

TITLE: NHS Lanarkshire Quarter 3 - 2022/23 Whistleblowing Report

SERVICE: Human Resources

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DATE: January 2023

1. Definition of whistleblowing

Whistleblowing is defined in the Public Services Reform (the Scottish Public Services Ombudsman) (Healthcare Whistleblowing) Order 2020 as:

when a person who delivers services or used to deliver services on behalf of a health service body, family health service provider or independent provider (as defined in section 23 of the Scottish Public Services Ombudsman Act 2002) raises a concern that relates to speaking up, in the public interest, about an NHS service, where an act or omission has created, or may create, a risk of harm or wrong doing.

2. NHS Lanarkshire performance – quarter three

One case was raised between October and December 2022. The concern, which related to services provided by a primary care contractor, was sent directly to the INWO's office at the beginning of December. Due to the complexity of the case, the organisation in question, the involvement of the INWO's office and the holiday period the investigation will not commence until the beginning of February. Further detail will be provided in the Q4 report.

The report at Appendix 1 provides performance information on the following areas which reflect the key performance indicators included in the Standards:

- Whistleblowing concerns raised
- Learning, changes or improvements to service or procedures
- Experience of individual raising concern/s
- Level of staff perceptions, awareness and training
- Whistleblowing themes, trends and patterns

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.

3. List of appendices

- Appendix 1 - Whistleblowing Report for Quarter 3 – October to December 2022.

Appendix 1 - Whistleblowing Report - Quarter 3 October to December 2022

1. Key Performance Indicators

1.1 Cumulative total – Whistleblowing Concerns Raised 2022/23

Quarter	Appropriate for whistleblowing	Stage 1	Stage 2	Outcome	Comments
1	1	0	1	Not upheld	Outcome confirmed to individual concerned.
2	0	n/a	n/a	n/a	
3	1	n/a	1	Not yet complete	Concerns relate to primary care provider
4	n/a	n/a	n/a	n/a	
Total	2	0	2	n/a	n/a

1.2 Whistleblowing Concerns Received – Q3

The table below shows the total number of concerns received in Q3.

Total no of concerns received	Appropriate for WB	Stage 1	Stage 2	Comments
1	1	0	1	Primary care provider. Investigation not yet complete.

1.3 Concerns Closed – Q3

The table below provides the number of concerns closed at Stage 1 and Stage 2 of the procedure as a percentage of all concerns closed.

WB concerns Q3	Nos closed	Nos ongoing	% closed against all received
Stage 1	0	0	n/a
Stage 2	0	1	n/a

NB Stage 1 concerns are expected to achieve an early resolution within 5 days, stage 2 concerns are more complex and will require investigation. These should normally be completed within 20 working days.

3. Learning, Changes or Improvements to Service or Procedures

Details will be provided in the Q4 report.

4. Experience of Individuals Raising Concern/s

Details will be provided in the Q4 report

5. Level of Staff Perception, Awareness and Training - Quarter 3

National Speak Up Week took place between 3rd to 10th October and NHS Lanarkshire's approach focussed on awareness raising about the Standards, promotion of the role of confidential contacts, using the annual report to evidence improvement as a result of whistleblowing and focussed work with managers and leaders. Staff side colleagues played a key role in promoting the week. Examples of how we engaged with the campaign include:

- Articles appearing in the staff briefing and the Pulse, a banner on FirstPort as well as "footers" on emails and MS Teams. One of the articles was based on a concern raised through a confidential contact in 2021 and the confidential contact highlighted her role in receiving and taking forward the complaint. The Chief Executive also referenced Speak Up week in her weekly video to staff.
- In addition to sharing INWO posts the main NHS Lanarkshire Twitter banner was updated to promote the week and a video from the whistleblowing champion was shared on the Wednesday to coincide with the INWO's promotion of the role on that day.
- An email was sent to all in NHS Lanarkshire using content from the Pulse article and speaking up was also promoted at our sites by circulating posters and leaflets. Staff side colleagues discussed at branch and other trade union meetings how best they could raise awareness during the week when they were out in the service discussing the pay ballot.
- The whistleblowing lead and champion attended a leadership development programme and presented on speaking up and the role of the manager/leader. Participants had previously watched a Ted Talk on whistleblowing and read an article from the Harvard Business review.

Since Speak Up Week a further reminder appeared in the briefing in November 2022. The annual report on whistleblowing for 2021/22 has been widely publicised and the network for confidential contacts continues to meet bi-annually.

Training on the Standards is available through TURAS via three modules (overview, line managers and senior managers) and NES provides monitoring information on the uptake of the training. Nineteen modules were completed during Quarter 3 which is actually the same as the number completed during the corresponding quarter in 2021. In total 412 modules have been completed since the introduction of the Standards in April 2021. It is recognised that these numbers remain relatively low despite an

increase during last Spring which was attributable to the low uptake rates being raised directly with CMT members.

5. Reporting from Primary Care, Integrated Joint Boards (IJBs) and other Contracted Services – Quarter 3

NHS boards are responsible for ensuring all primary care, IJBs and other contracted service providers supply the appropriate KPI information to their board as soon as possible after the end of the quarter. In instances where no concerns have been raised within either primary care or other contracted services there is no need to provide a quarterly return to the board. The concern raised during quarter 1 and completed during quarter 2 came from an individual within an independent primary care practice. No concerns from primary care, IJBs or other contracted services were received during Quarter 2. The case raised during Q3 also related to concerns about a primary care provider.

6. Whistleblowing Themes, Trends and Patterns

This section provides information on themes from whistleblowing concerns and will aid identification of any shared causes and progress learning and improvement in a targeted manner.

The categories/classification for whistleblowing concerns are listed in Part 2 of the Standards and are outlined below for information:

- Patient Safety
- Patient Care
- Poor Practice
- Unsafe Working Conditions
- Fraud
- Changing or Falsifying information on performance
- Breach/Breaking any legal obligation
- Abusing authority
- Concealment of any of the above

The complaint raised during Q1 and completed during Q2 concerned allegations of fraud. A team of three managers investigated the complaint and it was not upheld. Further information on the concern raised during Q3 will be provided in the Q4 report.

7. Independent National Whistleblowing Officer Referrals and Investigations

A clear indicator of the satisfaction of those who raise concerns can be derived from the number of concerns that are escalated to the Independent National Whistleblowing Officer (INWO). To date, there have been no referrals to the INWO as a result of concerns raised in NHS Lanarkshire. It has, however, already been noted that a concern was raised directly with the INWO in December 2022 and this concern is currently being investigated.

8. Internal audit report – review of whistleblowing 2022/2023

NHS Lanarkshire’s Internal Audit department carried out a review of the systems in place to ensure compliance with the Whistleblowing Standards which were implemented in April 2021. The review was undertaken in accordance with the 2022/2023 Operational Audit Plan and the final report was issued on 8th November 2022. Based on the examination of the control structure and the procedures in place, the report concluded that the system provides “substantial” assurance that objectives are met and that a “robust framework of controls ensures objectives are likely to be achieved, with controls being applied continuously or with minor lapses”. Work is underway to address the three findings from the review.

9. Summary

This report provides assurance to the Staff Governance Committee that concerns raised through the Whistleblowing Standards are being recorded, investigated and reported in accordance with the requirements outlined in the Standards.

RH/KS/LM
Feb 2023