

Meeting:	Shetland NHS Board
Date:	27 th April 2021
Report Title:	Whistleblowing Standards Briefing
Reference Number:	Board Paper 2021/22/09
Author / Job Title:	Kirsty Brightwell, Medical Director

Decisions / Action required:

For noting and any comment/questions

High Level Summary:

On 1.4.21, the Whistleblowing Standards came into effect in NHS Scotland. A steering group has met to focus work to ensure NHS Shetland has processes in place to meet the standards. These unify the approach to pre-existing legislation across Scotland to ensure thorough and sensitive investigations whilst protect those that raise issues where there is a public interest. There is an Independent National Whistleblowing Officer to investigate where concerns may not have been dealt with satisfactorily and to collate learning from Boards. The Board is required to submit quarterly and annual reports to the INWO.

Corporate Priorities and Strategic Aims:

The standards support staff raise to issues of public interest covering clinical governance, staff governance and financial governance.
Through raising awareness and supporting managers to deal with issues early. Implementation should promote a positive culture in the organisation of openness, respect and accountability.

Key Issues:

The small group will continue to meet to support managers embed the processes and reporting/governance structure.
The standards apply to independent contractors, volunteers and students delivering NHS services so the communication and awareness raising needs to continue to encompass many services and individuals.

Implications : <i>Identify any issues or aspects of the report that have implications under the following headings</i>		
Service Users, Patients and Communities:	This should make it easier to have visibility of issues affecting patients and staff. Staff working across the partnership may have challenges raising issues and there are 2 “champions” within the partnership. There is	
Human Resources and Organisational Development:	OD within HR have created training plan	
Equality, Diversity and Human Rights:	EQIA not requires	
Partnership Working	As above	
Legal:	Not applicable (predicated on pre-existing legislation)	
Finance:	Business as usual	
Assets and Property:	Not applicable	
Environmental:	Not applicable	
Risk Management:	Risk based action plan for contractors to support them to embed the standards and report via the Board structure	
Policy and Delegated Authority:	The INWO states the Board role in supporting the Whistleblowing Champion, leadership of a positive culture, ensuring arrangements are in place for Whistleblowers in direct employment, in the Partnership and in contractors, volunteers and students with concerns about NHS services.	
Previously considered by:	Whistleblowing Steering Group	1.3.21, 15.3.21
“Exempt / private” item	N/A	

The main report is to be attached together with a list of the appendices and references to any background documents or material e.g. include web links.

Launching the Whistleblowing Standards in NHS Shetland April 2021

Author: Kirsty Brightwell, Medical Director

Situation

From 1.4.21, any organisation providing an NHS service in Scotland should have procedures in place that enable their staff, students, volunteers and others delivering NHS services, to report a concern in line with the National Whistleblowing Standards. The Independent National Whistleblowing Officer (INWO) will then be able to investigate complaints about concerns that have been through the local whistleblowing process. The INWO role has been taken up by the Scottish Public Services Ombudsman.

The Board's role is in support of the Whistleblowing Champion, provide leadership of a positive culture, ensure arrangements are in place to enable raising of concerns about NHS services in the public interest for those in direct employment, in the Partnership, contractors, volunteers and students.

Background

Whistleblowing is where an individual within an organisation raises concerns about a risk of harm or wrongdoing in the public interest.

Legislative protection for whistle blowers is provided under the Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998. Where a worker makes a protected disclosure, he or she has a right not to be subjected to any detriment by their employer for making that disclosure.

Despite this there are numerous examples where employees have felt unable to raise issues with employers that could prevent harm and wrongdoing for fear of reprisal.

The Whistleblowing Standards unify the approach across NHS organisations to protect those that raise concerns, encourage early reporting and promote a culture of openness, transparency and accountability.

The Board is required to submit quarterly and annual reports to the INWO.

Assessment

A small group has been formed to create the processes required to meet the standards. They plan to continue to meet regularly to review learning and support managers in the organisation to embed the standards. Membership consists of the Clinical Governance team, Communications, Human Resources, Organisational Development, Area Partnership Forum Chair (staffside representative), the Medical Director and the Non-Executive Director Lead.

The team has overseen the following:

1. The identification of Confidential Contacts. These are managers who will discuss with the individual, trigger the standards where required and liaise over the subsequent investigation and learning.

2. Produced information for staff to understand the process and created an area on both the internet and the intranet for access to this information.
3. Identification of Confidential Supports for staff involved with raising issues which meet the standards.
4. Production of a communications plan with various formats to raise awareness including independent contractors and universities.
5. Timetable of staff group meetings for the MD and NED lead to attend to raise awareness and promote training within all areas.
6. Clinical Governance is creating a tool for reporting of issues raised so that the organisation can use the learning to continue to promote an open, caring and learning culture.
7. Reports from this group will go to the JGG and Staff Governance Group then to Board prior to INWO.

Recommendations

The Board is aware of the implementation of the Standards and provides any recommendations to the Group.