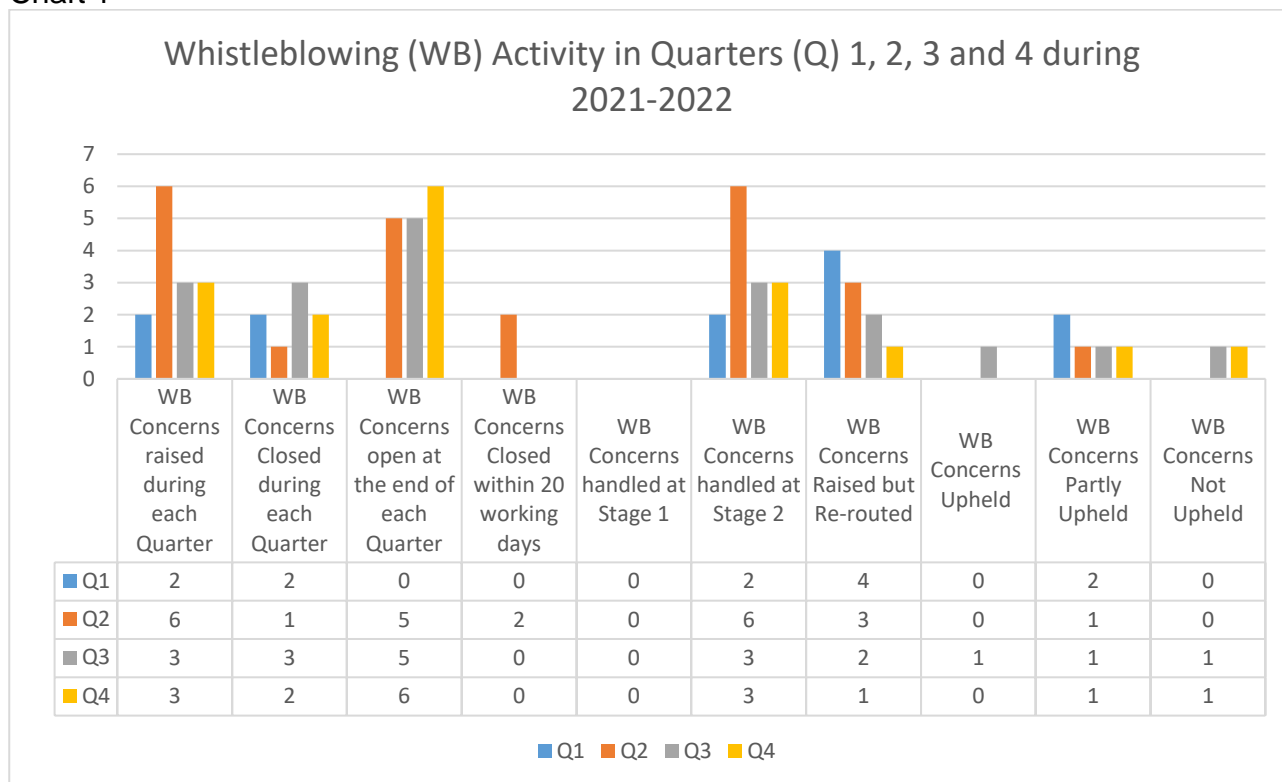
Whistleblowing concerns should be responded to in 20 working days where possible. Where this is not possible the whistleblower should be kept informed of progress and when to expect a response, which has happened in all of these cases. Due to the nature and complexity of whistleblowing cases, it can take longer to tease out and establish the key areas of concerns which can be investigated under the Standards which can sometimes take two meetings to do, to seek out an appropriately knowledgeable, independent and conflict free investigator, sometimes additional information is needed and then a meeting takes place once the investigation is completed, before the final response is sent.

The following is an analysis of Chart 1:

- During Quarter 4, 3 whistleblowing concerns were raised. This is the same amount as raised in Quarter 3. The highest number of concerns raised within any quarter was in Quarter 2 when 6 concerns were raised.
- Overall, in the first year since the Standards were launched, 14 concerns were raised.
- All 14 concerns were raised at Stage 2.
- During Quarter 4, 2 concerns were concluded. These were concerns raised in Quarter 2, therefore the 3 concerns raised during Quarter 4 remain open.
- Of the 14 concerns raised, 8 have been concluded but only 2 within the prescribed 20 days for a Stage 2, due to the complexity of the cases being raised.
- Of the 2 cases concluded during Quarter 4:1 partly upheld and 1 not upheld.
- Overall, for the 8 concluded concerns 1 was upheld, 5 partly upheld and 2 not upheld.

