



A guide to whistleblowing for anyone delivering NHS services



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1. Introduction

- 1.1 Thank you for reading this guidance to help you through the process of raising a whistleblowing concern.
- 1.2 NHS Scotland is committed to the [National Whistleblowing Standards](#) (the Standards). Please be assured that if you raise a genuine concern under the Standards you will be listened to and supported. We will consider the issues raised and you will receive a response from us.



2. What is whistleblowing and can I raise a concern?

- 2.1 The [definition of whistleblowing](#) is 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.
- 2.2 If you provide services for the NHS, then you can raise a concern. This means that current and former employees, agency workers (and others on short or insecure contracts such as locums and bank staff), contractors (including third-sector service providers), trainees and students, volunteers, and anyone working alongside NHS staff, such as those in health and social care partnerships can raise concerns. The Independent National Whistleblowing Officer (INWO) website has [further information on who can raise a whistleblowing concern](#).



3. Do I have to give my details to raise a concern?

- 3.1 Your workplace should be the kind of environment where people are encouraged to raise concerns early and these are appropriately addressed. However, there may be times when you need to speak to someone in confidence such as your manager or your organisation's Confidential Contact.
- 3.2 Under the Standards the Confidential Contact's role is to provide a safe space to discuss your concerns and to give you the information you need. They will have the knowledge and skills to help you to raise your concern with the appropriate manager.
- 3.3 Confidentiality is key to the Standards. Your manager or the confidential contact should not share your identity with anyone other than the people you have agreed can know it. They should also tell you how your details will be used and stored.
- 3.4 You cannot raise an [anonymous or unnamed](#) concern under the Standards. If a concern is raised anonymously or without a name:
- it will likely limit the scope of any investigation (for example, if you have not given enough information then there is no means by which to contact you to ask for clarification)
 - it will inhibit the organisation's ability to provide feedback and offer support and protection
 - you will be unable to escalate the issue to the INWO if you are dissatisfied with the outcome of a local investigation.
- 3.5 We would strongly encourage you not to raise unnamed or anonymous concerns and assure you that anyone with responsibilities for the whistleblowing process takes your confidentiality very seriously. A range of measures and ways of working will be used to protect your identity.



3.6 If you submit an anonymous or unnamed concern it is up to the organisation to decide how they handle it. They may decide to look into it using the principles of the Standards, but the limitations above would still apply.



4. What can I expect when raising a concern?

4.1 We recognise that being involved in a whistleblowing concern under the Standards can be a worrying and stressful experience. We understand that you are putting your trust in the person you speak to, to put things right or to reduce risk. The person you speak to should repay that trust by protecting your confidentiality throughout the process and ensuring appropriate action is taken if you experience any detriment from speaking up. They must also handle your concern in line with [the Standards](#), and help you overcome any barriers you experience.

4.2 They should:

- thank you for speaking up and listen to you carefully
- take your concern seriously
- discuss what risks you might face, and how these could be handled
- provide assurance that the concern will be handled sensitively, you have done the right thing and your confidentiality will be maintained at all times.

4.3 Information about responsibilities regarding [confidentiality](#) and [the employer's duty of care](#) can be found on the INWO website.

4.4 You should also be offered [support](#), and where support needs are identified, these should be provided wherever possible. This could include:

- access to a Confidential Contact who can provide information and advice on the procedure for raising concerns, as well as support during the process
- counselling or psychological support services for people suffering from stress because they are involved in this procedure
- occupational health services
- in discussion with you, a range of actions to reduce any consequences you are facing (or think you may face) as a result of



raising the concern. These actions may include making changes at work or putting in place temporary arrangements to reduce risk.



5. The stages of the whistleblowing process

5.1 Business as usual

You may already have processes in your work place to deal with risks of harm that are identified, for example raising issues at team huddles or handovers. Usually these processes work quite successfully and the INWO calls these [business as usual processes](#). If you have used a business as usual process and it has not worked, or you simply want your concern to be considered under a more formal process, you can ask for it to be considered under the Standards instead.

5.2 Triaging

When you raise a concern under the Standards, it will be considered in [the strictest of confidence](#) to ascertain if it meets the criteria for whistleblowing (or would be more appropriate for another process) and whether it can be easily resolved or if it should be investigated.

5.3 If the concerns do not meet the criteria for whistleblowing as outlined in [Section 2](#), you will receive a written explanation, and offered signposting to alternative processes that may be more appropriate for the concerns raised. Don't forget, if you are unhappy with this decision, you can ask the INWO to review it.

