



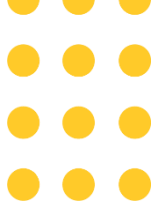
**Whistleblowing
Annual Report**

April 2022 to March 2023



Contents

1. Introduction	3
2. Background	3
3. Whistleblowing 2022-23 – At a Glance	4
4. Concerns Received	5
5. Findings by INWO.....	5
6. Key Performance Indicators.....	6
6a. Concerns Received	6
6b. Whistleblowing Internal/External/Contracted Services Cases	7
6c. Whistleblowing Concerns Closed.....	7
6d. Status of outcome of Investigation.....	7
6e. Response timescales	8
6f. Cases under consideration by INWO	8
6g. INWO Referred Case at	8
7. Key Themes Arising from Whistleblowing Concerns Raised	9
8. Learning, Changes or Improvements	9
8a. Experience of those involved:.....	10
9. Staff Perceptions, Awareness and Training.....	10
10. Working with Contractors.....	11
11. Communications	12
12. Confidential Contacts	13
13. Our services.....	15
APPENDIX – KPI Checklist	17



1. Introduction

This is our second annual whistleblowing report since the new Independent National Whistleblowing Officer (INWO) National Standards came into force on 1 April 2021.

We support and encourage an environment where employees, both current and former, bank and agency workers, contractors (including third sector providers), trainees and students, volunteers, and anyone working alongside our staff can raise concerns.

Our aim in this report is to be transparent about how we handle whistleblowing concerns, highlight actions taken and improvements to our services as a result of whistleblowing concerns raised and lessons learned.

In line with the national standards requirements, details are shared at a level which ensures we protect the whistleblower's identity and to make sure the report does not identify anyone who has contributed to an investigation.

The reporting period includes activity between 1 April 2022 and 31 March 2023.

2. Background

Whistleblowing is an important process to enable a person to speak up about any whistleblowing concerns they may have in the organisation with respect to quality and safety in patient care and our service delivery. The way we respond to whistleblowing concerns raised is important, so that individuals feel that their concerns will be valued and handled appropriately, and that the organisation will take on board what they have to say.

In line with the organisation's values, we encourage whistleblowing concerns to be dealt with at the earliest opportunity and where possible in real time within the management structures that our staff work in within the organisation. Alternate routes for raising whistleblowing concerns include with more senior managers, trade unions and other staff.

In support of providing alternate routes, we have recruited Confidential Contacts as an additional source of support for colleagues to talk about any workplace concerns or issues. We also have in place a dedicated whistleblowing telephone and email line. The whistleblowing telephone line is supported by the Whistleblowing Support Team and monitored daily during office hours.

Our Staff Governance Committee (SGC), together with our Whistleblowing Champion (WBC), who is a member of the SGC, have scrutinised this report, including performance against the requirements of the National Whistleblowing



Standards, key performance indicators (KPIs) as part of the Board's ongoing work to promote a 'Speak Up' culture. The WBC has been proactive in engaging with the organisation and raising awareness of Speaking Up and in providing oversight of governance mechanisms for reporting, including production of quarterly and annual reports, to complement the oversight provided by the Board.

3. Whistleblowing 2022-23 – At a Glance



Concerns Raised



Raised as Whistleblowing



Investigated as Whistleblowing

Roles and Responsibilities Reviewed and Refined in line with INWO investigation

Regular Staff Communications

Briefing Packs introduced for Investigating Managers and Witnesses

NSS supported the production of INWO resources

Reviewed Communication Methods

Experience of Witnesses Enhanced

New Confidential Contacts recruited



4. Concerns Received

Since 1 April 2022, our Confidential Contact service and our whistleblowing helpline have been contacted on 13 occasions, four of these concerns were raised under the auspices of whistleblowing. Two of these were assessed as not meeting the whistleblowing definition and referred to HR or the complaints process. Of the remaining two, one related to NSS employed staff and the second related to contracted services.

There were no reports received from students, trainees or volunteers.

Contractors (both NSS specific and those with national contracts) were all contacted on a quarterly basis to obtain information on any whistleblowing concerns received during the reporting period in question. As detailed above, only one concern was received.

