

Subject: **National Whistleblowing Standards**

Purpose: To provide the Integration Joint Board (IJB) with details of the new NHS Scotland National Whistleblowing Standards which came into effect across NHS Scotland on 1 April 2021 and note the implementation update presented to the NHS Board in March 2021.

Recommendation: IJB are asked to note the content of the update.

Glossary of Terms	
NHS AA	NHS Ayrshire and Arran
HSCP	Health and Social Care Partnership
IJB	Integration Joint Board
INWO	Independent National Whistleblowing Officer
SPSO	Scottish Public Services Ombudsman
WBOG	Whistleblowing Oversight Group
WBIG	Whistleblowing Implementation Group

1.	EXECUTIVE SUMMARY
1.1	The National Whistleblowing Standards (The Standards) came into effect across NHS Scotland on 1 April 2021. The attached paper (Appendix 1) was presented to the NHS Board on 29 March 2021 to provide assurance to the NHS Board on readiness for implementation of the Standards and provided an update on the establishment of the new Speak up Model. The report also provides IJB members with assurance on how whistleblowing is being managed under the existing policy for the period October 2020 to March 2021 and an update on current whistleblowing activity.
2.	BACKGROUND
2.1	In early 2020, the Public Services Reform (the Scottish Public Services Ombudsman) (Healthcare Whistleblowing) Order 2020 was published and introduced significant changes to the way in which the NHS in Scotland handles whistleblowing concerns.
2.2	The order also gave Scottish Public Services Ombudsman the role of Independent National Whistleblowing Officer (INWO). On 17 January 2020, the INWO shared the draft National Whistleblowing Standards with Boards across NHS Scotland. Due to the Covid-19 pandemic, the go live date previously planned for Summer 2020 was delayed and was subsequently confirmed as 1 April 2021.
2.3	NHS Ayrshire & Arran established an implementation structure including a Whistleblowing Oversight Group (WBOG) and Whistleblowing Implementation Group (WBIG) to oversee and take forward the various strands of this work including a communications plan, training plan and the establishment of a Speak up Model.

3.	PROPOSALS																												
3.1	IJB are asked to note the policy and the governance arrangements in place to enable monitoring and scrutiny.																												
3.2	The policy also sets out that senior managers within HSCPs and the IJB promote a culture of encouraging staff to raise issues or concerns at the earliest opportunity. IJBs must ensure, via the Chief Officer, that all HSCP staff across both the local authority and the NHS, including students, trainees, agency workers or volunteers, are able to raise a concern and have access to both employers procedures.																												
3.3	Regular briefings and updates on the new system and procedure are circulated across the HSCP regularly. Chief Officers provide assurance to NHS colleagues that the requirements of the standards have been met and that any agreements with local authority colleagues are in place.																												
3.4	<u>Anticipated Outcomes</u>																												
	N/A																												
3.4	<u>Measuring Impact</u>																												
	N/A																												
4.	IMPLICATIONS																												
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6.	CONCLUSION																												
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For more information please contact Dr Sukhomoy Das, Non Executive Director – Whistleblowing Champion on karen.callaghan@aapct.scot.nhs.uk or

NHS Ayrshire & Arran



Meeting:	Ayrshire and Arran NHS Board
Meeting date:	Monday 29 March 2021
Title:	National Whistleblowing Standards - Implementation update and report on whistleblowing concerns
Responsible Director:	Professor Hazel Borland, Nurse Director and Deputy Chief Executive Dr Sukhomoy Das, Non-Executive Director – Whistleblowing Champion
Report Authors:	Laura Parker, Business Manager, Nurse Directorate Shona McCulloch, Head of Corporate Governance

1. Purpose

This is presented to the 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](#) (The Standards) come into effect across NHS Scotland on 1 April 2021. Further to the paper presented to Board on 1 February this paper seeks to provide assurance to the NHS Board on Ayrshire and Arran's readiness for implementation of The Standards and provides an update on the establishment of our Speak up Model. The report also provides Members with assurance on how whistleblowing is being managed under the existing policy for the period October 2020 to March 2021 and an update on current whistleblowing activity..