5.4 If some of the concerns raised meet the criteria for whistleblowing, and others don't, only the issues that meet the criteria will be taken forward via the whistleblowing process. You will be clearly advised of this and signposted to alternative processes for the aspects that cannot be considered as whistleblowing.

5.5 [Stage 1](#) of the Standards allows a concern to be formalised, with an emphasis on quick resolution with minimal or no investigation. Stage 1 concerns will be responded to with an explanation and/or limited action in



five working days. Your manager may be involved in the response and recording the concern.

- 5.6 Stage 1 is not appropriate for a concern requiring detailed investigation nor is it suitable for serious issues (see stage 2 below).
- 5.7 If an extension is required (which for stage 1 should be no more than a further five days), you will be advised of when you can expect a response. For more information, please see the flowchart at [Appendix 1](#).
- 5.8 Key to a satisfactory resolution of any concern is for you and the person receiving your concern to explore the issues in as much detail as possible and what actions need to be taken to put things right.
- 5.9 Understanding the outcome being sought is just as important as understanding the concern being raised in helping to determine how an issue will be handled. This is particularly important where a concern could be handled under different processes.
- 5.10 Communicating the outcome should usually be done in writing unless you have agreed otherwise. The response you receive must:
- respond to all issues raised
 - give the reasons for any decision
 - explain what action is being taken in response to the concern
 - explain how you can take your concern to stage 2 if you do not feel the issue has been resolved or you are not satisfied with the stage 1 outcome.
- 5.11 Any commitments to take action as a result of a stage 1 concern should be appropriately planned and communicated to everyone who needs to know (**whilst maintaining your absolute [confidentiality](#)**).
- 5.12 [Stage 2](#) of the Standards relates to concerns which are likely to be more serious or complex and will need to be investigated before the organisation



can respond. They may also be escalated stage 1 concerns where you have been unhappy with the outcome.

- 5.13 Stage 2 concerns should be acknowledged in writing within **three working days**.
- 5.14 Stage 2 concerns should be responded to within **20 working days** (again this can be extended if the concern is particularly complex).
- 5.15 Any extension of the timeframe must be advised to you, with an update on the progress of the investigation. You must also be advised on when you can expect a response. Some investigations may be complex and require multiple extensions. If this happens it is important that you are kept informed of what is going on.



6. What is involved in a stage 2 whistleblowing investigation?

- 6.1 To establish the facts, and to arrive at a shared understanding of the concerns being raised, an experienced manager will meet with you and ask you a number of questions (e.g. about your concern; the outcomes you are looking for; the support you need). This meeting may be held via Microsoft Teams or in person. If the meeting is in person and you are concerned about the venue, please let your contact know and they will look at alternative arrangements. If you think you may need reasonable adjustments to enable you to access information or premises, please let your contact know.
- 6.2 At the meeting, the investigating manager may be supported by someone to take a note of the meeting. You may be sent a copy of the note following the meeting and asked to confirm that it is an accurate record. Once you have agreed the note of the meeting you will be unable to change it. However, if you wish to clarify something later you will be able to make an additional statement. The investigating manager should be open and willing to have further contact with you, should you need it.
- 6.3 The agreed note of your meeting will inform the final investigation report. Your name and any information that you have provided that could identify you will be redacted to ensure your confidentiality is maintained.



7. What you can expect from an interview during an investigation

7.1 You can be accompanied by an accredited trade union representative, or by a colleague if you would find that beneficial. It is your responsibility to arrange representation, but if you require any advice about how to do this please get in touch with the Confidential Contact or the person arranging the interview. At the interview:

- Do switch off your phone
- Do take as much time as you need to consider your answer to a question - don't worry about silence while you think
- Do ask for clarity if you are unsure what a question means
- Do listen carefully and try and answer questions in full
- Don't guess the answer; if you don't know or can't remember then say so
- Don't rush your answer.



8. What you can expect from your organisation

8.1 NHS Scotland has committed to ensuring that you are treated fairly, with dignity and respect. Your organisation will do this by:

- explaining the process to you
- carrying out an objective process, in a confidential and sensitive way
- giving you updates on the progress of the case every 20 working days
- communicating with you in an appropriate manner; including arranging an interpreter to help, where necessary
- keeping safe the information you give us
- providing support and protection from detriment
- following through on any recommendations and giving you updates
- inviting feedback following the completion of the investigation. Your feedback on how we take forward whistleblowing is invaluable to us to continually learn and improve our service.