Over the relevant reporting period in the year to 31 March 2023, two whistleblowing concerns were investigated; this compares to four in the 2021-22 year. Feedback from our Confidential Contact service and our analysis of the range of concerns raised in the organisation, indicates that there have been no anonymous concerns raised by our staff who feel able to speak up in using the Confidential Contact service.

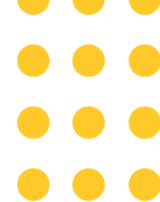
One concern was investigated as Stage 2 from the outset due to its complexity. The second concern, which was raised anonymously with the supplier and reported through our Procurement colleagues, related to contracted services was investigated as a Stage 1 concern.

Based on findings during the investigation, neither concern was upheld.

The details of the Key Performance Indicators (KPIs) associated with the concerns reported in their totality, those which were raised under the auspices as whistleblowing concerns and those which were investigated as whistleblowing concerns are given in section 6.

5. Findings by INWO

On 24 August 2022, the INWO laid her investigation report into our handling of a whistleblowing concern raised in 2021-22 before Parliament. INWO upheld two elements of the complaint and made recommendations for improvement in relation to the handling of the concern in line with the National Whistleblowing Standards; specifically, in relation to retaining the confidentiality of the whistleblower and witnesses and providing clarity on roles and responsibilities. A third element was not upheld. INWO also identified areas of good practice from NSS. (See Section 7).



Details of INWO’s report can be found at <https://inwo.spsso.org.uk/nhs-national-services-scotland>

Following publication, we met with INWO to discuss learnings for us and INWO. This was a worthwhile exercise and allowed both parties to reflect on the process, provide feedback and progress the report’s recommendations. INWO took on board our comments and used our feedback in their October 2022 Newsletter.

In November 2022, we also received formal notification from INWO that they were satisfied that we had taken on board and addressed all recommendations contained within their investigation report and formally closed the case.

6. Key Performance Indicators

These following Key Performance Indicators (KPIs) are reviewed by the SGC quarterly, at each meeting.

6a. Concerns Received

	Q1	Q2	Q3	Q4	Total
Total number of concerns received	4	1	1	7	13
Number of potential whistleblowing concerns	0	1	0	1	2
No. classed as whistleblowing	0	1	0	1	2
No. reviewed at Stage 1 (5 days)	0	1	0	0	1
No. reviewed at Stage 2 (20 days)	0	0	0	1	1
No. classed as anonymous/unnamed	0	1	0	0	1
Number not classed as Whistleblowing	4	0	1	6	11

The remainder of this report is based on those concerns related to whistleblowing and referred to the whistleblowing service via the Confidential Contacts or raised with the whistleblowing service directly by the individual raising the concern.



6b. Whistleblowing Internal/External/Contracted Services Cases

	Q1	Q2	Q3	Q4	Total
No. of concerns – Internal	0	0	0	1	1
No. of concerns – External	0	0	0	0	0
No. of concerns – Contracted Services	0	1	0	0	1

Internal refers to NHS National Services Scotland (NSS) staff in NSS Services, and external refers to non-NSS staff in NSS services (e.g. volunteers/students, etc).

6c. Whistleblowing Concerns Closed

	Q1	Q2	Q3	Q4
No. and % closed at Stage 1	0(0%)	1(100%)	0(0%)	0(0%)
No. and % closed at Stage 2	0(0%)	0(0%)	0(0%)	1(100%)

6d. Status of outcome of Investigation

	Q1	Q2	Q3	Q4	Total
Stage 1					
Upheld	0	0	0	0	0
Partially Upheld	0	0	0	0	0
Not Upheld	0	1	0	0	1
Stage 2					
Upheld	0	0	0	0	0
Partially Upheld	0	0	0	0	0
Not Upheld	0	0	0	1	1
TOTAL	0	1	0	1	2



6e. Response timescales

	Q1	Q2	Q3	Q4
Stage 1 (5 days)				
Average time in working days for responses	0	5	0	0
No. of cases closed at Stage 1 within timescale (%)	0 (0%)	1 (100%)	0 (0%)	0 (0%)
No. of Stage 1 cases extended	0	0	0	0
Stage 2 (20 days)				
Average time in working days for responses	0	0	0	51*
No. of cases closed at Stage 2 within timescale (%)	0(0%)	0(0%)	0(0%)	0(0%)
No. of Stage 2 Cases extended (%)	0(0%)	0(0%)	0(0%)	1* (100%)

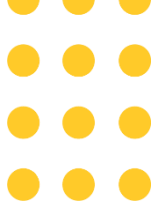
* The timescale for the Q4 case required to be extended to enable a full and thorough investigation to be carried out as the Investigating Manager was required to meet with additional witnesses. The Whistleblower was kept informed throughout and confirmed they were satisfied with the timescales.

