

The Draft National Whistleblowing Standards

Part 2

Procedure Overview

Definitions

1. The definitions below are made in accordance with powers delegated to the INWO in [Section 6A(4) of the SPSO Order 2019], which sets out an expectation that the INWO will define the term “whistleblower”.

Definition of a whistleblower

2. A whistleblower is a current or former worker for NHS Scotland who formally raises a concern. This includes current (and former) employees, bank and agency workers, contractors, trainees and students, volunteers and non-executive directors.
3. The concern relates to speaking up, in the public interest, about an NHS service, where an action or lack of action has created, or may create, a risk of harm or wrong-doing, which:
 - 3.1. Has happened, is happening or is likely to happen,
 - 3.2. Affects the public, other staff or the organisation itself,
 - 3.3. Is not (or appears not to be) actively being addressed by other processes, and
 - 3.4. Has been intentionally raised by the person.

What is whistleblowing?

4. Whistleblowing is just one term; it can also be referred to as ‘raising concerns’ or ‘speaking up’. These terms can be interchangeable; for the purposes of the Standards, the issue just needs to meet the definition. The person raising the concern also has to be aware that that’s what they are doing. When a concern is raised more formally like this, the concern must then be handled in line with these Standards, including the support and protection they provide.
5. In these Standards the term ‘whistleblowing concern’ covers any concern which falls into the definition above. This is the same as ‘*raising a concern in a supportive environment*’.
6. The risk can relate to wrong-doing, patient safety or malpractice over which the organisation has oversight, responsibility or accountability. In a health setting these concerns could include (this list is not exhaustive):
 - 6.1. patient safety issues
 - 6.2. patient care issues
 - 6.3. poor practice
 - 6.4. unsafe working conditions
 - 6.5. fraud (theft, corruption, bribery or embezzlement)

- 6.6. manipulation/falsification of performance information
 - 6.7. a breach of any legal obligation
 - 6.8. abuse of authority, or
 - 6.9. a deliberate attempt to cover up any of the above.
7. A whistleblowing concern is different to a grievance. A grievance is typically a personal complaint about an individual's own employment situation. More information is available on raising concerns and bullying and harassment in Part 3 of the Standards.
8. Healthcare professionals may also have a professional duty to report concerns and managers and all staff must be aware of this, and how this relates to raising concerns in a supportive environment.

Who can raise a concern?

9. **Anyone** who provides services for the NHS can raise a concern, including current (and former) staff, students and volunteers. They must also choose to pursue the concern using this procedure. If, however, the person does not want to use the procedure, but the concern they are raising meets the definition of a concern that should be handled through these Standards (as opposed to business as usual) and those receiving it feel they need to act on the information they have been given, the issue should be recorded as an anonymous concern, and appropriate action should be taken to resolve the issue of concern.
10. More than one person can raise the same concern, either individually or together. Care must be taken to understand who wants to achieve what, and if everyone wants to be kept informed and updated on progress.
11. It is important for everyone involved in this procedure to be aware that some people may feel at greater risk from raising a concern. For example:
- 11.1. Employees whose employment status may be less secure, such as agency staff or those with visa requirements;
 - 11.2. Students or others who are due to be assessed; or
 - 11.3. Those from BME communities who may feel marginalised.

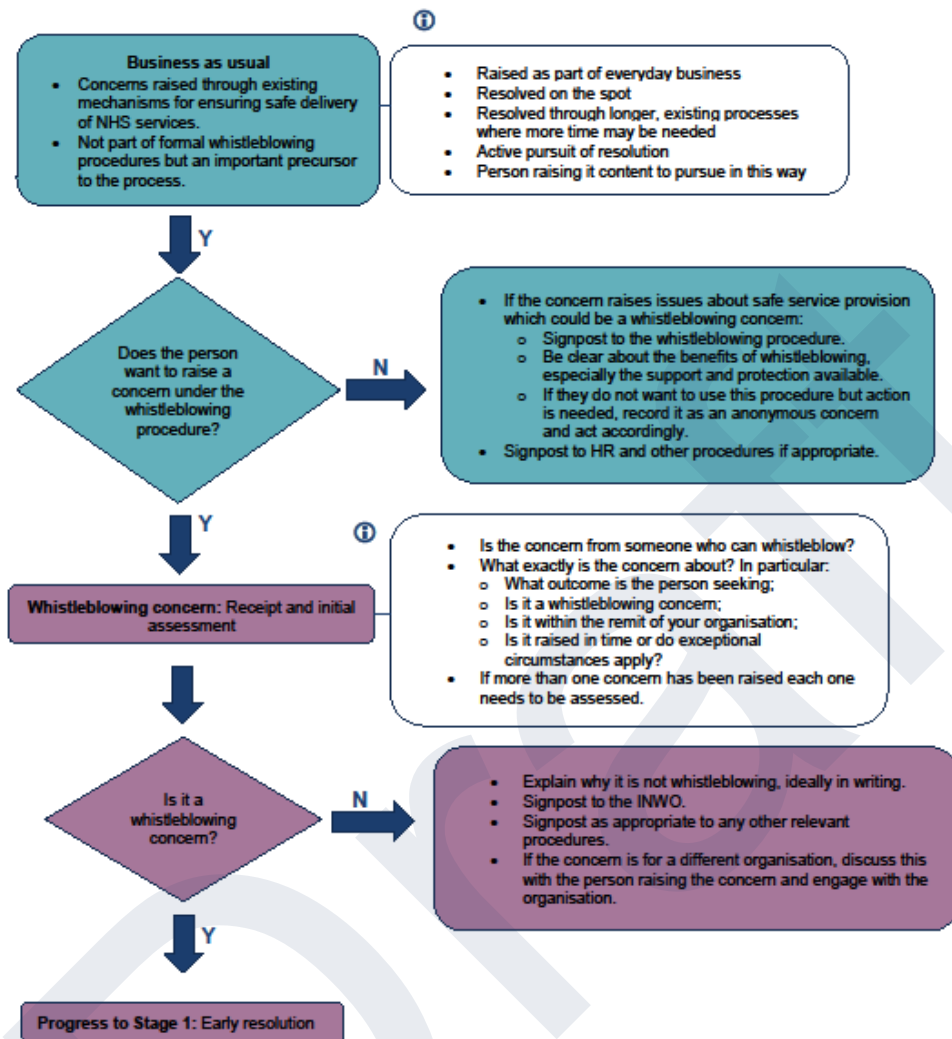
It is important to ensure these groups, in particular, are aware of the support available through this procedure and any concerns they raise are treated seriously.

