INDEPENDENT
NATIONAL
WHISTLEBLOWING
OFFICER
People Centred | Improvement Focused

Facilitator's Notes

INWO monitored referral case study

for Confidential Contacts

Overview and preparation

This case study is designed to be used as an induction or skills refresh for a group of Confidential Contacts. There is an accompanying PowerPoint presentation for the session and two handouts that can be printed or distributed by email.

This session can be delivered by anyone with knowledge of the whistleblowing process – for example, this could include the Whistleblowing Lead or an experienced Confidential Contact.

You should allow 30 to 60 minutes to work through the case study with the group.

Please read the case study in full before facilitating the session. You will need to be familiar with the progression of the case in order to steer the discussion but it is important that members of the group have not seen the full case study before the session. The full case study can be found at appendix one.

Use the checklist below to ensure you are ready to deliver the session:

- ☐ Do you have the mock up letter handout ready to distribute?
- ☐ Have you read the facilitator's notes in full?
- ☐ Have you familiarised yourself with the case study and the questions?
- ☐ Do you have pens and paper if you are running the session in person?
- ☐ Do you have access to the National Whistleblowing Standards if the group wish to refer to them?
- ☐ Do you have the post-session handout ready to distribute?
- ☐ Do you have any relevant internal signposting information available to share with participants (e.g. details for HR, counselling services, links to policies etc.)?

During the session, the scenario will be delivered in three parts with an opportunity for discussion after each. The discussion will be focused around a set list of questions. This note includes guidance on the answers to the questions but these should be used to guide the discussion, rather than read aloud. This session is designed to be interactive with all participants actively discussing their thoughts on the scenario and the questions posed.

The aims of the case study discussion are for Confidential Contacts to:

- Explore and share their thoughts on the case study
- Think about how to prepare for and respond to contacts
- Consider what internal and external signposting options are available
- Increase their familiarity with the National Whistleblowing Standards

Running the session

The following section will take you through each of the slides of the PowerPoint presentation:

Slide 1: Confidential Contact case study session - intro slide.

Slide 2: you have mail - refer participants to the first handout and ask them to take a few minutes to read the letter from the INWO. This is the background to the letter, which you can read or explain to the group:

You receive a letter from an INWO Complaints Reviewer about a monitored referral. The letter provides the name and contact details of a whistleblower who contacted the INWO to raise a concern about the manipulation of cancer waiting times data. The INWO have advised the whistleblower to raise the concern with the Board first but because the whistleblower has serious misgivings about confidentiality and requires support, the INWO have agreed to refer it on to you directly. The letter asks you to take the following steps:

1. *Contact the whistleblower to outline the initial steps of the Board's whistleblowing procedure;*
2. *Outline who else will need to know their identity in order to progress the concerns;*
3. *Discuss what support arrangements might be needed;*
4. *Confirm that the whistleblower wants to proceed under the procedure within the Standards; and (if so)*
5. *Pass on the concern to the appropriate person in the Board.*

The letter tells you that the INWO have informed the Board's Liaison Officer that a whistleblower has been referred to you and to anticipate a new concern. They have not shared the name of the whistleblower with the Liaison Officer.

Slide 3: discussion part one – a list of questions is included on the slide and should be used to prompt discussion. Some answers to the questions are included below and can be used to guide and inform the discussion. The answers are not intended to be simply read to the group.

1. **How do you respond to the INWO?**
   Confidential Contacts should acknowledge the INWO's email either by phone or a quick email to confirm that they will contact the whistleblower.

2. **How will you prepare for your conversation with the whistleblower?**
   There are a range of simple considerations when thinking about the first meeting with a whistleblower. Encourage the group to think about the different things they might need to consider in advance of a meeting. For example:

   - Will you meet in person, virtually or by phone?
   - Do you need to find out if the whistleblower needs any reasonable adjustments?
   - Do you have a quiet space for the conversation?
   - If you are meeting in person, do you have a box of tissues?