6f. Cases under consideration by INWO

	Q1	Q2	Q3	Q4	Total
Internally raised Cases	0	0	0	0	0
Externally raised Cases	0	0	0	0	0
Contracted Services raised Cases	0	0	0	0	0

6g. INWO Referred Case at

	Q1	Q2	Q3	Q4	Total
Stage 1	0	0	0	0	0
Stage 2	0	0	0	0	0



7. Key Themes Arising from Whistleblowing Concerns Raised

As detailed above, only a small number of concerns have been received over this period and individual learning on each case was shared with the relevant individuals and teams within NSS.

Wider system learning and key process learning points were identified in relation to NSS project management processes and document recording and storage. These wider areas for improvement identified were not considered to have impacted on the outcome of the concerns investigated but may have resulted in a shorter investigation process.

8. Learning, Changes or Improvements

We seek to continually improve processes and the support provided to individuals raising concerns and those involved as witnesses.

In line with reporting requirements, quarterly reports, including lessons learned, are provided to the NSS SGC, on behalf of the NSS Board, as well as direct to the INWO. Internal Standing Operating Procedures (SOPs) and processes based on learning from investigations undertaken are reviewed annually.

In response to the INWO report recommendations, detailed under section 5, and findings from both whistleblowing concerns investigated in 2022-23, in the past year, we have:

- Reviewed and refined the roles and responsibilities of those directly involved in whistleblowing to ensure that we mirrored the structure and roles outlined in the Standards and guidance issued by INWO. This included the separation of the Executive Lead responsibilities and clear processes for raising concerns, including those relating to Board Members. We have now established a Whistleblowing Ambassador role who has direct contact with staff and leadership of the confidential contact service, ensuring all staff have access to the support services available to them when they raise concerns. The role of the Investigation Manager was also clarified.



8a. Experience of those involved:

We have:

- Improved the experience of witnesses involved in the whistleblowing process, this included creating a whistleblowing witness briefing document and amending template letters to provide more assurance around confidentiality.
- Provided a named support person for witnesses.
- Created of an Investigating Manager briefing pack.
- Adopted INWO best practice detailed in their newsletters and on their website to update our guidance and processes.

We aim to continuously improve the way we do things. Areas of improvement work following the second year of learning include:

- Reviewing communication methods with whistleblowers to ensure that issues are identified from the outset.
- Identifying and actioning, as early as possible, any new elements of concern that emerge during an investigation.
- Considering how outcomes of investigations are communicated (thus providing assurance that concerns have been taken seriously).

9. Staff Perceptions, Awareness and Training

We actively encourage staff to undertake the NHS Education for Scotland (NES) developed whistleblowing training in TURAS which provides learning on both the Standards and the role of INWO.

The Whistleblowing training figures, provided by Human Resources, as of 31st March 2023 were:

Whistleblowing	TURAS Headcount	Complete	Compliance %
Employee/ Managers	3,256	1,529	48%
Managers	756	513	68%

There was a change in how the training figures were calculated during the 2022-23 reporting period resulting in a drop in the overall compliance % (when comparing training figures provided in 2021-22). Staff turnover in 2022-23 has also impacted compliance figures.



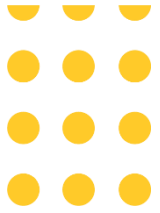
In April 2023, INWO launched a range of new resources to support training and development of staff. We played a key role in the development of a guide to whistleblowing for anyone delivering NHS Services. These resources were co-produced with involvement from INWO (the Improvement, Standards and Engagement team), NHS Highland, NHS Greater Glasgow and Clyde, NHS Education for Scotland, Public Health Scotland and NSS. These resources will be promoted in NSS over 2023-24.

10. Working with Contractors

We identified current in scope service contracts and communicated whistleblowing requirements to all contracted suppliers to ensure compliance with the policy requirements. We undertake this work for NSS contracted services and for national contracts on behalf of NHS Scotland.

