

**Meeting:** Ayrshire & Arran NHS Board

**Meeting date:** Tuesday 23 May 2023

**Title:** Whistleblowing Report – Quarter 4 - January to 31 March 2023

**Responsible Director:** Jennifer Wilson, Nurse Director

**Report Author:** Karen Callaghan, Corporate Governance Coordinator

## 1. Purpose

This is presented to the NHS Board for:

- Discussion

This paper relates to:

- Government policy/directive

This aligns to the following NHSScotland quality ambition(s):

- Safe
- Effective
- Person Centred

## 2. Report summary

### 2.1 Situation

The National Whistleblowing Standards and Once for Scotland whistleblowing policy (the Standards) were introduced on 1 April 2021. NHS Board members are asked to discuss the report on organisational activity in relation to whistleblowing concerns raised in Quarter 4 (January – March 2023).

### 2.2 Background

The National Whistleblowing Standards (the Standards) set out how the Independent National Whistleblowing Officer (INWO) expects all NHS Boards to manage, record and report whistleblowing concerns. It is a requirement of the Standards that whistleblowing data is reported quarterly to the NHS Board and under our local governance arrangements to NHS Board.

The Standards also require that Boards publish an annual report setting out performance in handling whistleblowing concerns. The annual report will summarise and build on the quarterly reports produced by the board, including performance against the requirements of the Standards, Key Performance Indicators (KPIs), the issues that have been raised and the actions that have been or will be taken to

improve services as a result of concerns. The annual report in 2023 and will align with the Quarter 4 report.

In NHS Ayrshire & Arran the agreed governance route for reporting on whistleblowing is to Staff Governance Committee and then to the NHS Board. The NHS Board report will be shared with Integration Joint Boards following the NHS Board meeting.

This report provides information in accordance with the requirements of the Standards. This provides information on our performance for Quarter 4 (January – March 2023).

## **2.3 Assessment**

Appendix 1 provides details of Whistleblowing concerns raised across the organisation by staff and those who provide services on behalf of NHS Ayrshire & Arran. This demonstrates our performance in the national key indicators as required by the INWO and includes key areas of Whistleblowing handling, as well as highlighting outcomes and providing more detail on Whistleblowing themes. Over time, this approach will illustrate trends and more importantly, allow us to evidence necessary improvement and learning in response to the trends and themes demonstrated.

The report at Appendix 1 provides performance information on:

- Whistleblowing concerns raised
- Learning, changes or improvements to service or procedures
- Experience of individual raising concern/s
- Level of staff perceptions, awareness and training
- Whistleblowing themes, trends and patterns

### **2.3.1 Quality**

Procedures for raising concerns should provide good-quality outcomes through a thorough but proportionate investigation. The approach to handling whistleblowing concerns ensures that learning and improvement is progressed for upheld whistleblowing concerns and are shared across all relevant services.

### **2.3.2 Workforce**

The Standards support our ambition for an open and honest organisational culture where staff have the confidence to speak up and all voices are heard. This is focused through our organisational Values of 'Caring, Safe and Respectful' and promoting a culture of psychological safety.

### **2.3.3 Financial**

There is no financial impact.

### **2.3.4 Risk assessment/management**

If staff do not have confidence in the fairness of the procedures through which their concerns are raised, or do not feel assured that concerns raised will be acted upon, there is a risk that they will not raise valid concerns about quality, safety or malpractice. The opportunity to investigate and address these concerns will have been lost, with potentially adverse impact on quality, safety and effectiveness of services.

There is also a wider risk to organisational integrity and reputation, if staff do not believe they will be listened to and do not feel senior leaders in NHS Ayrshire & Arran are fulfilling the organisation's Values of 'Caring, Safe and Respectful' and promoting a culture of Psychological Safety.

### **2.3.5 Equality and diversity, including health inequalities**

A local Equality Impact Assessment (EQIA) for the Standards is in place and published on our [public facing web](#). This assesses the impact of the Whistleblowing Standards on staff and those who provide services on behalf of the NHS with protected characteristics.

### **2.3.6 Other impacts**

- **Best value:** Governance and accountability and Performance management. The delivery of an effective process for whistleblowing concerns will support the Board's commitment to safe, effective and person-centred care. Effective handling of concerns supports the delivery of the Healthcare Quality Strategy.
- **Compliance with Corporate Objectives** - Create compassionate partnerships between patients, their families and those delivering health and care services which respect individual needs and values; and result in the people using our services having a positive experience of care to get the outcome they expect.