3. **Do you have any questions for the INWO or the Whistleblowing Lead?**
   It is perfectly fine to contact the INWO if you have any questions or don't understand anything in the letter. You can contact the INWO advice line or email the person who sent the letter and ask for a quick chat. You can also contact the Whistleblowing Lead in the Board if you are unsure about anything to do with the internal process and want to make sure you have all the information you need before the meeting.

4. **What questions do you have for the whistleblower?**
   Is there anything that the group think they particularly need to find out from the whistleblower? These questions could help determine what signposting needs to be considered and provides an opportunity to fully understand their concerns and their preferences around confidentiality. It is helpful to use open questions when you are exploring someone's concerns. The group will come up with their own questions but some examples include:

- I understand your concern is about cancer waiting times data. Can you tell me a bit more?

- Can you tell me what's happened so far?

- Are you familiar with the whistleblowing process?

- Can you tell me about your concerns around confidentiality?

5. **Do you know what the Standards say about confidentiality? Can you explain it to the whistleblower?**

   The group can take some time to look at the Standards here if they would like to.

   You can reassure the whistleblower by referring to the National Whistleblowing Standards (part 2, pages 23-24). They outline what is expected:

   > *"Confidentiality must be maintained as far as possible in all aspects of the procedure for raising concerns. Staff need to know that their identity will not be shared with anyone other than the people they have agreed can know it, unless the law says that it can or must be. The name of the person raising the concern must not be routinely or automatically shared at any point, either during the investigation or afterwards. There are, however, times when information about the person raising a concern will become clear to others, or when it will be necessary to share this information in order to put things right or continue with an investigation"*

   And

   > *"To protect the identity of the person raising the concern, managers and clinical leads should look for ways to investigate the concern without making others suspicious."*

   At the start of the process, the Board should discuss confidentiality with the whistleblower.

Slide 4: what happened? – take the group through the next part of the scenario. There is quite a lot to read, so you could read it out while the group take notes on the key information, as this may help with the next part of the discussion. The process of taking notes could be good practice for a call or meeting with a whistleblower, where you can often be presented with a lot of information:

[The facilitator reads the following text aloud:]

You acknowledge the letter from the INWO and let them know that you will contact the whistleblower.

You email the whistleblower and they ask to have a telephone call with them the next day to discuss the concerns and support options. You discuss the concerns in more detail and the whistleblower tells you:

- *they work as a hospital administrator in a team of ten people. There has been a significant staff turnover in the last 12 months*
- *they have recently been off work with stress due to disagreements with their team leader, they are back at work but there are ongoing tensions, which is why they cannot raise concerns with them*
- *a new process for monitoring cancer waiting times was introduced six months ago and a new supervisor was brought in to oversee the scheme*
- *since returning to work, they have become increasingly concerned that data they had been working with had been changed incorrectly. They suspect that the supervisor had been changing the record to ensure the Board meet the national standards*
- *they have concerns about raising the issue and the potential impact on their mental health, given their recent absence. However, having spoken to the INWO they feel it is right to raise the concerns and want to access the Standards. They ask you for support through the process.*

The person is very worried about confidentiality and you reassure them that only those who they agree can know their identity will be made aware of it. You explain that you are not involved in the investigation of the complaint but you can help to raise the concern with the Whistleblowing Lead. You explain that you would like to share the whistleblower's name with the Whistleblowing Lead in order to submit the concern but that their requests for confidentiality will be made very clear.

You discuss who might need to know the identity of the whistleblower and explain that as a starting point, the Whistleblowing Lead (who coordinates the Board's response) and the investigator are likely to need to know. You explain that if anyone else needed to be made aware, this would be discussed with the whistleblower in advance so that they could give consent and raise any concerns if they had them.

Slide 5: what have we learned? – this slide provides a recap of the main learning points from this scenario.

Slide 6: what do we know so far? – this slide outlines the main facts of the case so far.