We collate reports of any concerns reported by the contractors and on an annual basis send all in scope suppliers of contracted services an electronic form, requiring detail of any whistleblowing concerns raised during the financial year, or confirmation of a nil response.

For the 2022-23 reporting year, there was one whistleblowing concern raised by the identified NSS in-scope suppliers, as detailed above.



11. Communications

A Speak Up Communications strategy has been created to promote and encourage speaking up in the workplace. The aim of this strategy is to:

- To promote and encourage speaking up in the workplace;
- To highlight the difference speaking up can make;
- To provide a way for individuals to have their voices heard;
- To highlight the different routes available to staff to speak up and how to access them (depending on the nature of the concern).

Throughout 2022-23 there were regular staff messaging (via all staff emails and Stay Connected Staff Newsletter) including:

- To remind staff about the Standards and where to find them
- To remind staff about our eLearning programme and how to access it
- The promotion of the recruitment of Confidential Contacts and updates of the service.
- Independent National Whistleblowing Officer (INWO) monthly updates shared with all staff with option to sign up
- Activities around Speak Up Week 2022 (Twitter and LinkedIn activities).
- geNSS homepage updated with direct links to HR Connect pages on Whistleblowing and Confidential Contacts – [geNSS \(scot.nhs.uk\)](https://www.geNSS.scot.nhs.uk)

Further examples of communication activity include:

- A Stay Connected article published during Speak Up week highlighting the benefits of speaking up and the difference it can make. The article included an interview with the Chief Executive, Whistleblowing Executive Lead and Whistleblowing Champion. Links to the National Whistleblowing Standards Training, the Whistleblowing Annual Report and the INWO website were also included.
- The WBC has attended all directorate 'Townhalls'. Townhalls are live events held across the organisation and allow Directors to reach out to their local teams. These have been interactive sessions enabling Speak Up issues to be "brought to life" and has raised the profile of the learning that has taken place and improvements in action.



12. Confidential Contacts

With the introduction of the Once for Scotland policies in March 2020 and the Whistleblowing Standards in April 2021, all health boards across Scotland were to implement a Confidential Contact Service or similar service to the workplace for all employees to have access to. Following agreement by the NSS Workforce Policy Terms and Conditions (WPTC) Group and NSS Partnership Forum in March 2021, this service was developed and implemented within the Human Resources (HR) function.

During 2022-23, the Confidential Contact Service transferred from HR to Corporate Governance to allow separation between HR policies and speaking up. This move was well received by those involved.

Our Confidential Contacts listen, support and signpost options under the relevant policies to staff who wish to raise concerns. They undertake this role on a voluntary basis, in addition to their substantive role.

The confidential contacts received training on the role of the confidential contact, HR policies, whistleblowing and listening skills. Confidential contacts utilise an electronic recording form to enable anonymous recording of contacts being made.



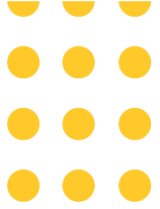
The Chief Executive; Executive Lead for Whistleblowing and WBC meet with the Confidential Contacts, at least twice per annum, to discuss the support they are providing to staff. This has been especially valuable as it has further enhanced a deeper understanding of the experiences of the Confidential Contacts.

A recruitment process was held in March 2023 and following significant interest from staff across NSS, four new Confidential Contacts have been appointed.

Feedback from confidential contacts included:

“I wanted to be a CC as it is important for staff to have a safe place to speak freely. I have found the experience interesting and informative so far.”

We are capturing the themes from comments raised by Confidential Contacts.



13. Our services

We are a national NHS Board operating right at the heart of NHS Scotland. Through our services we provide invaluable support and advice through our Directorates and Corporate functions. A role that is also extended to the wider public sector. Our services include:

Digital and security

Our expertise in digital services includes end-to-end business solutions, technology and data for clinical settings, and digital security options. Our innovative and person-centred scalable technology is delivered through local and national digital solutions, providing clinical informatics, cyber security and information governance.

Primary Care Support

We support general practitioners, dentists, opticians, community pharmacies and dispensing contractors to deliver primary care across Scotland. This includes managing contractor payments, maintaining an up-to-date patient registration database, medical record transfers and clinical governance for dental services.

