

NHS Ayrshire & Arran



Meeting:	Ayrshire & Arran NHS Board
Meeting date:	Monday 4 December 2023
Title:	Whistleblowing Report: Quarter 2, July to 30 September 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 2 (July – September 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.

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 2 (July – September 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 17 October 2023
- Staff Governance Committee on 07 November 2023

2.4 Recommendation

For discussion. Board Members are asked to discuss the performance report in relation to concerns raised in Quarter 2 (July – September 2023).

3. List of appendices

- Appendix 1 - Whistleblowing Report for Quarter 2 July to September 2023.

Appendix 1 - Whistleblowing Report Quarter 2 – July to September 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 2 through the whistleblowing process.

Total no of concerns received Q2	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 Q2, no action required.

Both concerns were reviewed by the Whistleblowing Decision Team (WDT). The WDT agreed that one of the concerns raised was not appropriate to be reviewed using the Standards as it related to personal experience. The individual who raised the concern was advised the most appropriate route to take their concerns forward. These included the use of the [NHSScotland Workforce Investigation Policy](#).

The concern taken forward is a monitored referral from the Independent National Whistleblowing Officer (INWO), this is a result of the individual contacting the INWO for advice. We provide the INWO with regular updates on progress.

Chart 1 below shows the total number of concerns raised and progressed as whistleblowing in 2023/24. Concerns received are represented by the blue columns and the number progressed by the orange column. The investigation taken forward as Whistleblowing is ongoing, this is due to the complex nature of the concerns raised.

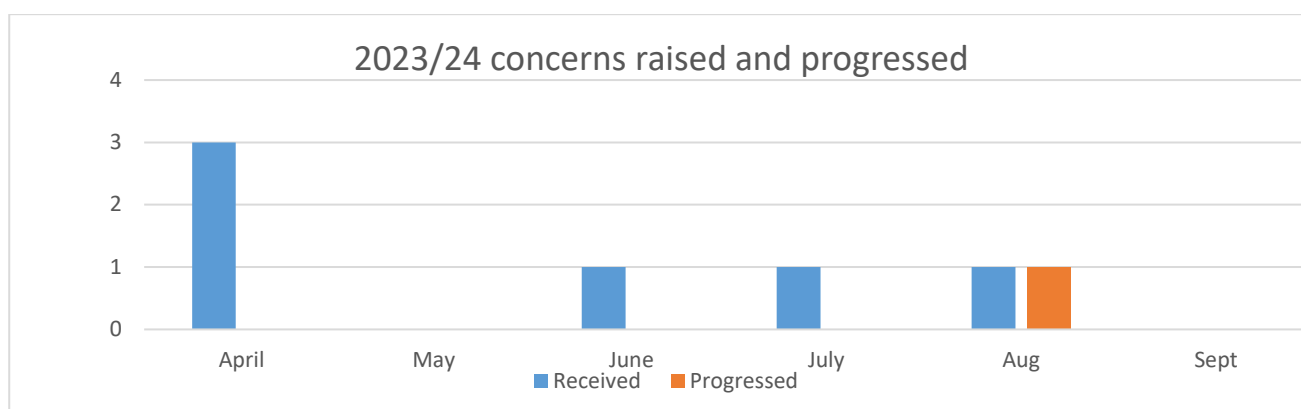


Chart 1

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 Q2.

The concern taken forward as Whistleblowing in Q2 is ongoing, this is due to the complexity of the concern raised. The investigation period for this investigation has been extended beyond the 20 working day timescale. The Whistleblower is aware of the need to extend the investigation period.

Total no of concerns received Q2		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 2023/24 of concerns progressed at Stage 2.

Whistleblowing cases 2023/24	Number	Comments
Q2	1	Ongoing > 20 working days (excludes public holidays)

Table 3

2.3 Concerns outcomes

This section provides detail on 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.

As the investigation for the concern received in Q2 is ongoing there is no outcome.

2.4 Responding to concerns

As the investigations into the concerns received in Q2 is ongoing it is not possible to provide the time in working days for a full response.

2.5. Breakdown of concerns by service

The Q2 concern received relates to Ayrshire Central Hospital (ACH), North Ayrshire Health and Social Care Partnership (NA HSCP).

3. Learning, changes or improvements to service or procedures

Table 5 shows the status of improvement plans from concerns raised in 2021-22 and 2022/23. Of the plans that remain open progress is ongoing. The plans remain open until all actions are complete. Progress continues to be monitored through Directorate Governance routes with feedback on closure to the Whistleblowing Oversight Group.

Number Investigations complete		Number Improvement Plans		Number Learning Plans	
		In Progress	Closed	In Progress	Closed
2021/22	5	1	3	0	1
2022/23	1	1	0	-	-

Table 4

At this time there is no data for 2023/24 as investigation is ongoing.

4. Experience of individuals raising concern/s

All those who raise concerns are given the opportunity to feedback on their experience of using the Whistleblowing procedure in order that we can learn and make any improvements in our processes as appropriate.

An anonymous feedback survey is shared with all those involved on completion of the investigation. This includes 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. Returns to date have been limited

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.

It is no longer mandatory for staff to undertake the eLearning Whistleblowing Turas Module it is mandatory for all management level staff, supervisors, line managers, those who may receive concerns, Speak Up Advocates, Confidential Contacts and those involved in Whistleblowing investigations. To date approximately 67% of line managers and senior managers have completed the appropriate Turas modules, this is an increase of 2% on the previous quarter.

This year's iMatter survey included two statements specifically relate to raising concerns. These were:

1. I am confident that I can safely raise concerns about issues in my workplace;
2. I am confident that my concerns will be followed up and responded to.

Of the 8738 staff who responded 89% of respondents agree or strongly agree with statement 1 and 82% of respondents agree or strongly agree with statement 2.

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.

The one concern taken forward in Q2 had multiple themes.

Theme	2021/22	2022/23	2023/24	
	Q1-Q4	Q1-Q4	Q1	Q2
Patient Care	4	2	0	1
Patient Safety	4	2	0	1
Poor Practice	3	2	0	1
Unsafe working conditions	0	1	0	1
Fraud	1	0	0	0
Changing or falsifying information about performance	0	1	0	1
Breaking legal obligations	0	1	0	0
Abusing Authority	0	1	0	0

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. 2022/23 Case Update

Table 6 below provides an update on the position of the investigations which were ongoing from Q3 and Q4 2022/23. Of the three cases that remained open one has been closed with the concern recorded as partially upheld. This means that following investigation and review of evidence some of the concerns raised in this whistleblowing case were upheld but some were not.

Update for Stage 2 Concern 2022/23	Area	Ongoing	Closed	Not Upheld	Partially Upheld	Fully Upheld
Q3	ISS	1	-	-	-	-
Q3	EAHSCP	-	1	-	1	-
Q4	Acute- UHA	1	-	-	-	-

Table 6

9. Update

- Confidential Contacts:

A Sway communication was shared across the organisation via Daily Digest, eNews and by email to the 700+ line managers, to introduce and raise awareness of the new Confidential Contacts who were appointed in August 2023.

- National Speak Up Week:

Is an annual engagement event launched by the INWO in 2022, NHS Ayrshire & Arran supported National Speak Up week, which took place from 2 to 6 October 2023. The purpose of this was to provide an opportunity for Boards to promote and celebrate speaking up. We engaged with staff at various locations across the organisation, this included Acute and HSCP sites. The programme of events included face to face drop in sessions and a Whistleblowing Ask Me Anything via MS Teams.