Slide 7: discussion part two – further questions for discussion are outlined on the slide. As before, the questions and answers below should be used to prompt and guide discussion (rather than read aloud):

1. Do you understand the concerns raised? Do you need them in writing?

It is important that you and the whistleblower have a shared understanding of the concerns they want to raise, so that you can signpost where appropriate and explain where other processes may be suitable (e.g. if it becomes clear that the issues are about an individual employment situation). In this case, where you have been asked to forward on the concerns to the relevant person in the Board, it is especially important that what is sent on is accurate and covers all of the issues raised. You can ask the whistleblower to set out their concerns in writing or you could agree what will be forwarded on during or after your discussion.

2. Do you have any follow-up questions for the whistleblower?

Is there anything else you want to check or clarify with the whistleblower at this point? Is there anything you are unsure about or would like advice on?

3. Do you know how to help them access the Standards?

Do you know who deals with whistleblowing concerns in your Board and how to refer a concern to them? Do you have the contact details of the person who you should contact if a concern is raised with you? If not, it would be helpful to make sure that you have confirmed that before you meet with the whistleblower. In gathering this information, you do not need to disclose the details of the whistleblower or the concern.

4. Do you know what you can offer the whistleblower in terms of ongoing support?

Confidential Contacts can support a whistleblower throughout the investigation process. There are a range of ways that this could be done and it is important to discuss this with the whistleblower as it will depend on what they would find helpful. As a Confidential Contact, you could consider something like regular ‘check in’ meetings, or accompanying the whistleblower to meetings during the investigation. The check-ins could be helpful as sometimes the whistleblowing experience can feel quite isolating and it may be helpful to talk to someone who knows about it.

5. Do you need to signpost the whistleblower to any other resources or processes?

Do you know what support options are already available in your Board? This could include counselling services, occupational health services, chaplaincy, trade unions etc. If you are unsure – ask the Whistleblowing Lead or the HR department. It would be helpful to gather this information so that you are prepared to signpost but you can always follow up with information by email afterwards as well.

6. Do you know who is likely to need to know the identity of the whistleblower?
In the short term, you will need to share the person's identity with whoever you are referring the concerns on to – this is likely to be the Whistleblowing Lead. Once the Board have assessed the concerns, it is for them to speak to the whistleblower about who else may need to know their identity and why. The whistleblower should be given the opportunity to consent to this. The investigating officer is also likely to need to know the whistleblower's identity, so that they can speak to them.

During this conversation, it can be helpful to let the person know this and confirm that the Board must ask before they share the whistleblower's identity with anyone.

Slide 8: what happened? – take the group through the next part of the scenario.

As before, there is quite a lot to read, so you could read it out while the group take notes on the key information, as this may help with the next part of the discussion. The process of taking notes could be good practice for a call or meeting with a whistleblower, where you can often be presented with a lot of information:

[The facilitator reads the following text aloud]

You discuss what support would be helpful for the whistleblower and offer to attend any meetings they might be asked to. You also agree to have check-ins with the whistleblower during the investigation process, to give them an opportunity to talk about how things are going with someone who is aware of the concerns raised. You signpost the whistleblower to details of the counselling services available from the Board, so that they can consider them.

You ask the whistleblower if they are prepared to follow up with an email, outlining the main points of their concern and they are happy to do that. They also give you their consent to share their name with the Whistleblowing Lead in order to access the Standards but ask if they can communicate through you to begin with.

You refer the concern on to the Whistleblowing Lead, explaining that it has come as a monitored referral from the INWO, that the person has only agreed to the Whistleblowing

Lead knowing their identity at this stage and that you will be supporting the whistleblower during any meetings, but they may need additional support if that can be explored. You confirm to the whistleblower that the concern has been submitted and they receive an acknowledgement from the Whistleblowing Lead.

Slide 9: what have we learned? – this slide provides a recap of the main learning points from this scenario.