### **2.3.7 Communication, involvement, engagement and consultation**

There is no requirement for formal engagement with external stakeholders in relation to the formulation of this paper. There has been wide communication of the Standards across the organisation.

### **2.3.8 Route to the meeting**

This has been previously considered by the following groups as part of its development. The groups have either supported the content, or their feedback has informed the development of the content presented in this report.

- Whistleblowing Oversight Group on 20 April 2023
- Staff Governance Committee on 9 May 2023

## **2.4 Recommendation**

Staff Governance Committee are asked to discuss the performance report in relation to concerns raised in Quarter 4 (January - March 2023).

## **3. List of appendices**

- Appendix 1 - Whistleblowing Report for Quarter 4 January to March 2023.

## Appendix 1 - Whistleblowing Report Quarter 4 – January to March 2023.

### 1. Introduction

This report provides details of Whistleblowing concerns raised across the organisation by staff and those who provide services on behalf of NHS Ayrshire & Arran. This report will demonstrate our performance in the national key indicators as required by the INWO and includes key areas of Whistleblowing handling, as well as highlighting outcomes and providing more detail on Whistleblowing themes. Over time, this approach will illustrate trends in and more importantly, allow us to evidence necessary improvement and learning in response to the trends and themes demonstrated.

### 2. Whistleblowing handling performance

#### 2.1 Whistleblowing concerns received

Table 1 below shows the total number of concerns received in quarter 4 through the whistleblowing process.

Total no of concerns received Q4	Appropriate for WB	Stage 1	Stage 2
2	1	0	1

Table 1

No immediate risk was identified to patient safety in the concerns received in Q4, no action required.

Of the 2 concerns received one was not appropriate to be taken forward as Whistleblowing as it related to personal experience and was passed to HR to progress through the Once for Scotland Workforce Policies Investigation process. This policy provides a clear process to establish facts by carrying out full and thorough investigations as quickly as possible. It also supports informed and transparent decision-making for cases being considered using the NHSScotland Workforce Policies.

Chart 1 below shows the total number of concerns raised and progressed as whistleblowing in 2022/23. Concerns received are represented by the blue columns and the number progressed by the orange columns. The investigations taken forward as Whistleblowing are ongoing, this is due to the complex nature of the concerns raised.

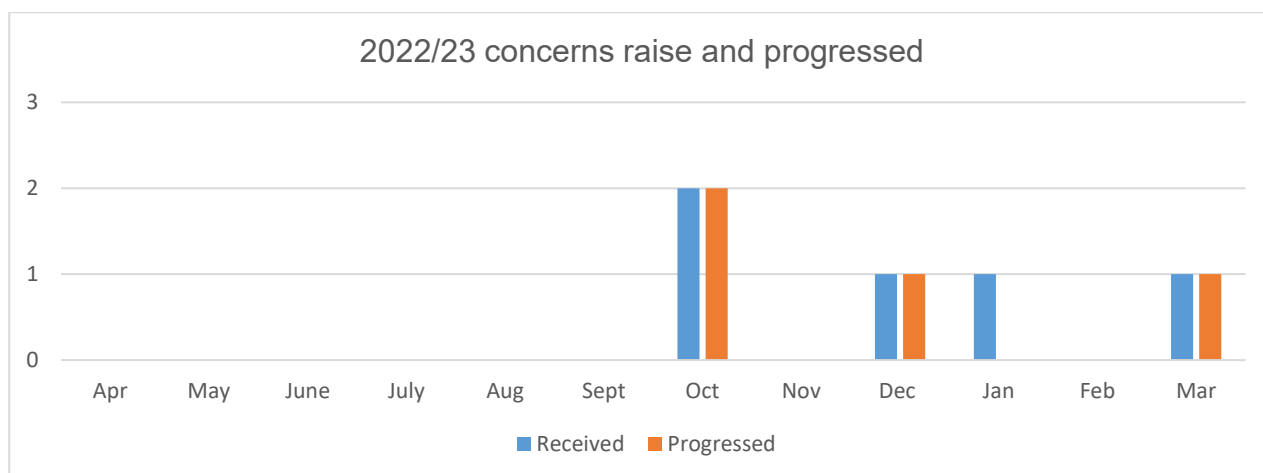


Chart 1

## 2.2 Concerns closed

The table below provides the numbers of concerns closed at Stage 1 and Stage 2 of the procedure as a percentage of all concerns closed in Q4.

