



**A guide for staff and those who
deliver health services
in NHS Forth Valley**

Raising Whistleblowing Concerns

Updated process for helping those who deliver services for NHS Forth Valley to raise concerns

From 1 April 2021 there is a new process for raising concerns about patient safety or other issues. The changes mean that there is a new focus on:

- Helping staff and those delivering health services raise concerns as early as possible, and
- Supporting and protecting staff when they raise concerns.

A three stage process has been developed by the Independent National Whistleblowing Officer (INWO). The process for raising concerns is set out in the National Whistleblowing Standards (the Standards). The first two stages of the process are for NHS Forth Valley to deliver, and the INWO acts as a final, independent review stage. The process aims to give staff support and protection to feel confident in raising concerns if they see something wrong.

Why we want to hear your concerns

Everyone benefits if concerns can be raised early and dealt with promptly and professionally. The new process under the standards is a formal process. But we want to encourage staff to raise concerns before they get to the formal stage, and for managers to listen and learn from staff's concerns.

How to raise a concern

In many cases, concerns can be resolved through informal conversations with colleagues and managers, and through ordinary or 'business as usual' or any other HR policies and processes (such as incident reporting systems or raising an issue in a shift handover meeting).

Where raising a concern informally is not an option - e.g. where confidentiality is an issue or the issue is complex - you can raise a concern in writing, by email, phone or in a face-to-face meeting with a line manager, HR manager, staff-side representatives and Occupational Health Advisers. They will talk to you about the standards if your concern is about Whistleblowing, and any other business as usual and HR processes relevant to your concern.

If your concerns have still not been resolved or you wish to raise a concern directly using the Whistleblowing standards you can do so by contacting a confidential contact on 07815478106 or by email fv.confidentialcontact@nhs.scot or additionally raise an incident in Safeguard.

Who is the confidential contact?

Under the standards, NHS Forth Valley must ensure that all staff have access to a 'confidential contact'. Their role is to provide a safe space to discuss your concerns and to give you the information you need. They also have the knowledge and skills to help you to raise your concern with the appropriate manager.

The confidential contacts across Forth Valley have been identified and are in place to support the whistle blowing standards and also provide wider support, guidance and advice to those providing services on behalf of NHS Forth Valley

The details of the confidential contacts are provided below:

Pauline Donnelly	Email: fv.confidentialcontact@nhs.scot
Catherine MacLean	Tel: 07815478106

Using the Standards

Raising a concern under the standards allows you to access appropriate support. There are a few things that will need to be checked before you can use the process. Your manager or confidential contact will need to check:

- ✓ **Your concern fits the definition of Whistleblowing** i.e. is it in the public interest?
- ✓ **If it is being handled through a business as usual process already.** The business as usual process should run its course to avoid duplication.
- ✓ **The outcome you are seeking.** It may be that another process will get you a more appropriate outcome.
- ✓ **If the concern has been raised in time.** It should normally be raised within six months of you becoming aware of the issue of concern.
- ✓ **If you want to use the Standards.** It's your choice. If you choose not to use the Standards the organisation will decide how to investigate.

Please note that you cannot raise an anonymous concern under the Standards, nor can you bring an anonymous complaint to the INWO. However, your identity will be kept confidential under the Standards process.

Confidentiality refers to the requirement not to disclose information about the person raising a concern, unless the law says that it can or must be disclosed. This includes anyone else involved in the process, such as other witnesses.

Anonymity refers to a situation when nobody knows the identity of the member of staff who raised the concerns.

For further information please visit:

[Confidentiality and data protection | INWO \(spso.org.uk\)](https://spso.org.uk)

[Anonymity and unnamed concerns | INWO \(spso.org.uk\)](https://spso.org.uk)

Stage 1 (Early Resolution)

Stage 1 of the process involves little action or no investigation. The response will usually be a straightforward solution to the problem. You should get a response within five working days with an explanation of the outcome, and any action that might be taken in response to the issue you raised. You should also get details of how to raise your concern to stage 2 if you are unhappy with the response.