- As of 31 March 2022 6 concerns remain open and these were raised in Quarter 2 (1 concern); Quarter 3 (2 concerns) and Quarter 4 (3 concerns)

Chart 1



Number Grievance and Bullying and/or Harassment cases

Concerns of staff can be raised by following a number of organisational policies, for example, through the Bullying and Harassment policy or the Grievance policy. The data for these two policies, during quarter four, has been added to this report in the interest of transparency and to provide further assurance to the Board that the organisation has a culture in which people feel confident and able to raise their concerns.

	Quarter 4
Grievance	2 x early resolution concluded 1 x investigation ongoing 1 x post-employment ongoing 1 x stage 1 ongoing 1 x stage 2 ongoing
Bullying and/or harassment	1 x early resolution ongoing 2 x investigation concluded (1 not upheld, 1 no recommended actions) 8 x ongoing B&H investigation

Statement outlining learning, changes or improvements to services or procedures as a result of consideration of whistleblowing concerns.

During Quarter four the learning and action that has been taken as a result of a concluded concerns from Quarter 2 was:

- A management review into patient safety concerns was undertaken.

- A management review of team practices, behaviours and any resulting implications was undertaken.
- An external agency, which has been commissioned as part of a wider piece of work by NHS Grampian, will support culture improvement within this area.

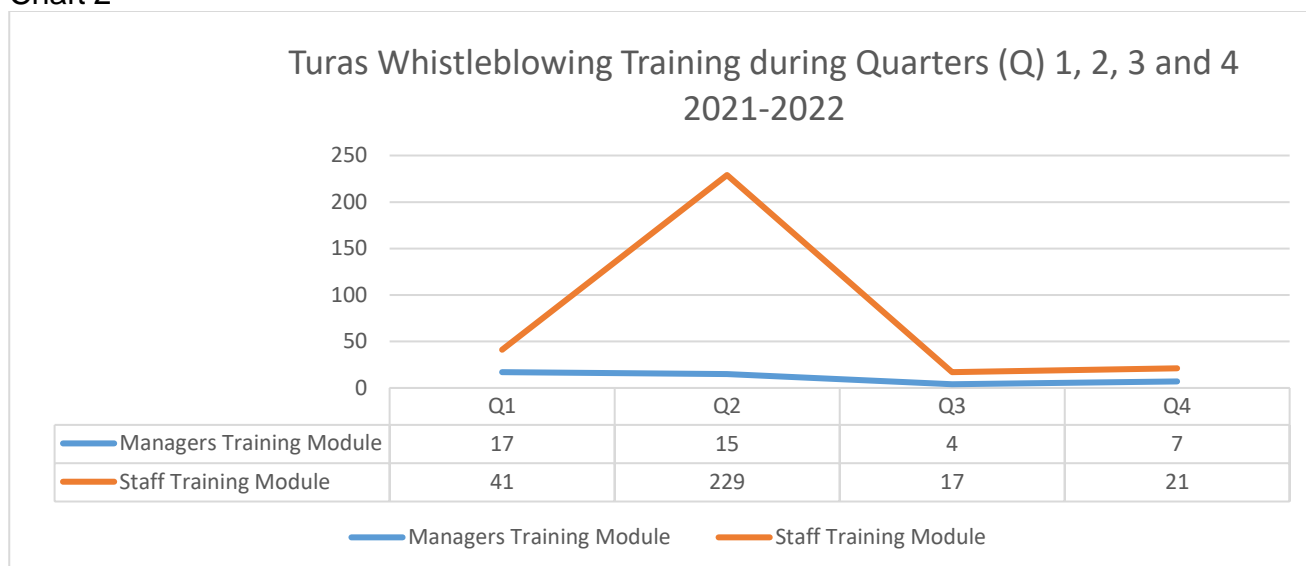
Statement to report the experiences of all those involved in the whistleblowing procedure (where this can be provided without compromising confidentiality).

