

**NHS 24
20 JUNE 2024
BOARD
ITEM NO 10.4
FOR APPROVAL**

WHISTLEBLOWING ANNUAL REPORT 2023-24

Executive Sponsor: Andrew Moore, Executive Director of Nursing and Care

Lead Officer/Author: Andrew Moore, Executive Director of Nursing and Care

Action Required: The NHS 24 Board is asked to approve the Whistleblowing Annual Report for submission to the INWO and publication on NHS 24 website.

Key Points for this Committee to consider

1. To provide an overview of the development actions delivered during the reporting period to demonstrate ongoing compliance with the National Whistleblowing Standards.
2. To outline the whistleblowing activity during the reporting period
3. To outline the development priorities for the next reporting period.

Governance process

Executive Management Team, Clinical Governance Committee and the Board.

Strategic alignment and link to overarching NHS Scotland priorities and strategies

- The appointment of the SPSO as INWO and their associated powers is made under the Public Services Reform (the Scottish Public Services Ombudsman) (Healthcare Whistleblowing) Order 2020
- Whistleblowing Champions are appointed by Scottish Government and the implementation of the National Whistleblowing Standards is a legal requirement.
- Staff Governance Standards

Strategic alignment and link to Corporate Delivery Plan activity

Deliver a sustainable workforce and a supportive workplace that ensures we have the right people with the right skills and delivering sustainable high-quality services.

Key Risks

Inclusive Culture (RI-0003944). There is a risk that without changing the current organisational culture, attrition will continue to rise, grievances levels will continue to be high and attendance levels challenging.

Financial Implications

No issues identified.

Equality and Diversity

There are no specific equality and diversity issues.

1. RECOMMENDATION

- 1.1 The NHS 24 Board is asked to approve the Whistleblowing Annual Report for onward submission to the INWO and publication on NHS 24 website.

2. TIMING

- 2.1 The Whistleblowing Annual Report is required to be published by the end of June 2024.

3. BACKGROUND

- 3.1 Reporting has been a requirement under The National Whistleblowing Standards for the NHS in Scotland (the Standards) since 2021/22.

4. ENGAGEMENT

- 4.1 The Whistleblowing Working Group and Whistleblowing Champion have contributed to the development of this report.

5. FINANCIAL IMPLICATIONS

- 5.1 None indicated.

6. MEASURABLE BENEFITS

- 6.1 Ongoing compliance with the National Whistleblowing Standards and supporting a learning culture in which staff feel supported to raise concerns.

7. NEXT STEPS

- 7.1.1 Priorities for 2024-25 include:
- a. Increase compliance with the eLearning modules across the organisation (with targeted comms approach).
 - b. Agree a Communications plan for 2024-25 to continue to raise awareness of whistleblowing (including the completion of TURAS modules).
 - c. Survey staff to ascertain levels of knowledge regarding 'Speak Up' options with a view to identifying improvement opportunities.
 - d. Deliver an annual update training session to the Confidential Contacts.
 - e. Support the activities of the Whistleblowing Champion to raise staff awareness.

NHS 24 OFFICIAL



Whistleblowing Annual Report 1st April 2023 – 31st March 2024

Version: 1.0
Author: A Moore
Owner: Executive Director of Nursing and Care
Approval: NHS 24 Board

1. Introduction

- 1.1. The National Whistleblowing Standards came into force in NHS Scotland on the 1st of April 2021.
- 1.2. The principles have been approved by the Scottish Parliament and underpin how NHS Scotland services must approach any concerns which are raised. Every organisation providing a service on behalf of the NHS must follow the standards.

2. Legislation

- 2.1. The Scottish Public Services Ombudsman Act 2002 was amended to allow the investigation of healthcare whistleblowing matters.

3. Standards

- 3.1. The National Whistleblowing Standards set out how the Independent National Whistleblowing Officer (INWO) expects all NHS Scotland service providers to handle concerns that are raised with them, and which meet the definition of a 'whistleblowing concern'.
- 3.2. These Standards are underpinned by a suite of supporting documents, which provide instructions on how the INWO expects concerns to be handled. Together these documents form a framework for the delivery of the National Whistleblowing Standards.

