



Whistleblowing Annual Report



April 2023 to March 2024

Contents

| | |
|--|----|
| 1. Introduction | 3 |
| 2. Background | 3 |
| 3. Whistleblowing 2023-24 – At a Glance | 4 |
| 4. Concerns Received | 5 |
| 5. Referrals to 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 | 8 |
| 6e. Response timescales..... | 8 |
| 6f. Cases under consideration by INWO | 9 |
| 6g. INWO Referred Case..... | 9 |
| 7. Key Themes Arising from Whistleblowing Concerns Raised | 9 |
| 8. Learning, Changes or Improvements | 9 |
| 9. Staff Perceptions, Awareness and Training | 11 |
| 9a. Whistleblowing Training Figures..... | 11 |
| 10. Working with Contractors | 11 |
| 11. Communications | 12 |
| 12. Confidential Contacts | 13 |
| 13. Our services | 14 |
| APPENDIX – KPI Checklist | 16 |

1. Introduction

This is our third 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. The report will demonstrate our performance against the national key indicators as required by the INWO.

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 2023 and 31 March 2024.

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, whistleblowing is a key part of a transparent, accountable and safe work culture and we encourage concerns to be dealt with at the earliest opportunity and, where possible, in real time within the management structures that our staff work in. Alternate routes for raising concerns include with more senior managers, trade unions and other staff.

In support of providing alternate routes to raise concerns we have in place Confidential Contacts who provide an additional source of support for colleagues to talk about any workplace concerns or issues. We also have 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 2023-24 – At a Glance



One whistleblowing concern received and investigated at Stage 2. Concern was partially upheld

4. Concerns Received

Since 1 April 2023, our Whistleblowing Helpline and Confidential Contact service have been contacted on five occasions, only one of these concerns was raised under the auspices of whistleblowing. This case was assessed as meeting the definition of whistleblowing and was investigated as a Stage 2 concern. The remaining four received through our Confidential Contact Service were related to HR or complaints processes.

The whistleblowing concern was investigated as Stage 2 from the outset due to its complexity and based on information received as part of the investigation; the concern was partially upheld.

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. No such concerns were received.

Over the relevant reporting period in the year to 31 March 2024, one whistleblowing concern was investigated; this compares to two in the 2022-23 year and four in the 2021-22 year. This is comparable with the whistleblowing activity in other National Boards across Scotland (Source National Boards 2022-23 Annual Reports).

Feedback from our Confidential Contact service and our analysis of the range of concerns raised in the organisation, continues to indicate that our staff feel able to speak up in using the Confidential Contact service.

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 and those which were investigated as whistleblowing concerns are given in **section 6**.

