

<b>Meeting:</b>	<b>Ayrshire and Arran NHS Board</b>
<b>Meeting date:</b>	<b>14 August 2023</b>
<b>Title:</b>	<b>Whistleblowing Report – Quarter 1 April - 30 June 2023</b>
<b>Responsible Director:</b>	<b>Jennifer Wilson, Nurse Director</b>
<b>Report Author:</b>	<b>Karen Callaghan, Corporate Governance Coordinator</b>

## 1. Purpose

This is presented to the Staff Governance Committee 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. The Board Members are asked to discuss the report on organisational activity in relation to Whistleblowing concerns raised in 2023-24 Quarter 1 (April – 30 June 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 Staff Governance Committee.

The Standards also require that Boards publish an annual report setting out performance in handling whistleblowing concerns. The annual report summarises and builds 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.

## 2.3 Assessment

As no concerns raised as Whistleblowing in Q1 were appropriate to be taken forward using the Standards it is not possible to provide a detailed report. A short update on recent whistleblowing activity to support the standards is provided below.

No immediate risk was identified to patient safety in the concerns received in Q1, no action required.

- In Quarter 1 six contacts were made to the Speak Up Mailbox and phone number.
  - Four of these concerns were raised as Whistleblowing. The other two contacts were seeking advice, guidance was provided to allow the concerns raised to be progressed through the appropriate route.
  - Three of the concerns were reviewed by the Whistleblowing Decision Team (WDT), who agreed that the concerns raised were not appropriate to be reviewed using the Standards as they related to personal experience. The individuals who raised the concerns were advised the most appropriate route to take their concerns forward. These included the use of the [NHSScotland Workforce Investigation Policy](#).
  - Following discussion and with the agreement of complainant the remaining concern was taken forward as business as usual, this concern was not reviewed by the WDT.
- Anonymous Investigation closed: the investigations into the anonymous concerns raised in Q2 and Q3 2022/23 are complete and the reports have been received. Both concerns were not upheld with no recommendations or actions. The reports have been shared with the appropriate Director for the area with reassurance that they will be reported through the appropriate governance route.
- Whistleblowing investigation closed: Q3 2022/23 – the investigation related to EAHSCP has been completed with the report drafted and approved by the commissioning Director. This concern was partially upheld. An improvement plan is in place based on the recommendations within the report. Recommendations included the use of Stress Risk assessment and workload analysis.
- Improvement plans: Table 1 shows status of investigations from concerns raised in 2021-22 and 2022-23. The Improvement plan relating to a concern raised in Q2 2021/22 has been closed and reported through the appropriate governance group. Of the plans that remain open the actions are either in progress or complete and progress continues to be monitored through Directorate Governance routes with feedback on closure to the Whistleblowing Oversight Group.

Year	Number Investigations closed	Numbers of Improvement Plans		Number of Learning Plans	
		In Progress	Closed	In Progress	Closed
2021-22	5	2	2	1	0
2022-23	1	1	0	0	0

Table 1

- Confidential Contacts: following a robust internal process in line with HR guidance, five candidates were invited for a discussion with members from the Whistleblowing Oversight Group. This gave an opportunity for those interested in the role to talk about their interest and understanding of whistleblowing and what they felt they could bring to support the process in NHS Ayrshire & Arran. All five have been offered and accepted roles as Confidential Contacts, however one candidate later withdrew. The new confidential contacts come from across the organisation at various. An induction is underway with a planned handover date of 14 August proposed for the new Confidential Contacts to take up their role. A programme of learning and support is being developed to ensure the new Confidential Contacts are supported as they develop into the role. Our new Confidential Contacts are:
  - Anne Marie Brown, Hotel Services Manager, Information Support Services
  - Claire Burns, Risk Management Support Officer, Medical Directorate
  - Laura Mitchell, Consultant Clinical Psychologist, Addiction Services
  - Fiona McLeod, District Nurse Team Leader, North Ayrshire Health and Social Care Partnership

Laura Mitchell will be the named Confidential Contact for Primary Care. This named contact is required under the Standards.

From 14 August our existing Confidential Contacts (Jenny Wilson, Crawford McGuffie, Sarah Leslie, Derek Lindsay) will step down from this role.

- Speak Up Advocates (SUA): A SUA development session took place on the 15 June 2023 at Fullarton Connexions, Irvine. The SUAs shared their experience to date, with the session providing an update on Whistleblowing since the last meeting in 2021 and a coaching session. Future sessions will take place quarterly and where possible will be face to face.
- Training: Monthly reports continue to be produced to monitor completion of the Turas Whistleblowing eLearning modules. At the 30 June 2023, 65% of managers had completed the relevant modules.
- Communications: Whistleblowing communications continue to be refreshed as a reminder to staff on how to raise a Whistleblowing concern and include new, refreshed and updated 7 minute briefings.

### 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 13 July 2023;
- Staff Governance Committee on 7 August 2023.

## **2.4 Recommendation**

The Board are asked to discuss information for Quarter 1 (April – 30 June 2023) and to confirm support for the appointment of new Confidential Contacts