Stage 1 isn't appropriate for serious concerns or concerns that need detailed investigation.

Stage 2 (Investigation)

Stage 2 concerns are usually about serious risks or complex issues that need investigation. You can ask for your concern to be looked at under stage 2 if you think a full investigation is needed.

Whoever is handling your concern will acknowledge it within three days and respond to you in 20 working days. If the investigation is complex and is taking longer, they may need to extend the timescale.

An independent senior manager will investigate your concern. You will get a written response and details of any action in response to your concern. The response should tell you how you can raise your concern to the INWO if you are unhappy with how it has been handled.

Issues your manager or the confidential contact will discuss with you

At the start of the process, your manager or the confidential contact will ask you:

- **What your concern is about.** They will need to know all the details of your concern and what you think needs to be done. You should also raise any urgent issues that need resolved immediately e.g. issues affecting patient safety.
- **Who else is involved.** Other people who know about the issue and also anyone who has investigated already. Knowing this will help to manage and maintain confidentiality.
- **What you want to achieve.** Identifying what you want to achieve will allow your manager or the confidential contact to suggest other appropriate processes. You may need to use more than one process to achieve your aim.
- **Confidentiality.** Confidentiality is key to the Standards. Your details must not be shared with anyone who does not need to know them. Your manager or the confidential contact must discuss with you how your details will be used and stored.

- **What support you might need.** Raising concerns can feel isolating. You should be given support to raise your concern and for any other needs you have including Occupational Health Services.

Writing down your thoughts on these issues before meeting with your manager or the confidential contact will help you with this process.

Bringing your complaint to the Independent National Whistleblowing Officer (INWO) (External Review)

You can contact the INWO at any time for advice if you are not sure about something.

The INWO will normally only investigate a concern after it has been through both stages of the local process. At this point of the process you should have a stage 2 letter which says that you can bring your concern to the INWO. A concern brought to the INWO is referred to as a 'complaint'. You should bring your complaint to the INWO within 12 months of when you first became aware of the issue.

The INWO can consider complaints about:

- Any actions taken by your organisation in response to your concern
- Whether your organisation followed the process laid out in the standards
- How you were treated during and after you raised a concern
- How the organisation supports a culture of speaking up

The INWO will investigate and come to a decision on your complaint. They can :

- Refer the concern back to the organisation if it has not been fully investigated. If you remain dissatisfied with the organisation's further response, the INWO can investigate the complaint.
- Discontinue an investigation where an appropriate resolution has been agreed between the parties.
- Uphold your complaint. The INWO can make recommendations to ensure that the situation doesn't happen again. They can also recommend redress where people have been personally affected.
- Not uphold your complaint.

If you are unhappy with a decision on your complaint, you will have an opportunity to provide comments and express why you feel the decision is not correct.

More information about [independent review by the INWO](https://inwo.spsos.org.uk) is available at inwo.spsos.org.uk

Contact details:

Independent National Whistleblowing Officer
Bridgeside House
99 McDonald Road
Edinburgh
EH7 4

FREEPHONE 0800 008 6112
inwo.spsos.org.uk/contact-form



Whistleblowing Standards: Stage Overview

Anyone raising a concern can go to the INWO and at any point in this process, and the INWO can provide information and advice to support the process

Stage 1 – Early Resolution 5 working days

What to expect at Stage 1

- On the spot explanation and/or action to resolve the matter quickly, in five working days of less
- Extend timescales with agreement if there are exceptional circumstances
- Handled by member of staff receiving concern or referred to appropriate person for early resolution (within five working days) or progressed to stage 2 (within five working days)

Stage 2 – Investigation 20 working days for definitive response

What to expect at Stage 2

- Respond in 20 working days following thorough investigation of concern(s)
- Extend timescales to achieve quality investigations and outcomes
- Response signed off by senior management and must signpost to the INWO, including timescales

INWO consideration

- Concerns that have completed the process will either have been thoroughly investigated or will have been refused by the organisation at initial assessment; these must be signposted to the INWO
- INWO may assess
 - How the concern was handled by the organisation
 - Whether the organisation's decision about the concern was reasonable
 - How the whistleblower was treated through the process
 - How the organisation supports a culture of speaking up

National Whistleblowing Standards

NHS Forth Valley Whistleblowing Procedure

What is Whistleblowing

Whistleblowing may be defined as someone within an organisation raising concerns about a risk of harm or wrongdoing in the public interest. People providing an NHS service may identify risks of harm or wrongdoing, such as malpractice, patient safety issues or regulatory breaches, and wish to speak up about them.