2.2 Background

2.2.1 National Whistleblowing Standards

In early 2020, the [Public Services Reform \(the Scottish Public Services Ombudsman\) \(Healthcare Whistleblowing\) Order 2020](#) was published and introduced significant changes to the way in which the NHS in Scotland handles whistleblowing concerns.

The order also gave Scottish Public Services Ombudsman the role of Independent National Whistleblowing Officer (INWO). On 17 January 2020, the INWO shared the draft [National Whistleblowing Standards](#) with Boards across NHS Scotland. Due to the Covid-19 pandemic, the go live date previously planned for Summer 2020 was delayed and was subsequently confirmed as 1 April 2021.

NHS Ayrshire & Arran established an implementation structure including a Whistleblowing Oversight Group (WBOG) and Whistleblowing Implementation Group (WBIG) to oversee and take forward the various strands of this work including a communications plan, training plan and the establishment of a Speak up Model.

On 1 February 2021 the NHS Board approved the proposed governance structure to report to Staff Governance Committee and NHS Board. Members considered four options presented for a Speak Up model and agreed the model should be a hybrid of Options 2 and 4. This would retain our current Confidential Contacts to provide stability and continuity, with the option to expand further to include a small number of additional contacts if required, for example, from Primary Care or the IJBs, supported by a cohort of Speak Up Advocates. Board Members suggested that these arrangements should be reviewed in a year's time.

A national Once for Scotland Whistleblowing Policy is awaited which will support The Standards.

2.2.2 Current whistleblowing policy and governance

Under the current whistleblowing policy and governance arrangements, updates on Whistleblowing and reporting of cases has been reported to Integrated Governance Committee to enable monitoring and scrutiny. With the last report to Integrated Governance Committee in November 2020 there was the potential for a gap in reporting of cases before the new arrangements come into effect on 1 April. It was agreed with the Board Chair and Nurse Director as Executive Lead for Whistleblowing to provide the report on cases received directly to Board, and this is included at section 2.3.4 in this paper.

2.3 Assessment

2.3.1 NHS Ayrshire & Arran's Speak up Model

Following agreement of the new model on 1 February 2021 discussion with Primary Care colleagues has indicated that an additional Primary Care Confidential Contact is not required. This will be considered in the future as will any requirement for a separate IJB contact. A Primary Care confidential contact has been identified from the current cohort noted below.

Confidential contacts:

- Nurse Director
- Finance Director
- HR Director – named Primary Care confidential contact
- Medical Director

The recruitment process for Speak Up Advocates is underway and has been widely promoted through internal communications. There has been a positive response across the organisation with around 30 applications received. Our Speak Up advocates will be supported by the Confidential Contacts.

2.3.2 Implementation progress

Work continues via the WBIG and sector leads to ensure that arrangements are in place for those to whom The Standards apply (see below), and that robust governance processes are in place to facilitate quarterly Whistleblowing reporting to the NHS Board in accordance with The Standards.

- The Standards are available to current (and former) employees, agency workers (and others on short or insecure contracts such as locums and bank staff), contractors (including third-sector service providers), trainees and students, volunteers, non-executive directors, and anyone working alongside NHS staff, such as those in health and social care partnerships.

The Head of Corporate Governance and Corporate Governance Coordinator are working closely with implementation leads. Good progress is being reported across all sectors and support is being provided where any gaps are identified and if required advice is sought from the INWO. A detailed progress report is provided to each WBIG meeting with any areas of risk escalated to the WBOG. Currently there are no risk areas identified in terms of access to raise a whistleblowing concern from 1 April.

The Board can be assured that as part of the implementation, from 1 April 2021 any person who is delivering an NHS service as identified above, will have access to raise a concern.

