

# Consultation on Draft Whistleblowing Standards for the NHS in Scotland: Principles and Procedure

## Questionnaire

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May 2019

Independent National Whistleblowing  
Officer for the NHS in Scotland

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## **Introduction:**

In 2020 the Scottish Government plans to introduce the new role of the Independent National Whistleblowing Officer (INWO). The role and functions of the INWO will be undertaken by the Scottish Public Services Ombudsman.

The SPSO have developed [draft National Whistleblowing Standards](#) (the Standards) which we are now consulting on. These set out the high level Principles and a detailed Procedure for investigating concerns, which all NHS organisations in Scotland will be required to meet and follow.

Further background information is available in a [consultation document](#) on the draft Standards. This consultation relates only to the Standards. The Scottish Government are carrying out a separate consultation on the draft legislation that sets out the powers which will be given to the Independent National Whistleblowing Officer (INWO)'s powers.

If you are responding on behalf of an organisation, please ensure that the organisation submits only one response. However, individuals are welcome to respond in their own capacity. We will ask for these details at the end of the survey.

## **How to complete the questionnaire**

The consultation will be open until 17:00 on 28 June 2019. Please return your submission to [csa@spsso.org.uk](mailto:csa@spsso.org.uk) by this deadline. None of the questions are compulsory, and we would be happy to receive comments only on specific parts if that is appropriate.

## **What we will do with your information.**

The responses will be analysed and we may produce a report of consultation responses. Where permission is given, we may publish responses in full or in part. We may include personal data where permission has been given to do so. We never publish email or postal addresses. Where permission is given, we may contact respondents for further comment.

The SPSO privacy policy can be found here: <https://www.spsso.org.uk/privacy-notice-and-disclaimer> or from the home page of the SPSO website.

## The purpose and remit of the National Whistleblowing Standards

The National Whistleblowing Standards have been structured as a framework of documents. Within the framework, the Whistleblowing Principles and procedure are set out in a suite of separate documents outlining the expectations for different organisations. The expectation is that these will be accessed from a website, rather than downloaded and used as separate documents. This element of the Standards is still under development, and accessibility between documents will be improved for the final version.

We have developed this structure to make it more accessible, with information more targeted at the organisation or role of the person using the Standards.

Q1 Do you think the current structure is appropriate, or would you like to see it divided out in a different way or covering different roles?

- The current structure is good
- Fewer documents would be better
- Additional documents are needed for specific purposes

Please provide information on how the structure of the Standards could be improved

Overall the structure is good but some information needs to be in more than one place. E.g. information on who can access a confidential contact is not clear in section 5 but is clear in governance section 7

The introductory part of the Standards ('Structure of the Whistleblowing Standards') sets out the intended audience for the document, and how different organisations should use it. It provides an overview of the expectations on Boards and other NHS service providers.

Q2 To what extent does the Structure of the Whistleblowing Standards make it clear which organisations and individuals the Standards apply to, its purpose and its target audience?

- Completely
- Mostly
- Partly
- Not at all

Q3 How could the Structure of the Whistleblowing Standards be improved?

A clear statement about exactly who the standards cover up front might be helpful as contractors and their employees will not automatically think they are included and might assume this is for NHS managed service only.

## The Whistleblowing Principles

There are six key Principles critical for developing procedures and a culture that values staff raising concerns:

- Improvement focused
- Objective, impartial and fair
- Accessible
- Supportive to whistleblowers and the staff involved in the procedure
- Simple and timely
- Thorough, proportionate and consistent

Q4 To what extent do you agree with the Principles?

- Completely
- Mostly
- Partly
- Not at all

Q5 How could the Principles be improved?

The principles seem appropriate and clear overall.

## Assessing and Using the Procedure

The aim of the **Overview of the Procedure** document is to provide a clear definition of what is and is not a whistleblowing concern, and who can bring these concerns to the organisation. It also provides a clear overview of the procedure itself, so staff and managers can identify how to access it and what to expect.

Q6 How clear is the Overview of the Procedure for staff?

- Completely
- Mostly
- Partly

Not at all

The section on **When to use the Procedure** provides more detail on how to access the procedure and the support and protection it provides.

Q7 Does this document provide clear information for staff about what they need to know, particularly in relation to support and protection?

Completely

Mostly

Partly

Not at all

Q8 How could this section of the Standards be improved?

The flowchart and examples provide a good overview of who should do what. Some FAQs might also be useful.

The definition of a whistle-blower in Part 2 could be expanded.

## The 2 stage procedure

Part 4 of the Standards sets out in detail how an organisation should handle whistleblowing concerns. It provides details of what to do at each of the two stages of the procedure, including what to discuss with the person raising a concern and what information to share with them. Included in this are timescales of 5 working days for Stage 1 (simple and straightforward concerns) and 20 working days for Stage 2. The INWO is keen to ensure that timescales, which are aimed at ensuring appropriate priority is given to resolution of patient safety and other risks, do not compromise the thoroughness of an investigation.

Q9 How clear is the whistleblowing concerns handling procedure in how it should be applied?

Completely

Mostly

Partly

Not at all

Q10 How reasonable is the whistleblowing concerns handling procedure?