Overview of the procedure for raising concerns

The procedure for raising concerns aims to provide a quick, simple and streamlined process for making sure concerns are dealt with early and locally by capable, well-trained staff. It also includes actions to make sure people who raise a concern receive any support they may need, so that the process allows people to share information safely.

Accessing the standards

If an individual wants to raise a concern there are several possible routes to do so, as outlined in **Appendix 1**.

The Standards (<https://inwo.spsso.org.uk/download>) are applicable across **all NHS services**. This means that they must be accessible to anyone working to deliver an NHS service, whether directly or indirectly. This includes current (and former) employees, bank and agency workers, contractors (including third sector providers), trainees and students, volunteers, non-executive directors, and anyone working alongside NHS staff, such as those in health and social care partnerships.

Raising Concerns: The Two Stage Procedure

The two stage procedure for raising concerns aims to provide quick, simple and streamlined process for making sure concerns are dealt with early and locally by capable, well trained staff. It also includes actions to make sure people who raise a concern receive any support they may need, so that the process allows people to share information safely.

What happens in each stage of the procedure:

Stage 1 – Early Resolution

Stage 1 of the process involves little or no investigation and a response will usually be a straight forward solution to the problem. It is defined as a matter that can usually be closed using local resolution within a period of 5 working days.

Stage 2 – Investigation

These concerns are usually about serious risks or complex issues that need investigation.

Independent External Review

If the Whistleblower is not satisfied with the response they have received to Stage 2, they can take their concern to the INWO for Independent External Review.

Concerns that have completed the process will either have been thoroughly investigated or will have been refused by the organisation at initial assessment; these must be signposted to the INWO

- INWO may assess
 - How the concern was handled by the organisation
 - Whether the organisation's decision about the concern was reasonable
 - How the whistleblower was treated through the process
 - How the organisation supports a culture of speaking up

Routes to raising concerns

If an individual wants to raise a concern there are a number of ways in which they can do so, as outlined in the flowchart at **Appendix 2**.

In many cases, concerns can be resolved through informal conversations with colleagues and managers, and through ordinary or '**business as usual**' processes. Where raising a concern informally is not an option - e.g. where confidentiality is an issue or the issue is complex – individuals can raise a concern in writing, by phone or in a face-to-face meeting with a line manager, HR manager, staff-side representatives and Occupational Health Advisers.

When an individual raises a concern

There are a number of important factors for a manager to consider when an individual raises a concern including whether the concern can be addressed through business as usual or should be progressed through the Whistleblowing procedure. It is important for managers to:

- Listen carefully to the individual raising the concern
- Respond positively and clearly and provide advice on the type of support available
- Assess the seriousness and risk then seek advice or escalate as appropriate
- Maintain good communication with the individual raising the concern
- Act fairly and never judge anyone for raising a concern
- Seek advice and or support if required

If the manager and individual agree that the matter can be resolved locally, or through another route or procedure which does not involve Whistleblowing then the matter should be dealt with under '**business as usual**'. If the concern is not resolved through business as usual, the WB process can be revisited.

Concerns to be progressed through the Whistleblowing Procedure

If an individual specifically wants to raise their concern under the Whistleblowing process then they should be advised of the '**two stage procedure**'. The manager should assess whether the matter can be resolved locally (Stage 1) with early

resolution and the manager should take forward the matter appropriately. If the matter cannot be resolved at Stage 1 then the process should move to Stage 2 – Investigation. These concerns will include:

- Issues relating to serious, high risk or high profile issues
- Complex issues that require a detailed investigation
- Issues where the individual believes a full investigation is required

If the individual does not feel like their issues have been addressed appropriately in Stage 1 of the process then they can ask for it to be investigated through the Stage 2 immediately after receiving the outcome at Stage 1 or some time later.