It is worth noting that the concern taken forward as Whistleblowing in this quarter is ongoing and due to the complexity of the concern raised it is anticipated that the investigation will go beyond the 20 working day timescale. The Whistleblower is aware of the need to extend the investigation period and is content with this.

Total no of concerns received Q4		Nos closed	Nos ongoing	% Closed against all received
Stage 1	0	-	-	-
Stage 2	1	0	1	0%

Table 2

Table 3 shows the performance against the 20 working days target in 2022/23 of concerns progressed at Stage 2. There is no data for Q1 and Q2 as no concerns were received.

Whistleblowing cases 2022/23	Number	Comments
Quarter 3	1	Ongoing > 130 working days (excludes public holidays) *draft report has been received for this investigation
	1	Ongoing > 80 working days (excludes public holidays)
Quarter 4	1	Ongoing < 20 working days (excludes public holidays)

Table 3

## 2.3 Concerns outcomes

This section provides detail on Q4 concerns upheld, partially upheld and not upheld at each stage of the whistleblowing procedures as a percentage of all concerns closed in full at each stage.

For the concern received in Q4 there is no outcome as the investigation into the concern is ongoing.

## 2.4 Responding to concerns

As the investigations into the concerns received in Q4 is ongoing it is not possible to provide the time in working days for a full response.

## 2.5. Breakdown of concerns by service

In Q4 the concern received related to Acute Services.

## 3. Learning, changes or improvements to service or procedures

Table 2 shows the status of improvement plans from concerns raised in 2021-22. Of the plans that remain open the actions are either in progress or complete and progress continues to be monitored through Directorate Governance routes with feedback on closure to the Whistleblowing Oversight Group.

Number Investigations closed 2021/22	Numbers of Improvement Plans		Number of Learning Plans	
	In Progress	Closed	In Progress	Closed
4	2	1	1	

Table 4

It is worth noting that there is no data to share at this time for 2022/23 as the investigation opened in Q3 and Q4 are ongoing.

#### 4. Experience of individuals raising concern/s

The feedback survey for those raising concerns will be sent to all those involved on completion of the investigation. This will include the individual who raised the concern and those involved with the investigation. Feedback provided will be reported in future reports, where this can be shared without compromising confidentiality.

#### 5. Level of staff perception, awareness and training

Communication continues to be shared widely across the organisation, via 800+ managers, for use in team meetings, noticeboards and shared work spaces. Also communication via Daily Digest and weekly e-News has been refreshed and continued.

Whistleblowing continues to be highlighted to new staff as part of Corporate Induction Programme and to newly appointed managers and leaders during training sessions.

Although it is no longer mandatory for staff to undertake the eLearning Whistleblowing Turas Module it continues to remain mandatory for all management level staff, supervisors, line managers, those who may receive concerns, Speak Up Advocates, and those involved in Whistleblowing investigations. To date approximately 62% of line managers and senior managers have completed the appropriate Turas modules, this is an increase of 10% on the previous quarter.

#### 6. Whistleblowing themes, trends and patterns

This section provides information on themes from whistleblowing concerns raised and will aid identification of any improvement priorities, and to progress learning in a targeted manner.

Theme	2021/22	2022/23			
	Q1–Q4	Q1	Q2	Q3	Q4
Patient Care	4	0	0	1	1
Patient Safety	4	0	0	1	1
Poor Practice	3	0	0	1	1
Unsafe working conditions	0	0	0	1	0
Fraud	1	0	0	0	0
Changing or falsifying information about performance	0	0	0	1	0
Breaking legal obligations	0	0	0	1	0
Abusing Authority	0	0	0	0	1

Table 5

## **7. Independent National Whistleblowing Officer referrals and investigations**

A clear indicator of the satisfaction of those who raise concerns can be derived from the number of concerns that are escalated to the Independent National Whistleblowing Officer (INWO). At this current time, there have been no referrals to the INWO.

## **8. Update**

The recruitment process for new Confidential Contacts is in progress with information being shared widely across the organisation via eNew, Daily Digest, Stop Press and emailed direct to managers. The closing date for notes of interest was 21 April 2023, with interviews planned for late April - early May 2023.