4. Governance, Decisions and Oversight

- 4.1. The Standards set out the requirement that the NHS 24 Board and Clinical Governance Committee plays a critical role in ensuring the Whistleblowing Standards are adhered to, including ensuring quarterly reporting is presented and robust challenge and interrogation of this takes place.
- 4.2. The Executive Director of Nursing and Care is the executive lead for Whistleblowing. The Deputy Director of Nursing and Care is the key contact point for oversight/coordination of all possible and ongoing Whistleblowing cases within NHS 24.
- 4.3. The criteria for what constitutes a whistleblowing concern is set out in the National Whistleblowing Standards [Definitions: What is whistleblowing? | INWO \(spsso.org.uk\)](https://www.spsso.org.uk/whistleblowing/definitions-what-is-whistleblowing/). If the complaint is not Whistleblowing, a response is drafted with clear reasons why it is not Whistleblowing and sent to the complainant by the Director of Nursing and Care. If there is another process or route for their concern, this is signposted. If the concern is Whistleblowing, then the Director/Deputy Director of Nursing and Care liaises with relevant senior leadership and contacts to identify a manager to lead on the concern. The Deputy Director of Nursing and Care will oversee progress, ensure timelines and communications are maintained. The Director of Nursing and Care will review the outcome and any follow up actions and learnings needed to ensure these are progressed appropriately, with relevant internal and external individuals, bodies, and committees, as appropriate based on the nature of the concern.
- 4.4. A summary of every closed case in the period will be included in future quarterly reports, including any outcome and action taken or planned.

5. Roles and Responsibilities for National Whistleblowing Standards

5.1. We have set out the various roles and responsibilities, as a reminder, within NHS 24 in respect of the Whistleblowing Standards. Everyone in the organisation has a responsibility under the Standards, however, there are some specific roles which are particularly important.

5.1.1. NHS 24 Board / Clinical Governance Committee

The Board/ Clinical Governance Committee plays a critical role in ensuring the standards are adhered to.

Leadership – Setting the tone to encourage speaking up and ensuring concerns are addressed appropriately.

Monitoring – through ensuring quarterly reporting is presented and robust challenge and interrogation of this.

Overseeing access – ensuring HSCP, third party and independent contractors who provide services can raise concerns, as well as students and volunteers.

Support – providing support to the Whistleblowing champion and to those who raise concerns.

5.1.2. Board Non-Executive Whistleblowing Champion

This role is taken on by **Liz Mallinson**, who has been in place since February 2020.

The role monitors and supports the effective delivery of the organisation's whistleblowing policy and is predominantly an assurance role which helps NHS boards comply with their responsibilities in relation to whistleblowing. 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. The Whistleblowing Champion meets regularly with Executive and Operational Leads to discuss strategic and operational aspects of adherence to the standards and opportunities for improvement.

5.1.3. INWO Liaison Officer

This role is taken on by **Andrew Moore**, in his executive lead role for Whistleblowing. This is the main point of contact between the INWO and the organisation, particularly in relation to any concerns that are raised with the INWO. They have overall responsibility for providing the INWO with whistleblowing concern information in an orderly, structured way within requested timescales. They may also provide comments on factual accuracy on behalf of the organisation in response to INWO investigation reports. They are also expected to confirm and provide evidence that INWO recommendations have been implemented.

5.1.4. HR Lead

This role is taken on by **Marnie Westwood, Head of Resourcing and Planning** and is responsible for the local policy development/review, as well as the support for individuals who have raised a concern. They are also responsible for ensuring that anything raised within HR procedures which could amount to a whistleblowing concern is appropriately signposted to this procedure for full consideration, ensuring that all staff are made aware of the Standards and how to access them, including the channels available to them for raising concerns. They must also ensure that managers have the training they need to identify concerns that might be appropriate for the Standards and to manage them appropriately.

However, it is important to note that Whistleblowing is not a process overseen by the HR team and as set out above, it is separate to our main people processes, reflecting the different scope and nature of Whistleblowing concerns.

5.1.5. Confidential Contacts

This “confidential contact” role, which is set out in the Standards, is carried out by staff volunteers across NHS 24. All organisations that deliver services for NHS Scotland must ensure that they provide staff with at least one point of contact who is independent of normal management structures and who has the capacity and capability to be an initial point of contact for staff who want to raise concerns. They support staff by providing a safe space to discuss the concern and assist the staff member in raising their concern with an appropriate manager.

5.1.6. Chief Executive / Executive Directors / Senior Management

Overall responsibility and accountability for the management of whistleblowing concerns lies with the organisation’s chief executive, executive directors, and appropriate senior management.

5.1.7. Managers

Any manager in the organisation may receive a whistleblowing concern. Therefore, all managers must be aware of the whistleblowing procedure and how to handle and record concerns that are raised with them, with their colleagues and with any third party or independent contractors who deliver services on our behalf. All managers are asked to undertake the training module available on Turas Learn.

5.1.8. Union representatives

Union representatives play a key role in supporting members to raise concerns and providing insight into the effectiveness of our systems and processes.