Raising a concern at Stage 1 (Early Resolution)

There are a number of ways in which an individual can raise a concern, these include:

Directly to Line Manager	
Confidential Contacts Pauline Donnelly Catherine Maclean	fv.confidentialcontact@nhs.scot 07815478106
Safeguard (Freedom to Speak)	Intranet
Staff Side Representative	

If the individual raises a concern directly to their manager then this should be recorded in Safeguard under the ‘Freedom to Speak’ section of the system as outlined at **Appendix 3**. The Confidential Contact and Whistleblowing Liaison Officer will then be notified of the concern. The Confidential Contact will offer support to the reporter and the Whistleblowing Liaison Officer will offer support to the responsible manager.

It is the manager’s responsibility to review the concern and respond back to the individual within 5 working days. The response should be in writing unless it has been agreed with the individual that this is not required.

If there is a reason why the response to the concern cannot be provided within 5 working days then the manager should advise the individual as to the reason and why the timescale cannot be met, and when the individual can expect to receive a response. This should be no longer than 10 working days from receipt of the concern.

The individual may want to raise their concern directly to the confidential contacts by phone or email as detailed above. If the concern is not appropriate for business as usual or the individual wants to raise their concerns under the Whistleblowing procedure, then the NHS Forth Valley Stage 1 Standard Operating Procedure should be followed – as outlined in **Appendix 4**. The Whistleblowing Liaison Officer is available to support staff responding to concerns with this procedure and the Confidential Contacts are available to support the reporters.

Raising a concern at Stage 2 (Investigation)

If the individual is not satisfied with the response at Stage 1 of the Whistleblowing procedure, or if the agreed action has not been taken then they can take their concern to Stage 2: Investigation.

If an individual wishes to escalate a concern from Stage 1 to Stage 2 then the individual, manager or confidential contact should contact the Whistleblowing Liaison Officer (01324 566415) or (fv.whistleblowing@nhs.scot) who will in turn make the necessary changes to safeguard to allow the concerns to be recorded under Stage 2: Investigation of the process – refer to **Appendix 5**. The Whistleblowing Liaison Officer will progress the concern in line with the policy, including identifying an investigator to take forward the investigation of concerns.