2.3.3 Communications and training

- **Communications** are being shared regularly across the organisation through Daily Digest, e-News and direct email to 700+ line managers with a 7-minute brief for use in weekly meetings, team briefings, huddles and tool-box talks. The 7-minute brief format has had good feedback from across the organisation including our partnership colleagues. An AthenA page for Whistleblowing has been created which provides access to a range of information and a 'Speak Up' logo is being developed to support future communications, leaflets, posters etc. An external web page is also being developed.
- **Training** - On 19 January 2021 the WBOG supported a training plan to deliver the two training packages provided by the INWO; a short module directed towards those who may raise concerns and a longer module for those who may receive concerns. Training will be available to all staff groups across the organisation and partnerships with planned delivery from late March-June 2021. This includes facilitated sessions using MSTeams for Line Managers, Speak Up Advocates and Confidential Contacts. A session is being organised for Board members. The training packages are accessible to all via Turas with links on the [INWO website](#) which enables access for all sectors to which The Standards apply, including independent contractors who provides NHS services.

As we look ahead, training will be included in the Corporate Induction Programme and form part of future leadership programmes.

2.3.4 Whistleblowing cases report

The last Whistleblowing report to Integrated Governance Committee in November 2020 reported on cases received for the period May to October 2020. Nil cases were reported.

For the period since October 2020, four possible whistleblowing cases were recorded, none of which have been progressed as whistleblowing cases under the current policy.

Of these one was anonymous. Each was subjected to an initial review by the appropriate Confidential Contacts and from this none have been classed as whistleblowing. Three have been managed through staff policies as related to misconduct or personal employment issues. The fourth has been actioned as a professional matter.

From 1 November 2020 an advice line has been delivered by the INWO to ensure those wishing to raise concerns have access to all information they need in relation to the Standards. It was agreed that any concerns highlighted to the INWO through this advice line would be reported to the NHS Board via the Head of Corporate Governance. No concerns have been reported.

2.3.5 Quality/patient care

NHS Ayrshire & Arran aims to promote a culture of psychological safety where all our staff and those providing services on our behalf feel safe to speak up about any issues or concerns. The implementation of The Standards in Ayrshire and Arran and our associated Speak Up Model is in keeping with this ambition and will aim to instil absolute confidence in the fairness of the procedures through which concerns are raised.

The approach to handling concerns ensures that learning and improvement is progressed for all upheld concerns. Learning from patient care concerns raised by staff presents the opportunity to change practice and improve patient experience and outcomes.

2.3.6 Workforce

The Corporate Governance Coordinator was appointed in January 2021 as a full time position to support implementation of The Standards and thereafter supporting the Corporate Governance function and also as the key coordinator for the whistleblowing process across the organisation.

Speak Up Advocates are being recruited across the organisation as part of the agreed Speak Up Model - these duties are an addition to their substantive roles.

2.3.7 Financial

There are no financial impacts. As identified above Speak Up Advocates undertake these duties in addition to their substantive roles and there will be no remuneration associated with these roles. However, departments will require to offer time back to staff members who require to attend meetings out with their normal working hours.

2.3.8 Risk assessment/management

If staff do not have absolute 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.

2.3.9 Equality and diversity, including health inequalities

A national Equality Impact Assessment is available and has been completed by the INWO to support The Standards. A local Equality Impact Assessment is in progress and will be submitted to the WBOG for approval and publication thereafter.

2.3.10 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.

2.3.11 Communication, involvement, engagement and consultation

The Board has carried out its duties to involve and engage external stakeholders where appropriate to communicate and deliver implementation. There has been close liaison with the INWO in the application and implementation of The Standards.

2.3.12 Route to the meeting

This paper 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 – 18 March 2021

2.4 Recommendation

This paper is for discussion. Members are asked to discuss the information presented to be assured of arrangements in relation to the organisation's readiness for The Standards 1 April 2021 go live date, and to be assured of arrangements for monitoring whistleblowing cases received since the last report to Integrated Governance Committee in November 2020, to ensure there are no gaps in reporting.