5.1.9. All colleagues

Anyone who delivers an NHS service should feel able and empowered to raise concerns about harm or wrongdoing. They should be trained so they are aware of the channels available to them for raising concerns, and what access to the Standards means.

5.1.10. Managers and Supervisors of Students and Trainees

Those who supervise students and trainees who are working in our organisation, but aren’t usually employed by us, have a specific responsibility to ensure that they are aware of the Standards and how they can raise a concern.

5.1.11. Volunteer Coordinator

The Standards also apply to Volunteers, who are working in our services. It is important that they are made aware of the Standards and how to raise a concern and access support.

6. Implementation and Progress against development priorities for 2023/24

6.1. NHS 24 established an organisational implementation group in July 2020 to ensure that the National Whistleblowing Standards could be implemented in a planned and structured way within NHS 24 and in consultation with the different departments and colleague groups. Progress against development priorities for 2023/24.

6.2. **Whistleblowing Champion Activity**

- 6.2.1. Our Whistleblowing Champion/ Non-Executive Director, Liz Mallinson has supported the implementation through engagement of stakeholders and the support of colleague Board members throughout the year, including actively championing 'Speak Up' week in October of last year, with attendance at the National Speak Up Conference in September. The Whistleblowing Champion actively supported the recruitment of the new cohort of Confidential Contacts, welcoming them to their role and giving an overview of the ethos behind the National Standards and the role of the Whistleblowing Champion. The Whistleblowing Champion also engages nationally with the National Whistleblowing Champions Network, which provides the opportunity to learn and share from the experiences of other NHS Boards.

6.3. **Training Modules**

- 6.3.1. During the reporting period, managers and colleagues have been encouraged to access the National Whistleblowing Standards training which is available via Turas Learn. It is essential that managers complete this training, as any manager could potentially receive a whistleblowing concern and be required to take the appropriate action to ensure it is recorded and progressed in accordance with the Standards.

6.4. **Communications**

- 6.4.1. The delivery of several activities has supported the raising of awareness of the whistleblowing standards and the development of an environment where employees can raise concerns about patient safety, malpractice and any other forms of harm that may impact negatively on staff and patients. The NHS 24 Intranet site has been revamped to make it more engaging for individual members of staff (including a video message from the Whistleblowing Champion) and provide clarity on how to raise a concern. Colleagues were also encouraged to visit the INWO website which has a huge amount of information and resources about the Whistleblowing Standards.
- 6.4.2. NHS 24 actively took part in 'Speak up' week, which took place between the 2nd – 6th October 2023. Activities included a video message from a range of senior staff including the whistleblowing champion. Sign-posting staff to the refreshed intranet page on whistleblowing and awareness raising via internal/external communications channels.

6.5. **Confidential Contacts**

- 6.5.1. During the reporting period nine additional confidential contacts have been recruited and trained. The new confidential contacts have been recruited from both frontline and corporate teams, with a geographical spread across NHS 24 centres. A six-month development programme is in place to support the Confidential Contacts in their new role. In addition, confidential contact activity including a high-level analysis of contact type will be collected from April 2024 onwards.

7. **Raising a Whistleblowing Concern in NHS 24**

- 7.1. The NHS 24 2023 iMatters report highlighted that:

- 74% (79%) * of respondents felt confident to safely raise concerns about issues in my workplace.
- 68% (74%) * of respondents felt confident that concerns will be followed up and responded to.

* 2023 iMatter national report comparator

7.2. Managers and employees can raise a concern:

- through an existing procedure in NHS 24,
- by contacting their manager, a colleague, or a trade union representative
- by contacting a confidential contact or via the dedicated email address - whistleblowing@nhs24.scot.nhs.uk
- In addition, a dedicated freephone number has been added during the reporting period as an additional option to raise a concern - 0330 123 0319.

8. Completion of the Whistleblowing Modules

8.1. Overall compliance for the mandatory Whistleblowing TURAS modules is 71.0% (Last year 65.4 %). Going forward completion of these essential modules will form part of induction sign off for new staff. The compliance rate is reported using a cumulative in year total.