5. Referrals to INWO

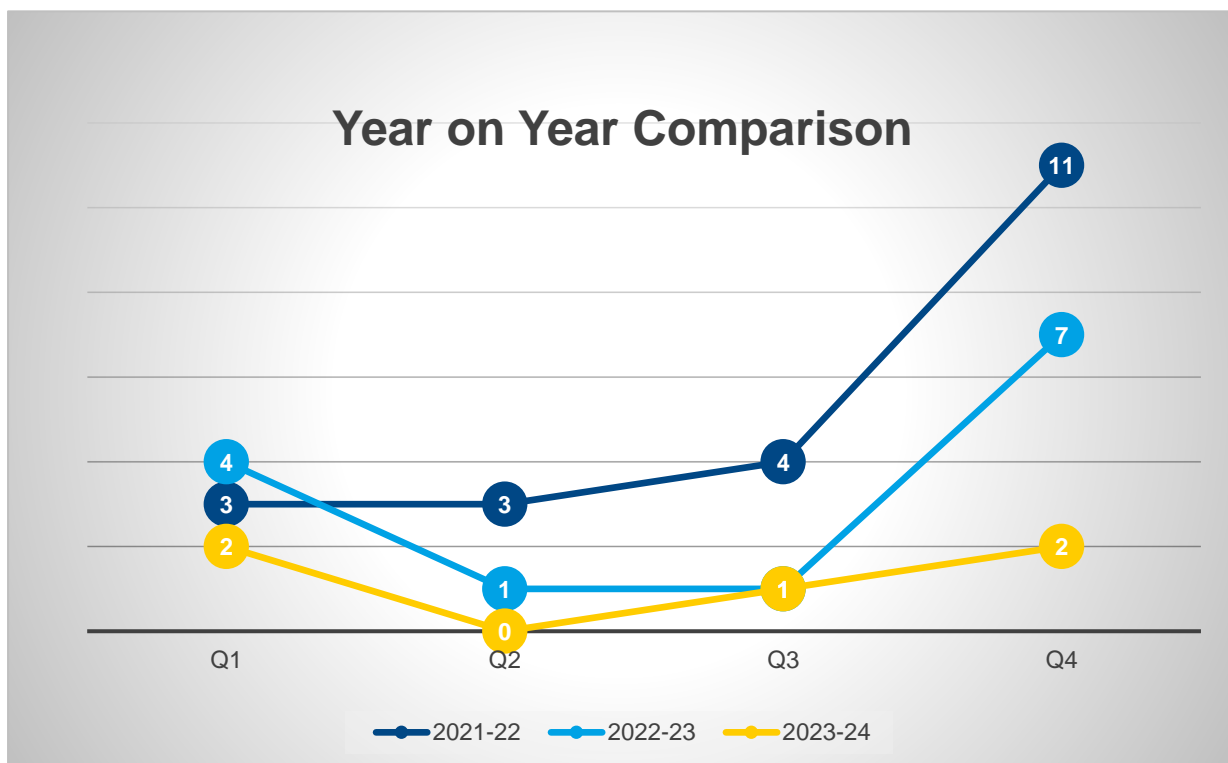
In February 2024, NSS received notification from INWO that they had received a complaint in respect of the case investigated by NSS during Quarter 1. The Whistleblowing Team has provided all evidence in line with requested timescales and INWO is currently undertaking a detailed investigation. An outcome is expected by Summer 2024.

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 | 2 | 0 | 1 | 2 | 5 |
| Number of whistleblowing concerns | 1 | 0 | 0 | 0 | 1 |
| No. reviewed at Stage 1 (5 days) | 0 | 0 | 0 | 0 | 0 |
| No. reviewed at Stage 2 (20 days) | 1 | 0 | 0 | 0 | 1 |
| No. classed as anonymous/unnamed | 0 | 0 | 0 | 0 | 0 |
| Number not classed as Whistleblowing | 1 | 0 | 1 | 2 | 4 |