Through feedback received by Confidential Contacts so far, concern raisers are reporting to have been well supported and well informed through-out the process. There is on average four meetings taking place with each concern raisers, including a final meeting to feedback the outcome of the investigation, to find out the Whistleblower’s view on the outcome and to find out what their experience of using the whistleblowing standards has been.

Concern raisers so far have reported feeling supported, listened to, action taken as needed, and importantly that they felt their concerns had been taken seriously.

Statement to report on levels of staff perceptions, awareness and training.

Chart 2



The Standards and the training available will be re-promoted across the health and social care partnerships, primary care and NHS Grampian.

2.3.1 Quality/ Patient Care

Whistleblowing principles for the NHS underpin how NHS services must approach concerns that are raised by staff, students and volunteers about health services. One of the principles is focused on improvement which will have a positive impact on the quality of care and services.

NHS Grampian must continually actively encourage staff, students and volunteers to report any concerns about patient safety or malpractice, as part of their day-to-day work. The procedure for raising concerns should be easy and reflect and promote excellence in the services we are providing.

2.3.2 Workforce

Very importantly, whistleblowing gives staff a route which enables them to raise confidentially in a safe way, any concerns they feel may be in the public interest. This creates a valuable opportunity for NHS Grampian to identify, respond to, and learn from workforce concerns we may not be aware of otherwise.

When a member of staff gets in touch with a public interest concern, we ensure we create time and a safe space to listen to the concerns they have, offer them support, ensure they are being treated with dignity and respect, and are sensitive, empathetic and professional to their situation.

2.3.7 Route to the Meeting

The format of this report has been discussed and considered at the 25 May 2022 Staff Governance Committee, the feedback received from the Committee has informed the development of the content presented in this report.

2.4 Recommendation

- **Assurance** –review and scrutinise the information provided in this paper and confirm that it provides assurance that the Whistleblowing Standards are being applied appropriately by NHS Grampian.
- **Future reporting** – a quarterly report and annual report are required to be submitted to the Board. 2021/22 reporting will conclude with the annual report. A schedule will be developed for 2022/23 reporting.

3 List of appendices

The following appendices are included with this report:

Appendix 1 – Information on Stage 1 and 2 within the Whistleblowing Standards

Appendix 1

Stage 1: Early resolution

Stage 1 is for simple and straightforward concerns that can be responded to within five working days or less. These concerns will involve little or no investigation, and can be handled by providing an explanation or taking limited action. The line manager should be involved in resolving the situation, where appropriate. Issues that are more complex, and will clearly take more than five working days to address, should move straight to stage 2.

Organisations must make sure that staff have access to an impartial, confidential contact who they can contact by email or phone, or talk to in person. People can raise their concerns with their line manager, the confidential contact or another representative such as a senior manager (more information on NHS board and staff responsibilities is available under Governance).

Ideally, the person raising the concern will have a face-to-face discussion about the situation. However, if the concern is straightforward and has been raised with someone who is able to take appropriate action, this may be enough to resolve the issue. The person raising the concern must be updated with what has been done.

More information about Stage 1 can be accessed [here](#).

Stage 2: Investigation

Concerns handled at stage 2 of the whistleblowing procedure tend to be serious or complex, and need a detailed examination before the organisation can provide a response. Concerns can move straight to stage 2 if they include issues which are too complex to handle at stage 1, which means a full investigation is needed from the start.

An investigation aims to establish all the facts relating to the points raised in the whistleblowing concern. It should be thorough, in proportion to the seriousness of the concern and impartial, so that the organisation can identify any problems and consider what improvements can be made. This may include action to put things right in the short term, or an action plan for future changes. It is also very important to give the person raising the concern a full response that is based on evidence and sets out the organisation's final position.

If a concern which is appropriate for stage 2 is raised with someone who was involved in the situation, or was involved in a decision at stage 1, the organisation should do all it can to make sure the person can discuss the situation and their concern with an appropriate person who has not been involved in the situation. This may be a confidential contact or an impartial manager.

More information on Stage 2 can be accessed [here](#). The full Whistleblowing Standards can be accessed [here](#).