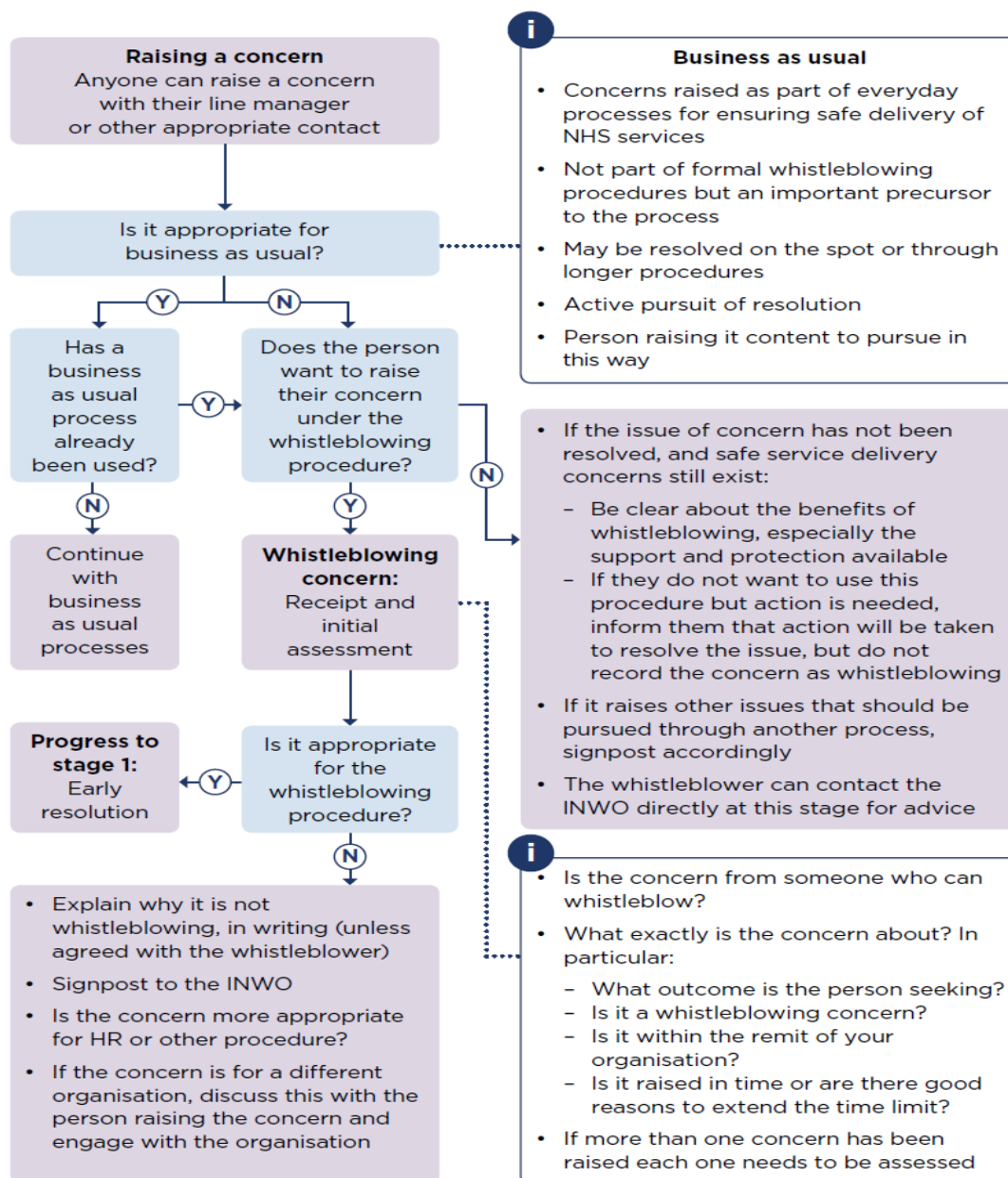
Raising a Concern involving an Executive Director / Chief Officer or Board Member

If a member of staff wishes to raise a Whistleblowing concern at either Stage 1 or 2 which involves Executive Directors/Chief Officers then this should be raised to the Chief Executive or the Chair. If the Whistleblowing concern involves the Chief Executive or a Non Executive Director then this should be raised with the Chair of the Board. If the concern involves the Chair of the Board this will require to be raised with the Scottish Government and Non-Executive Whistleblowing Champions would be able to assist with the process.