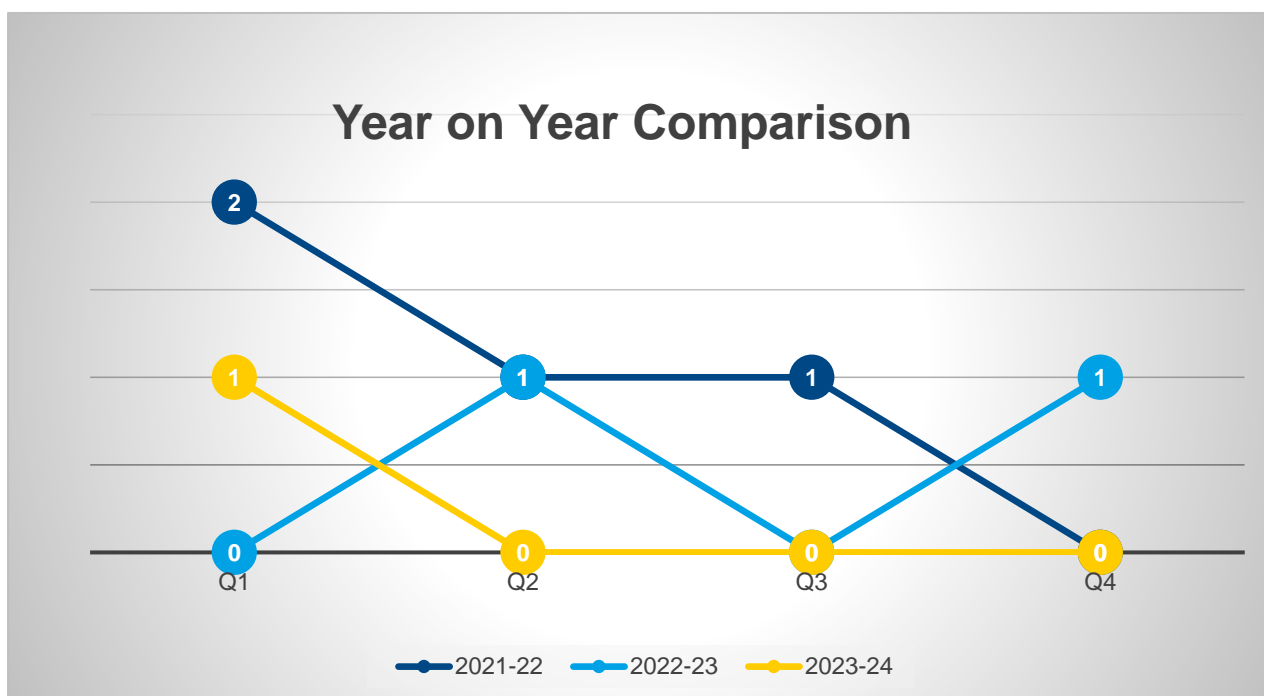


The remainder of this report is based on the concern relating to whistleblowing and referred to the whistleblowing service via the Confidential Contacts or raised with the whistleblowing service directly by the individual raising the concern.

6b. Whistleblowing Internal/External/Contracted Services Cases

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

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%) | 0(0%) | 0(0%) | 0(0%) |
| No. and % closed at Stage 2 | 1(100%)* | 0(0%) | 0(0%) | 0(0%) |

*The case raised in Q1 was partially upheld and this investigation was concluded and reported in Q2.

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 | 0 | 0 | 0 | 0 |
| Stage 2 | | | | | |
| Upheld | 0 | 0 | 0 | 0 | 0 |
| Partially Upheld | 1* | 0 | 0 | 0 | 1 |
| Not Upheld | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 1* | 0 | 0 | 0 | 1 |

*The case raised in Q1 was partially upheld and this investigation was concluded and reported in Q2.

6e. Response timescales

| | Q1 | Q2 | Q3 | Q4 |
|---|----------|-------|-------|-------|
| Stage 1 (5 days) | 0 | 0 | 0 | 0 |
| Average time in working days for responses | 0 | 0 | 0 | 0 |
| No. of cases closed at Stage 1 within timescale (%) | 0(0%) | 0(0%) | 0(0%) | 0(0%) |
| No. of Stage 1 cases extended | 0 | 0 | 0 | 0 |
| Stage 2 (20 days) | 1 | 0 | 0 | 0 |
| Average time in working days for responses | 55* | 0 | 0 | 0 |
| No. of cases closed at Stage 2 within timescale (%) | 0(0%) | 0(0%) | 0(0%) | 0(0%) |
| No. of Stage 2 Cases extended (%) | 1(100%)* | 0(0%) | 0(0%) | 0(0%) |

*The timescale for the Q1 case required to be extended to enable a full and thorough investigation to be carried out. The case was concluded and reported in Q2. The whistleblower was kept informed throughout.

6f. Cases under consideration by INWO

| | Q1 | Q2 | Q3 | Q4 | Total |
|----------------------------------|----|----|----|----|-------|
| Internally raised Cases | 0 | 0 | 0 | 1 | 1 |
| Externally raised Cases | 0 | 0 | 0 | 0 | 0 |
| Contracted Services raised Cases | 0 | 0 | 0 | 0 | 0 |

6g. INWO Referred Case

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

7. Key Themes Arising from Whistleblowing Concerns Raised

Due to the nature of the one concern raised there is an increased risk of deductive disclosure for both the whistleblower and any witnesses involved in this case. As a result, and in line with guidance provided by the Independent National Whistleblowing Officer (INWO), specific comments have not been included in this report.

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 respect of the stage 2 whistleblowing case, improvements were detailed in an action plan, relating to the partially upheld element of the concern, and delivered on in relation to the service area the concern was raised in.

In line with reporting requirements, quarterly reports, including lessons learned, are provided to the NSS Staff Governance Committee, 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 after each case as part of the debrief process on what went well and what could be improved.