- Completely
- Mostly
- Partly
- Not at all

Q11 Is the timescale of 20 working days (extendable by agreement for complex or voluminous issues) identified for Investigation concerns reasonable?

- Yes, 20 days is reasonable
- No, 20 days is too much
- No, 20 days is too little
- Not sure

If not, what would you recommend and why?

20 days with the flexibility is reasonable. The flexibility should be emphasised.

Q12 How could the whistleblowing concerns handling procedure be improved?

## Governance of the Whistleblowing procedure

There are three sections of the Standards which set out governance requirements.

- Part 5 sets out requirements for the Board of Directors and NHS Board staff, particularly senior management and those with particular responsibilities in relation to raising concerns.
- Part 6 sets out requirements in relation to recording, reporting and learning from concerns, along with publicising the action taken in response to concerns raised.
- Part 7 sets out what Boards must do to ensure organisations providing services on their behalf provide access to these Standards.

Q13 How clear is Part 5 on Board responsibilities?

- Completely
- Mostly
- Partly
- Not at all

Q14 How clear is Part 6 on the requirements to record, report, monitor and learn from concerns?

- Completely
- Mostly
- Partly
- Not at all

Q15 How clear is Part 7 for Boards on how they ensure access to the Standards within organisations that provide services on their behalf?

- Completely
- Mostly
- Partly
- Not at all

Q16 How could the Governance sections (Parts 5-7) be improved?

### **Information for specific groups – Primary care, IJBs, students and volunteers**

There are four documents which set out in more detail how the INWO expects different organisations to manage concerns and meet the Standards for their staff (in primary care and IJBs) and how all services should meet the needs of specific groups (students and volunteers).

Q17 How clear are Parts 8 and 9 on the application of the Standards within Primary Care and for IJBs?

Completely

Mostly

Partly

Not at all

Q18 How could the sections for other organisations (Parts 8 and 9) be improved?

Q19 How clear are Parts 10 and 11 on how to apply the Standards for students and volunteers?

Completely

Mostly

Partly

Not at all

Q20 How could the sections on ensuring access for students and volunteers (Parts 8 & 9) be improved?

Pharmacy students have some experiential learning as part of their undergraduate education. They are not routinely included in hospital staffing in the same way as medical or nursing students. Clarity is required that the standards cover all students when present as part of their education in all sectors of primary and secondary care. Scottish Government is currently scoping out a 5 year degree and this could mean experiential learning is managed through the schools of pharmacy. Pharmacy students might therefore not immediately align themselves with NHS staff.

Q21 Would it be helpful to have further targeted information for specific organisations (such as contracted services) or groups (such as agency staff/ contractors), or any others?

Yes this would be very helpful for contractors , employees of contractors.



## Case studies and examples

Part 12 provides examples of how whistleblowing concerns should be handled and of the difference between whistleblowing and other HR procedures such as bullying and harassment.

Q22 Do the case studies and examples provide appropriate information?

- Completely
- Mostly
- Partly
- Not at all

Q23 How could these case studies and examples be improved?

The case studies are excellent for illustrating and bringing different scenarios to life. Expanding them even further e.g. pharmacy assistant examples modelled on the dental nurse to support employees in both large and small organisations. Small organisations will find the concept and implementation of whistleblowing most challenging.

## Overall

Q24 Please add any other comments on the National Whistleblowing Standards here.

It would be good to mention in the intentions that reporting early and taking positive action should become a normal part of healthcare practice at all levels and the way that healthcare systems operate.

Some examples of when whistleblowing has been successful in changing practice and the whistle blower has not had any negativity would be good to share in communications to encourage reporting.

Thought has to be given as to the communications plan to key stakeholders and the public to ensure the new ways of working are well publicised and that messaging reaches everyone who might be affected.

## Questions about you or your organisation

Q25 Are you responding on behalf of an organisation or as an individual?

- Organisation  
 Individual

Q26 If you are responding for an organisation:

What is the name of the organisation?

Royal Pharmaceutical Society

What is your role?

Deputy Director and Practice and Policy Lead in Scotland

Q27 If you are responding as an individual:

Do you work / have you recently worked in the NHS?

- Yes  
 No

If yes, what is/ was your role in the NHS?

If not, what is your experience in relation to the health service?

Q28 We may wish to publish your consultation responses in full or in part. The SPSO would like your permission to do so. Please indicate your publishing preference.

- Publish response with name  
 Publish response (without your name) – for individuals only  
 Do not publish response

## Information for individuals

If you choose the option 'Do not publish response' we will still reflect your comments in our analysis but will not include any of the free text comments in any report of the consultation.

### Information for organisations:

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

Q29 We will analyse all responses and may publish a report. SPSO staff conducting the analysis may wish to contact you for further information. Are you content for SPSO to contact you again in relation to this consultation exercise?

- No
- Yes

If appropriate (based on your responses to the two questions above), please provide your name:

Aileen Bryson

If appropriate, please also provide your email address:

[aileen.bryson@rpharms.com](mailto:aileen.bryson@rpharms.com)

### Thank you

We welcome all comments and contributions, and will use this feedback to improve the National Whistleblowing Standards.