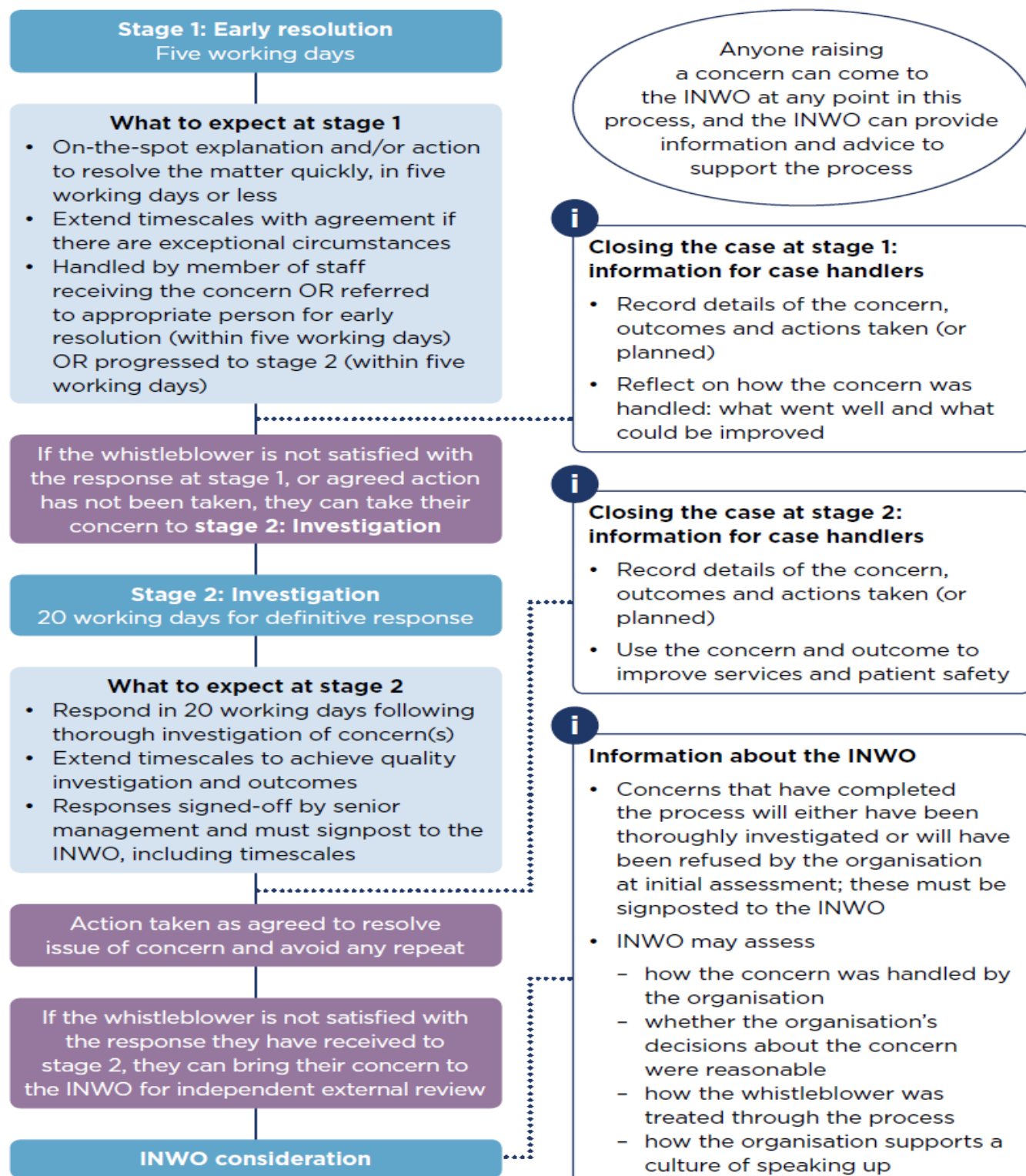
For further information and advice

<https://inwo.spsso.org.uk/national-whistleblowing-standards>

Appendix 1



Appendix 2



Appendix 3

The Freedom to Speak Up report published in 2015 set out the findings of the independent review undertaken by Sir Robert Francis QC. In response to the recommendations and to support NHS employees we have created a formal incident report form to raise concerns and help standardise the way we can support staff who raise concerns.

Details of Person Completing Freedom to Speak Up form

Anonymous

☐

Surname

First Name

Job Title

Work Email Address

Department Search

Clear Location

People Involved In This Event

Person Details 1

☐ Service User

☒ Staff

☐ Member of Public

☐ Organisation Reputation

Clear Details

Staff Name (Surname/First Name)

Surname Firstname

Surname

Forename

Was another Staff Member Involved?

☐ Yes ☐ No

What Happened and When

Date of concern

Description of Concern

Cause Search

Clear Details

Primary Category

FTSU (Freedom To Speak Up)

Primary Sub-Category

Where the Event Happened/Found

Where in the Organisation did this occur?

Department Search

Which Site does the concern relate to?