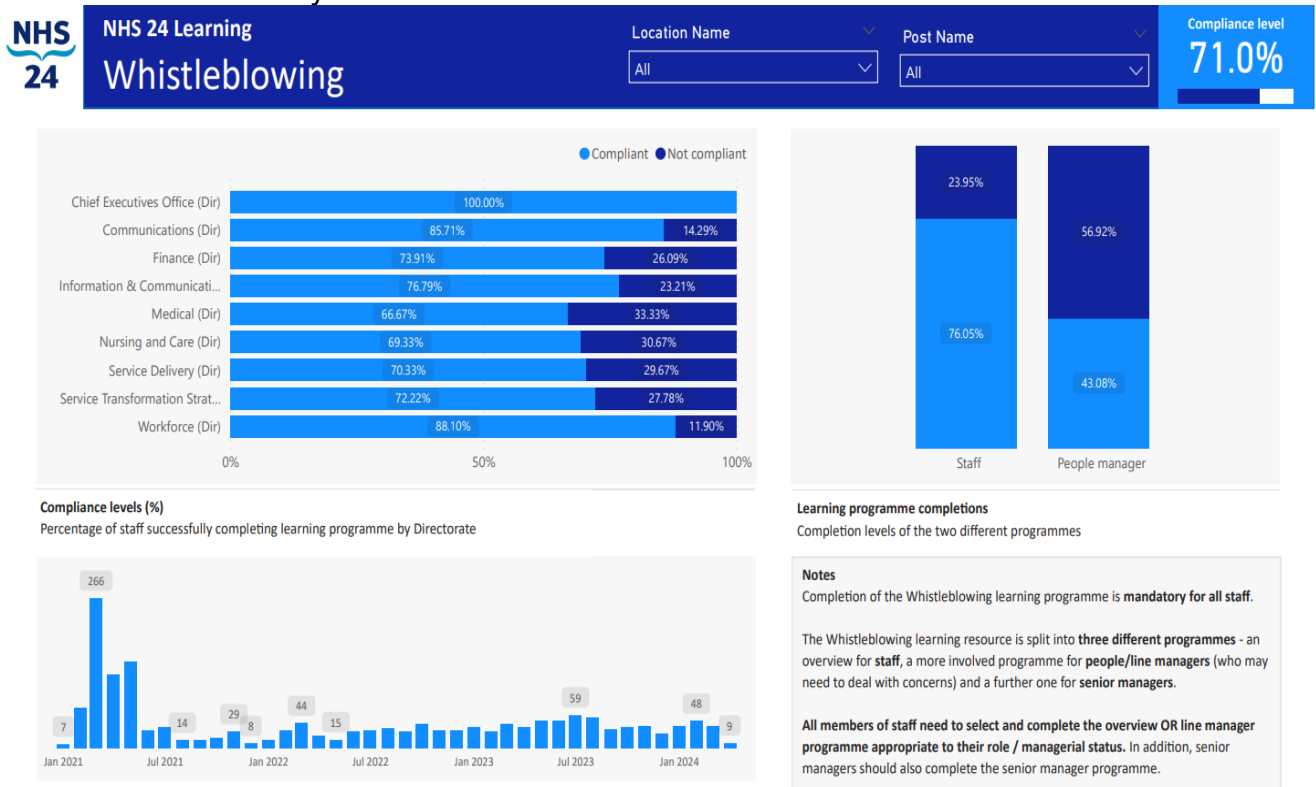


Figure 1.

9. Whistleblowing Activity during the reporting period 2023/24

Reporting Period	Concerns Received	Appropriate for Whistleblowing	Stage 1	Stage 2	Outcome
Q1	1	1	0	1	Not Upheld
Q2	0	0	0	0	0
Q3	0	0	0	0	0
Q4	0	0	0	0	0

- 9.1. There has been 1 whistleblowing concern raised during the reporting period (received quarter 1). This concern was progressed and investigated as a Stage 2 concern. Due to the complexity of the investigation in this case and an additional request for an extension from the whistleblower it took 51 working days to complete the investigation (the target is 20 working days). All extensions to timescales were agreed in advance with the whistleblower. The concerns in this case related to the planning, management, and delivery of an Information Technology (IT) programme. None of the concerns raised were upheld. However, organisational learning was identified relating to internal communication of internal audit management actions and the reporting of the clinical impact of IT outages. This learning was actioned immediately.

10. Comparison to pre-April 2021 Whistleblowing Cases

- 10.1. There were 0 whistleblowing concerns raised during the last reporting period (April 2022-March 2023)

11. Impact on other processes to raise concern

- 11.1. No issues to report.

12. Colleague experience of the Whistleblowing procedures

- 12.1. A voluntary survey has been developed which will be used to evaluate the experience of individuals who raise concerns to identify areas for improvement.

13. Development Priorities for 2024/25

- a. Increase compliance with the eLearning modules across the organisation (with targeted comms approach).
- b. Agree a Communications plan for 2024-25 to continue to raise awareness of whistleblowing (including the completion of TURAS modules).
- c. Survey staff to ascertain levels of knowledge regarding 'Speak Up' options with a view to identifying improvement opportunities.
- d. Deliver an annual update training session to the Confidential Contacts.
- e. Support the activities of the Whistleblowing Champion to raise staff awareness.