INDEPENDENT
NATIONAL
WHISTLEBLOWING
OFFICER
People Centred | Improvement Focused

INWO annual prescribed person's report on protected disclosures for 2025-26

Independent National Whistleblowing Officer

Contents

Introduction

1. The Independent National Whistleblowing Officer (INWO) is responsible for setting out the principles and process that NHS Scotland providers must follow when dealing with whistleblowing concerns. INWO also provides an independent review stage as part of this process. Together, these principles and procedures are known as the National Whistleblowing Standards[1] (the Standards). The Standards apply to all NHS providers in Scotland, including primary care services and organisations providing services under contract to the NHS. They also apply to students, trainees, volunteers, and all staff, whether employed on a temporary or permanent basis.

2. This report meets the legal requirement to report on any protected disclosures made to INWO under the Employment Rights Act 1996[2], as outlined in Appendix 1.

Statutory framework and definitions

3. On 15 December 2022[3], the INWO became a prescribed person under the *Public Interest Disclosure (Prescribed Persons) Order 2014*. This means that NHS Scotland staff can raise whistleblowing concerns directly with the INWO. The INWO's role as a prescribed person covers whistleblowing disclosures and the way they are handled within NHS Scotland. Concerns can be reported to the INWO through its advice line, by completing a form on its website, or by email.

4. The INWO is required to report on any qualifying disclosures made by workers since becoming a prescribed person on 15 December 2022. The Prescribed Persons Regulations use a definition of a qualifying disclosure that is slightly different from the INWO's definition of whistleblowing. Further details of both

[1] National Whistleblowing Standards 2021: NationalWhistleblowingStandards-AllParts.pdf (spso.org.uk)

[2] Employment Rights Act 1996, c.18. Available at: legislation.gov.uk/ukpga/1996/18/section/43B

[3] Whistleblowing: list of prescribed people and bodies, Department of Business, Energy and Industrial Strategy: https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies

definitions are provided in Appendix 2. The INWO definition is broader than the one used for protected disclosures. However, this report includes all disclosures made to the INWO, reflecting its commitment to encouraging confidence in speaking up and raising concerns.

Function and objectives of the INWO

5. The INWO provides an independent review of whistleblowing concerns that have already been raised through internal NHS whistleblowing procedures. It has the authority to investigate four areas of a concern:

    5.1. The provider's decisions and actions in response to the concern

    5.2. The provider's handling of the concern against the Standards

    5.3. How the whistleblower has been treated

    5.4. How well the NHS provider promotes and supports a culture where people feel able to speak up.

6. As well as carrying out investigations, the INWO monitors how the Standards are being applied. Where issues are identified, particularly those that make it difficult for people to access the whistleblowing process, the INWO works with NHS service providers to address these concerns and improve compliance with the Standards.

7. Public interest disclosures are therefore a key part of the INWO's work. The INWO's aim is to improve the culture of speaking up across the NHS, so that anyone working within NHS services can raise concerns as early as possible for the benefit of both staff and service users. This is achieved by improving access to local whistleblowing processes, helping to ensure those processes are safe and effective, and providing an independent third stage of review where local procedures have not resolved the concern.

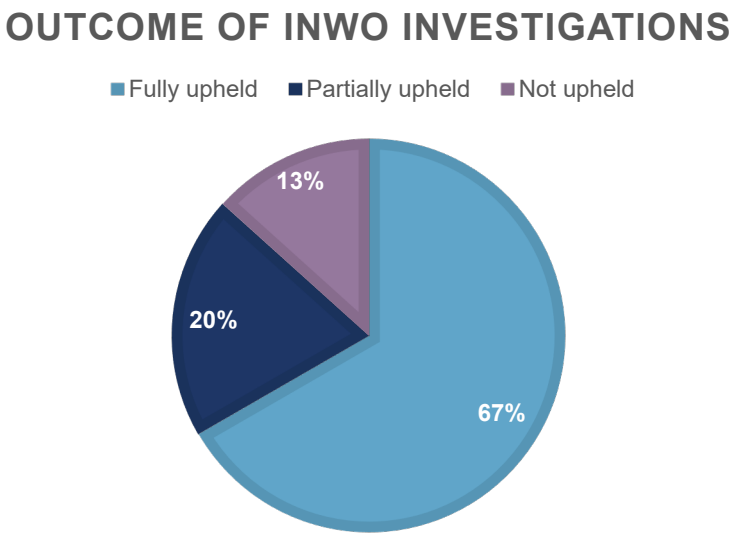
Number of qualifying disclosures received, and action taken

8. Between 1 April 2025 and 31 March 2026 the INWO received 177 cases and closed 181 (with cases brought forward from the previous year contributing to these closures). The actions taken on these case are detailed below.

PIDA reporting - closed case outcomes	Total
Potentially whistleblowing, signposted appropriately to internal process or provided relevant information	84
Not whistleblowing \ does not meet the INWO definition	39
Signposted to other regulator	6
Shared info with relevant other organisation	2
Case not appropriate for INWO due to timescales	1
HR \ employment issue	17
Decided not to take forward due to involvement of another process	0
C withdrew from the process	7
Monitored referral route	7
Similar complaint already under investigation	0
Resolved \ action taken	3
Investigation completed	15
Total cases closed	**181**

9. The 'monitored referral route' refers to when the INWO provides oversight when a case is referred back to the NHS provider for them to investigate in line with the Standards. The INWO monitors the progress of these concerns, to ensure that the concern is responded to in full at the end of the process. The whistleblower can then come back to the INWO for an independent review of their concern, should that be necessary.