Overview of the procedure for raising concerns

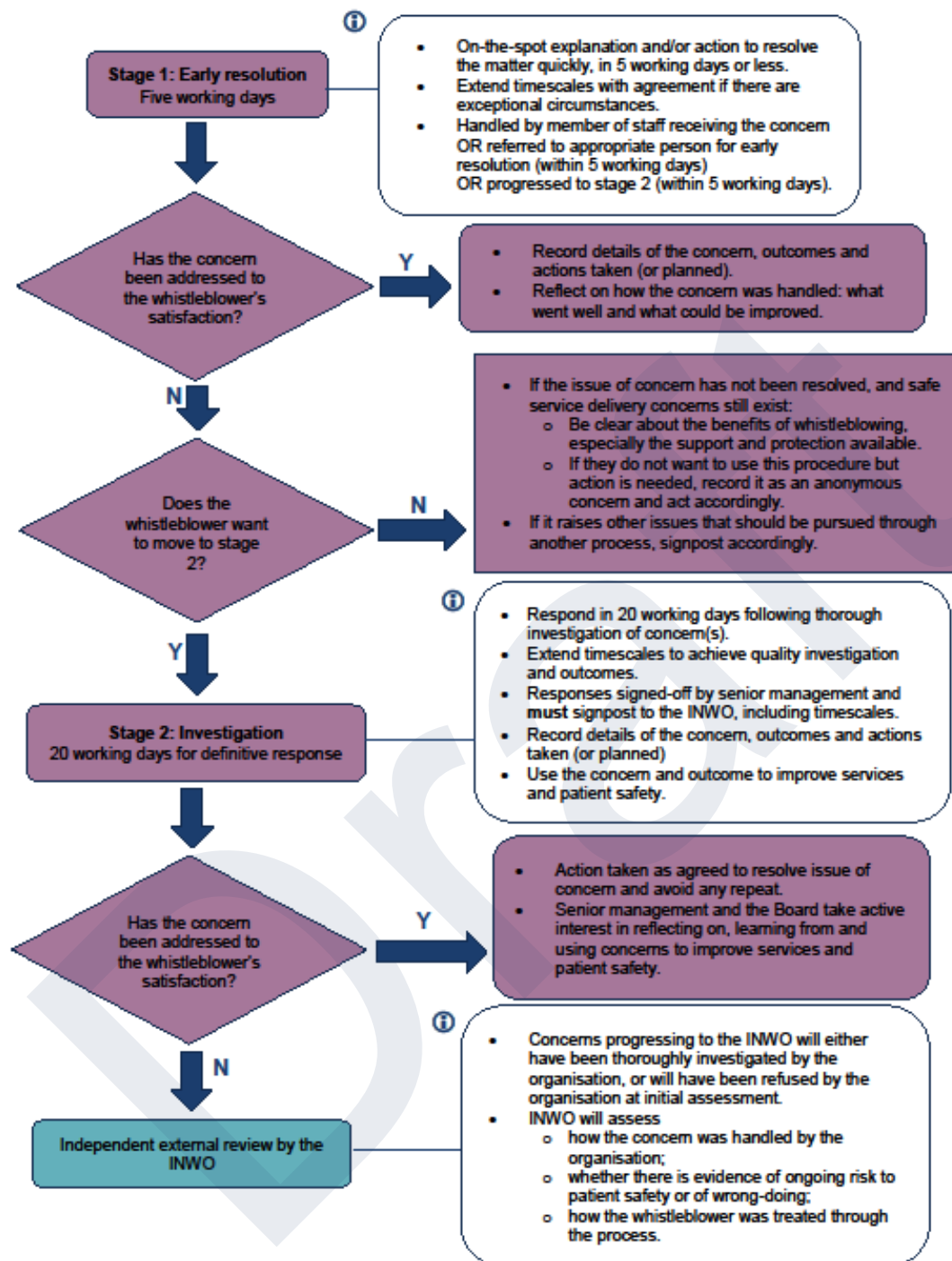
12. The procedure for raising concerns aims to provide a quick, simple and streamlined process for resolving concerns early and locally by capable, well-trained staff. It also incorporates actions to ensure support is provided, to ensure that the process creates a safe space for sharing information.
13. This overview summarises the main points, with further explanatory information available on each stage.

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Initial actions



Stage 1 and 2 overview



14. Boards and other employers are required to have governance arrangements in place that ensure the organisation supports the person raising the concern, takes all appropriate actions, and records and reports on these concerns on a regular basis. They must also demonstrate learning from the concerns that have been raised through service improvements, and share this learning with their staff and stakeholders.

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