

INWO decision report

Case: 202205941, Tayside NHS Board
Subject: Hospitals/ Complaint Handling



Summary

C had concerns about systematic underreporting of doctors' hours and workload with the intention to underpay them.

The Board handled C's concerns at stage 2 of the procedure within the National Whistleblowing Standards (the Standards). Following an investigation, the Board informed C that their concerns had not been upheld. C was not satisfied with the response received and sought an independent review from the INWO. We agreed to investigate the Board's handling of C's concern. Due to restrictions on the jurisdiction of the INWO, we did not investigate the merits of C's concerns about pay calculations.

Once we obtained the Board's investigation file, it became clear that the extent to which the Board investigated a key aspect of C's concern was limited. We requested that the Board take further action to investigate the matter. In response, the Board informed us that they would carry out an internal audit, in line with the recommendation they had made following their investigation.

There was a significant delay in the Board completing the audit. Despite the further action carried out by the Board, C remained concerned about the ongoing possibility of wrongdoing.

We reviewed the Board's handling of the concern and identified a number of areas where the Board should improve its compliance with the Standards. We upheld C's complaint and made a number of recommendations to support the Board to improve their handling of concerns.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for not protecting their identity throughout the handling of their concern, not fully addressing their main concern, the delays in the investigation and in the audit, the inconsistent communication during the investigation, and the lack of transparency and detail in the stage 2 response. The apology should meet the standards set out in the SPSO

guidelines on apology available on our website at:
www.spsso.org.uk/information-leaflets.

- Remove C's name and identifiable details from the investigation report. Ensure all copies of the investigation report held on Board systems are replaced with the updated version.

What we said should change to put things right in future:

- Investigation methods and approaches to handling concerns should be thorough and consistent, but proportionate and appropriate to the circumstances of the case.

In relation to complaints handling, we recommended:

- Staff involved in all stages of the procedure for handling concerns should be clear about the requirements of the National Whistleblowing Standards and work in partnership to handle concerns effectively.