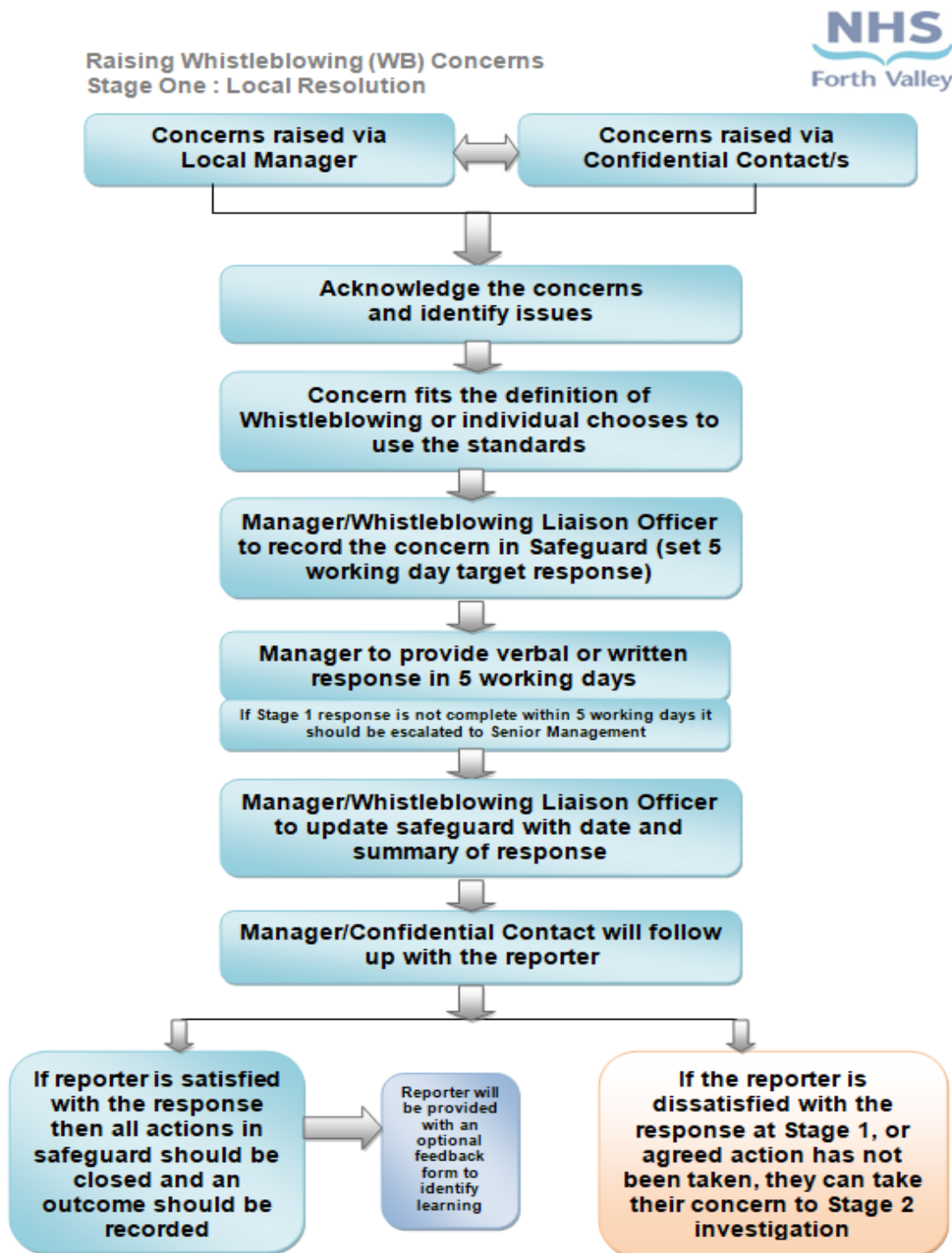
Which department/area does the concern relate to?

Location Details

Clear Details

Appendix 4

Stage 1 (Early Resolution)



Appendix 5

Stage 2 (Investigation)

