

Raising whistleblowing concerns

A guide for staff at NHS Education for Scotland

New process for helping staff raise concerns

From 1 April 2021, there is a new process for raising concerns about patient safety or other harm. The changes mean that there is a new focus on:

- helping staff raise concerns as early as possible, and
- support and protection for staff when they raise concerns.

A three-stage process has been developed by the Independent National Whistleblowing Officer (INWO). The process for raising concerns is set out in the National Whistleblowing Standards (the Standards). The first two stages of the process are for NHS Education for Scotland to deliver, and the INWO acts as a final, independent review stage. The process gives staff support and protection to feel confident in raising concerns if they see something wrong.

Why we want to hear your concerns

Everyone benefits if concerns can be raised early and dealt with promptly and professionally. The new process under the Standards is a formal process. However, we want staff to feel free to raise concerns before they get to the formal stage, and for managers to listen and learn from staff's concerns.

How to raise a concern

In many cases, concerns can be resolved through informal conversations with colleagues and managers, and through ordinary or 'business as usual' processes (such as incident reporting systems or raising an issue in a shift handover meeting).

Where raising a concern informally is not an option – e.g., where confidentiality is an issue or the issue is complex – you can raise a concern in writing, by phone or in a face-to-face meeting with a line manager or your confidential contact. They will talk to you about the Standards if your concern is about whistleblowing, and any other business as usual and HR processes relevant to your concern.

Who is the confidential contact?

Under the Standards, NHS Education for Scotland must ensure that all staff have access to a 'confidential contact'. Their role is to provide a safe space to discuss your concerns and to give you the information you need. They also have the knowledge and skills to help you to raise your concern with the appropriate manager.

NHS Education for Scotland's confidential contacts are:

Karen Wilson, Karen.Wilson@nhs.scot.

Graham Paxton, Graham.Paxton@nhs.scot.

Using the Standards

Raising a concern under the Standards allows you to access protection and support. There are a few eligibility checks that need to happen before you can use the process. Your manager or confidential contact will need to check:

- ✓ **Your concern fits the definition of whistleblowing** i.e., is it in the public interest?
- ✓ **If it is being handled through a business-as-usual process already.** The business-as-usual process should run its course to avoid duplication.
- ✓ **The outcome you are seeking.** It may be that another process will get you a better outcome, for example, a grievance.
- ✓ **If the concern has been raised in time.** It should normally be raised within six months of you becoming aware of the issue of concern.
- ✓ **If you want to use the Standards.** It's your choice. If you choose not to use the Standards the organisation will decide how to investigate.

Please note that you cannot raise an anonymous concern under the Standards, nor can you bring an anonymous complaint to the INWO. However, your identity will be kept confidential under the Standards process.

Stage 1 under the Standards

Stage 1 of the process involves little or no investigation. The response will usually be a straightforward solution to the problem. You should get a response within five working days with an explanation of the outcome, and limited action might be taken in response to the issue you raised. You should also get details of how to raise your concern to stage 2 if you are unhappy with the response.

Stage 1 isn't appropriate for serious concerns or concerns that need detailed investigation.

Stage 2 under the Standards

Stage 2 concerns are usually about serious risks or complex issues that need investigation. You can ask for your concern to be looked at under stage 2 if you think a full investigation is needed.

Whoever is handling your concern will acknowledge it within three days and respond to you in 20 working days. If the investigation is complex and is taking longer, they may need to extend the timescale.

An independent senior manager will investigate your concern. You will get a written response and action may be taken on the back of your concern. The response should tell you how you can raise your concern to the INWO if you are unhappy with how it has been handled.

Issues your manager or the confidential contact will discuss with you

At the start of the process, your manager or the confidential contact will ask you:

- **What your concern is about.** They will need to know all the details of your concern and what you think needs to be done. You should also raise any urgent issues that need resolved immediately, e.g., issues affecting patient safety.
- **Who else is involved.** Other people who know about the issue and also anyone who has investigated already. Knowing this will help to manage and maintain confidentiality.
- **What you want to achieve.** Identifying what you want to achieve will allow your manager or the confidential contact to suggest other appropriate processes. You may need to use more than one process to achieve your aim. For example, you might also need to raise a grievance for some parts of your concern.
- **Confidentiality.** Confidentiality is key to the Standards. Your details must not be shared with anyone who does not need to know them. Your manager or the confidential contact must discuss with you how your details will be used and stored.
- **What support you might need.** Raising concerns can feel isolating. You should be given support to raise your concern and for any other needs you have including counselling, psychological support services or occupational health.

Writing down your thoughts on these issues before meeting with your manager or the confidential contact will help you with this process.

Bringing your complaint to the Independent National Whistleblowing Officer (INWO)

You can contact the INWO at any time for advice if you are not sure about something.

The INWO will normally only investigate a concern after it has been through both stages of the local process. At this point of the process, you should have a stage 2 letter which says that you can bring your concern to the INWO. A concern brought to the INWO is referred to as a 'complaint'. You should bring your complaint to the INWO within 12 months of when you first became aware of the issue.

The INWO can consider complaints about:

- Any actions taken by your organisation in response to your concern.
- Whether your organisation followed the process laid out in the Standards.
- How you were treated during and after you raised a concern.
- How the organisation supports a culture of speaking up.

The INWO will investigate and come to a decision on your complaint. She can:

- Refer the concern back to the organisation if it has not been fully investigated. If you remain dissatisfied with the organisation's further response, the INWO can investigate the complaint.
- Discontinue an investigation where an appropriate resolution has been agreed between the parties.
- Uphold your complaint. The INWO can make recommendations to ensure that the situation doesn't happen again. She can also recommend redress where people have been personally affected.
- Not uphold your complaint.

If you are unhappy with a decision on your complaint, you will have an opportunity to provide comments and express why you feel the decision is not correct.

More information about [independent review by the INWO](#) is available at inwo.spsso.org.uk

Contact details:

Independent National Whistleblowing Officer
Bridgeside House
99 McDonald Road
Edinburgh
EH7 4NS

Freephone: 0800 008 6112
<https://inwo.spsso.org.uk/contact-us>
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