9. Conclusion of a stage 2 investigation

9.1 Everyone involved in the investigation and taking forward the findings from it must take the concern seriously. Once the investigation has been completed, the findings must be shared with you in the form of a letter, responding to the stage 2 concern. This letter should set out:

- the investigation's findings
- how these conclusions were reached
- what action has been taken or planned as a result of the concern.

9.2 A final response should:

- be **clear and easy to understand**
- be written in a way that is **non-confrontational** and **focuses on the issue of concern**
- **thank you** for raising the concern
- use **language appropriate to you** and your understanding of the issues
- **address all the issues** raised and show that each element has been fully and fairly investigated
- **include an apology** where things have gone wrong
- **highlight any area where the organisation does not agree with the concerns raised** and explain why no further action can be taken
- **give the name of a member of staff you can speak to** if you don't understand something in the letter
- **explain how you can refer your concerns to the INWO.**



10. Independent National Whistleblowing Officer (INWO)

- 10.1 The INWO will normally investigate a concern only 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 signposts to the INWO and gives contact details.
- 10.2 Further information about the role of INWO can be found [on the INWO website](#).
- 10.3 The INWO Advice Line (Freephone 0800 008 6112) can give advice on your options for raising a concern and general information on support and signposting. Please note that the phone line is open from 9am—1pm on Mondays, Wednesdays and Fridays, and from 12pm—4pm on Tuesdays and Thursdays.
- 10.4 You can also email INWO@spsso.gov.scot.

11. Appendix 1

Accessing the Standards



Raising a concern
Anyone can raise a concern with their line manager or other appropriate contact

Is it appropriate for business as usual?

Y Has a business as usual process already been used?
N Does the person want to raise their concern under the whistleblowing procedure?

N Continue with business as usual processes

Y **Whistleblowing concern:**
Receipt and initial assessment

Progress to stage 1:
Early resolution

Is it appropriate for the whistleblowing procedure?

- Explain why it is not whistleblowing, in writing (unless agreed with the whistleblower)
- Signpost to the INWO
- Is the concern more appropriate for HR or other procedure?
- If the concern is for a different organisation, discuss this with the person raising the concern and engage with the organisation

i **Business as usual**

- Concerns raised as part of everyday processes for ensuring safe delivery of NHS services
- Not part of formal whistleblowing procedures but an important precursor to the process
- May be resolved on the spot or through longer procedures
- Active pursuit of resolution
- Person raising it content to pursue in this way

- If the issue of concern has not been resolved, and safe service delivery concerns still exist:
 - Be clear about the benefits of whistleblowing, especially the support and protection available
 - If they do not want to use this procedure but action is needed, inform them that action will be taken to resolve the issue, but do not record the concern as whistleblowing
- If it raises other issues that should be pursued through another process, signpost accordingly
- The whistleblower can contact the INWO directly at this stage for advice

- i**
- Is the concern from someone who can whistleblow?
 - What exactly is the concern about? In particular:
 - What outcome is the person seeking?
 - Is it a whistleblowing concern?
 - Is it within the remit of your organisation?
 - Is it raised in time or are there good reasons to extend the time limit?
 - If more than one concern has been raised each one needs to be assessed

Stage 1 and 2 overview



Stage 1: Early resolution

Five working days

What to expect at stage 1

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

If the whistleblower is not satisfied with the response at stage 1, or agreed action has not been taken, they can take their concern to **stage 2: Investigation**

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 investigation and outcomes
- Responses signed-off by senior management and must signpost to the INWO, including timescales

Action taken as agreed to resolve issue of concern and avoid any repeat

If the whistleblower is not satisfied with the response they have received to stage 2, they can bring their concern to the INWO for independent external review

INWO consideration

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

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Closing the case at stage 1: information for case handlers

- Record details of the concern, outcomes and actions taken (or planned)
- Reflect on how the concern was handled: what went well and what could be improved

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Closing the case at stage 2: information for case handlers

- Record details of the concern, outcomes and actions taken (or planned)
- Use the concern and outcome to improve services and patient safety

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Information about the INWO

- 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 decisions about the concern were reasonable
 - how the whistleblower was treated through the process
 - how the organisation supports a culture of speaking up