

INWO decision report

Case: 202207047, Highland NHS Board
Subject: Community Nursing & Support Services /
Workplace Safety



Summary

C worked for one of the board's services in a nursing role. C described identifying issues including in respect of compliance with policies and procedures, lack of training and other support for the role and other issues. C contacted the board's Guardian Service, and subsequently raised a number of concerns with the board. The concerns were investigated under the National Whistleblowing Standards (the Standards) and a report was issued at Stage 2. C was dissatisfied with the board's response and brought a complaint to INWO.

We considered whether the board had appropriately investigated the clinical issues that C identified. We noted that the concerns were with policies and procedures for the service, but also issues surrounding induction, training and support (which had some overlap with HR). We noted that the board had regard to business-as-usual processes involving the service, evidence of engagement with policies and training, and took independent advice from an independent professional adviser. We found that the board had conducted an appropriate and proportionate investigation, taking into account the level of risk involved. Our decision was not to uphold this element of the complaint.

We also considered whether the board followed the appropriate process under the Standards in handling the whistleblowing concerns. We found areas where the board had not fully complied. While confidentiality was treated seriously, there was no clear agreement or understanding around the arrangements evidenced during early discussion. We noted that an update was missed. We noted the difficulty in assessing the qualitative dimension of support, but also some apparent delays in engagement with C particularly early in the process. We also found that there were areas where the board had complied with the Standards, including agreeing Terms of Reference, there was a good level of evidence and investigation (including sourcing independent advice). We upheld this element of the complaint.

In reflecting on this case, we recognised the challenge for organisations and whistleblowers in navigating and separating out whistleblowing and HR issues, and the value in focusing on public interest and risk in guiding investigations.