10. Of the fifteen investigations when we completed our investigation and made finding, thirteen were fully or partially upheld (87%) and two were not upheld (13%). Another three cases were resolved without a full investigation.



11. At the end of our investigations we can make recommendations for NHS providers to put things right. Our recommendations lead to real improvements in how NHS providers manage concerns, assess risk and keep patients safe. We also use them to put things right for the whistleblower and improve speak up processes for the future. In 2025-26 we made 35 recommendations for NHS providers, as detailed below.

Recommendation type	2025-26	% of total
Concern handling	**6**	**17%**
Individual remedy for the whistleblower	**9**	**26%**
Learning and improvement	**21**	**57%**
Total recommendations	**35**	

12. There were 14 cases which remained open at 31 March 2026 and are carried forward to 2026-27. Of these, three cases were at the initial assessment stage, where eligibility for an INWO review was being considered. The remaining 11 cases were under investigation following outcomes from the NHS provider that had not satisfactorily resolved the concerns raised.

13. Further details of the cases which we investigated and the findings we made in 2025-26 can be found on the Findings page of the INWO website.

Appendix 1: Statutory reporting requirement

1. The Employment Rights Act 1996[4] requires all Prescribed Persons to publish an annual report on the disclosures made to them each year. This report covers disclosures received by the INWO between 1 April 2025 and 31 March 2026. The report summarises

    1.1. the number of disclosures received

    1.2. how the INWO responded to those disclosures and any action taken as a result

    1.3. how the disclosures have affected the INWO's ability to carry out its role and meet its objectives

    1.4. an explanation of the INWO's functions and objectives.

2. This report has been prepared in line with guidance issued by the Department of Business, Energy and Industrial Strategy[5]. The purpose of this reporting requirement is to improve transparency in how whistleblowing concerns are handled and increase confidence that concerns will be taken seriously and acted on where appropriate.

[4] Employment Rights Act 1996, c.18. Available at: legislation.gov.uk/ukpga/1996/18/section/43B

[5] Whistleblowing: Prescribed persons guidance, Department of Business, Energy and Industrial Strategy (2017). Available at: Whistleblowing: prescribed persons guidance (publishing.service.gov.uk)

Appendix 2: Statutory framework and definitions

1. The Public Interest Disclosure Act (PIDA) 1998 gives legal protection to employees who raise concerns that are in the public interest, helping to ensure they are not dismissed or treated unfairly by their employer as a result. Under the Public Interest Disclosure (Prescribed Persons) Order 2014[6] the INWO became a 'prescribed person' on 15 December 2022[7]. Its prescribed person role covers '*whistleblowing disclosures and how they are handled in the NHS in Scotland*'. This means that NHS Scotland staff can raise concerns directly with the INWO. They can do this through the INWO advice phone line, by completing a form on its website, or by email.

2. Under the Prescribed Persons (Reports on Disclosures of Information) Regulations 2017[8], the INWO has a duty to report on the 'qualifying disclosures' made by workers. These are defined in section 43B of the Employment Rights Act 1996[9] and apply where a worker reasonably believes they are acting in the public interest when disclosing information about a relevant failure. Examples of this include a breach of a legal obligation or a criminal offence.

3. Not all the concerns raised with the INWO meet the definition of a qualifying disclosure. However, all concerns received are assessed and appropriate action is taken.

[6] The Public Interest Disclosure (Prescribed Persons) Order 2014: The Public Interest Disclosure (Prescribed Persons) Order 2014 (legislation.gov.uk)

[7] Whistleblowing: list of prescribed people and bodies, Department of Business, Energy and Industrial Strategy: https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies

[8] The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017: The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017 (legislation.gov.uk)

[9] Employment Rights Act 1996, c.18.: legislation.gov.uk/ukpga/1996/18/section/43B

4. The INWO considers a whistleblowing concern to be where it is raised by a worker and falls within the definition set out in the Public Services Reform (SPSO) (Healthcare Whistleblowing) Order 2020[10]:

> "when a person who delivers services or used to deliver services on behalf of a health service body, family health service provider or independent provider (as defined in section 23 of the Scottish Public Services Ombudsman Act 2002[11]) raises a concern that relates to speaking up, in the public interest, about an NHS service, where an act or omission has created, or may create, a risk of harm or wrong doing."

5. Based on this definition, the INWO can consider concerns raised by anyone involved in delivering NHS services, including:

   5.1. students

   5.2. trainees

   5.3. volunteers and

   5.4. agency staff.

6. This definition is wider than the definition of a qualifying disclosure because it relates to a 'risk of harm or wrong doing', rather than requiring evidence of a specific failure such as a breach of a legal obligation or a criminal offence.

[10] Public Services Reform (SPSO) (Healthcare Whistleblowing) Order 2020: The Public Services Reform (The Scottish Public Services Ombudsman) (Healthcare Whistleblowing) Order 2020 (legislation.gov.uk)

[11] Scottish Public Services Ombudsman Act 2002: Scottish Public Services Ombudsman Act 2002 (legislation.gov.uk)