In response to the INWO report recommendations published on NHS Scotland wider learning in the last year, we have continued to review and refine our Standing Operating Procedures and the roles and responsibilities of those directly involved in whistleblowing to ensure best practice. This has included:

- Ongoing learning following feedback from INWO in respect of the case they reviewed previously;
- reflecting on information provided in Quarterly reporting to our Staff Governance Committee. To ensure there was no risk of deductive disclosure of either a whistleblower or witnesses, we took the decision to no longer include details of actions arising from concerns;
- adapting our processes to ensure that for all future cases, we inform the whistleblower when all findings from an investigation have been concluded.

A review of the Equalities Impact Assessment and Data Protection Impact Assessments for whistleblowing has been undertaken.

9. Staff Perceptions, Awareness and Training

We actively encourage staff to undertake the NHS Education for Scotland (NES) developed whistleblowing training, for all employees and senior managers, 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 2024 were:

9a. Whistleblowing Training Figures

| Whistleblowing | TURAS Headcount | Complete | Compliance % |
|----------------|-----------------|----------|--------------|
| Employees | 3,334 | 2,559 | 76% |
| Managers | 769 | 480 | 62% |

In 2024-25 the NSS whistleblowing team will work with Directorates to further promote the uptake of this training.

10. Working with Contractors

We work with current in scope 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 2023-24 reporting year, there were no whistleblowing concerns raised by the identified NSS in-scope suppliers, as detailed above.

11. Communications

A Speak Up Communications strategy is delivered on annually in NSS. 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 2023-24 there was proactive staff messaging (via all staff emails and Stay Connected Staff Newsletter) including:

- Whistleblowing Champion attendance at Directorate Townhall sessions to talk about Speaking Up
- Publicising the Standards and where to find them
- Reminding staff about our eLearning programme and how to access
- The promotion of Confidential Contacts and updates of the service.
- Independent National Whistleblowing Officer (INWO) monthly updates shared with option to sign up
- Activities around Speak Up Week 2023 (X 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)

Activities are already planned for 2024-25 including:

- Promotion of Mandatory training at Directorate Management Team meetings
- Planning for Speak Up Week – 30 September – 4 October 2024
- Refresh of Whistleblowing and Confidential Contacts information on Staff Intranet
- Further promotion of the confidential contact service
- A Staff Governance/Board Seminar on whistleblowing with links to a compassionate culture

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.

Our four 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 in NSS.

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

The Chief Executive; Executive Lead for Whistleblowing and WBC met with the Confidential Contacts, in May and September 2023, to discuss the support and service they provide to staff. This has been especially valuable as it has further enhanced a deeper understanding of the experiences of the Confidential Contacts as well as considering the key topic themes emerging from the service. This has enabled the organisation to consider requirements for annual planning related to this service and wider NSS needs.

Feedback related to the confidential contacts this year 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.”

“Being part of the Confidential Contact service brings me pride and joy. I love to provide a safe space to those who need it as well as to offer different avenues to resolve their issues.”

“I believe it is a very important service for all staff to have a safe space to speak to someone when they are in need. This service to me is worth its weight in gold, the people I have spoken to have told me it has given them comfort to have a safe space to speak and given help and signposting to other useful tools to take anything forward. I find this role very rewarding and take great pride in the service and all it does for all NSS staff.”

13. Our services

We provide services and advice to the NHS and wider public sector in Scotland. Since its inception, NSS has provided a wide range of national services that ensure health boards and other health, and care partners can deliver their services with confidence.

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.

National Contact Centre

We provide call centre services to the people of Scotland. This includes appointment booking and rescheduling and providing advice, support and guidance to support access to health and care services.

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 services to other health boards in vital areas such as finance, HR, digital, facilities, procurement, and business support. This includes managing payroll for eight NHSScotland boards and delivering a full corporate shared services solution for Public Health Scotland.

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 deliver a coordinated approach to the improvement of risk management and quality in the healthcare environment across NHSScotland. We encompass services provided by Antimicrobial Resistance and Healthcare Associated Infection (ARHAI) Scotland and Health Facilities Scotland. Our goal is to promote excellence, protect patients from the risk of infection and support better health outcomes for all.

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).

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 8, Page 9 |
| 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 7 |
| 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 7 |
| 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 7 |
| 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 7 |

This annual report will be published on the NSS website.

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