Specialist healthcare Commissioning

We commission a range of specialist and rare condition treatments supporting NHS Scotland to ensure equitable and affordable access to these services when needed. We also co-ordinate a range of screening programmes.

Legal

We provide specialist legal advice and assistance in every area of law relevant to the public sector. With many years of experience, we advise clients on all aspects of the law, and with close links to the Scottish Government, we also counsel on wider policy issues.

Programme management services

We act as a national delivery provider and work with our partners to offer total solutions in portfolio, programme, project management and transformation services. By equipping our clients with the right people and approaches we can support the delivery of complex and challenging change programmes.

National procurement

We provide a single procurement service across NHS Scotland. We work collaboratively to provide best quality, fit for purpose and best value commercial solutions – weighing up cost and added value. Our expert logistics services include distribution, supply chain and warehouse operations, fleet management and ward product management.



Fraud prevention

We work in partnership with NHS Scotland and across the Scottish public sector to provide a comprehensive service to reduce the risk of fraud and corruption. We are responsible for checking patient exemptions in respect of NHS Scotland patient charges and collecting payments for incorrectly claimed exemptions.

Blood, tissues, and cells

The Scottish National Blood Transfusion Service provides blood, tissues, and cells to NHS Scotland, ensuring they are available, 24 hours a day, every day of the year throughout Scotland. We also provide specialist treatment and therapeutic solutions, and specialist testing and diagnostic services appropriate for all Scottish patient needs.

Corporate services

We provide corporate shared services to other health boards. Our offer brings together five vital services: HR, Digital and Security, Facilities, Procurement and Finance.

The Board Services team provides essential support for the effective functioning of NHS Scotland Committees and the NSS Board and Committees. They work closely with the Corporate Governance Directorate to uphold high corporate governance standards.

NHS Scotland Assure

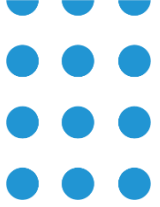
We work with health boards and partners to support a 'Once for Scotland' approach ensuring healthcare buildings are safe and ensure patient safety. The service unites professionals from different backgrounds, such as infection, prevention and control, construction, capital planning, facilities and catering, decontamination, and sustainability, to reduce risk and improve quality in Scotland's buildings and estates.

Antimicrobial Resistance and Healthcare Associated Infection (ARHAI) Scotland

ARHAI Scotland is responsible for coordinating national surveillance, reporting of healthcare associated infections and monitoring antimicrobial resistance and prescribing. As part of NHS Scotland Assure, we also provide evidence-based guidance and expert advice on infection prevention and control to reduce healthcare-associated infection (HAI).

Health Facilities

As part of NHS Scotland Assure, Health Facilities Scotland provides a range of specialist and technical services supporting NHS Scotland's built environment. This includes advice on capital projects, engineering advice, equipment provision and facilities management.



APPENDIX – KPI Checklist

As per INWO Guidance

KPI	Requirement	See Section
1.	A statement outlining learning, changes or improvements to services or procedures as a result of consideration of whistleblowing concerns.	Section 8, Page 9
2.	A statement to report the experiences of all those involved in the whistleblowing procedure (where this can be provided without compromising confidentiality).	Section 8a, Page 10
3.	A statement to report on levels of staff perceptions, awareness and training.	Section 9, Page 10
4.	The total number of concerns received	Section 6a, Page 6
5.	Concerns closed at stage 1 and stage 2 of the whistleblowing procedure as a percentage of all concerns closed.	Section 6c, Page 7
6.	Concerns upheld, partially upheld, and not upheld at each stage of the whistleblowing procedure as a percentage of all concerns closed in full at each stage.	Section 6d, Page 7
7.	The average time in working days for a full response to concerns at each stage of the whistleblowing procedure.	Section 6e, Page 8
8.	The number and percentage of concerns at each stage which were closed in full within the set timescales of 5 and 20 working days.	Section 6e, Page 8
9.	The number of concerns at Stage 1 where an extension was authorised as a percentage of all concerns at Stage 1.	Section 6e, Page 8
10.	The number of concerns at stage 2 where an extension was authorised as a percentage of all concerns at Stage 2.	Section 6e, Page 8

This annual report will be published on the NSS website.

For alternative formats please contact NSS.EqualityDiversity@nhs.scot