Slide 10: what has been agreed? – this slide includes the main actions/next steps that have been agreed between the whistleblower and the Confidential Contact.

Slide 11: discussion part three – further questions for discussion are outlined on the slide. This section is an open discussion and opportunity for Confidential Contacts to reflect on what they have learned and what, if anything, they need to do next (e.g. find more information about support options):

- How did it feel to work through this example?
- Would you have done anything differently?
- Did you know that you could offer support during the investigation process?
- Do you feel comfortable with the monitored referral process?
- Are there any takeaway actions for you?

Slide 12: thank you – this slide thanks participants and prompts them to refer to a post-session handout with takeaway points and links to helpful information. The handout is available as a separate document for facilitators to distribute.

Appendix One
INWO monitored referral – full case study

Part one

You receive a letter from an INWO Complaints Reviewer about a monitored referral. The letter provides the name and contact details of a whistleblower who contacted the INWO to raise a concern about the manipulation of cancer waiting times data. The INWO have advised the whistleblower to raise the concern with the Board first but because the whistleblower has serious misgivings about confidentiality and requires support, the INWO have agreed to refer it on to you directly. The letter asks you to take the following steps:

1. Contact the whistleblower to outline the initial steps of the Board's whistleblowing procedure;

2. Discuss the whistleblowing concerns in more detail;

3. Outline who else will need to know their identity in order to progress the concerns;

4. Discuss what support arrangements might be needed;

5. Confirm that the whistleblower wants to proceed under the procedure within the Standards; and (if so)

6. Pass on the concern to the appropriate person in the Board

The letter tells you that the INWO have informed the Board's Liaison Officer that a whistleblower has been referred to you and to anticipate a new concern. They have not shared the name of the whistleblower with the Liaison Officer.

Part two

You acknowledge the letter from the INWO and let them know that you will contact the whistleblower.

You email the whistleblower and they ask to have a telephone call with them the next day to discuss the concerns and support options. You discuss the concerns in more detail and the whistleblower tells you:

- they work as a hospital administrator in a team of ten people. There has been a significant staff turnover in the last 12 months

- they have recently been off work with stress due to disagreements with their team leader, they are back at work but there are ongoing tensions, which is why they cannot raise concerns with them

- a new process for monitoring cancer waiting times was introduced six months ago and a new supervisor was brought in to oversee the scheme

- since returning to work, they have become increasingly concerned that data they had been working with had been changed incorrectly. They suspect that the supervisor had been changing the record to ensure the Board meet the national standards

- they have concerns about raising the issue and the potential impact on their mental health, given their recent absence. However, having spoken to the INWO they feel it is right to raise the concerns and want to access the Standards. They ask you for support through the process.

The person is very worried about confidentiality and you reassure them that only those who they agree can know their identity will be made aware of it. You explain that you are not involved in the investigation of the complaint but you can help to raise the concern with the Whistleblowing Lead. You explain that you would like to share the whistleblower's name with the Whistleblowing Lead in order to submit the concern but that their requests for confidentiality will be made very clear.

You discuss who might need to know the identity of the whistleblower and explain that as a starting point, the Whistleblowing Lead (who coordinates the Board's response) and the investigator are likely to need to know. You explain that if anyone else needed to be made aware, this would be discussed with the whistleblower in advance so that they could give consent and raise any concerns if they had them.

Part three

You discuss what support would be helpful for the whistleblower and offer to attend any meetings they might be asked to. You also agree to have check-ins with the whistleblower during the investigation process, to give them an opportunity to talk about how things are going with someone who is aware of the concerns raised. You signpost the whistleblower to details of the counselling services available from the Board, so that they can consider them.

You ask the whistleblower if they are prepared to follow up with an email, outlining the main points of their concern and they are happy to do that. They also give you their consent to share their name with the Whistleblowing Lead in order to access the Standards but ask if they can communicate through you to begin with.

You refer the concern on to the Whistleblowing Lead, explaining that it has come as a monitored referral from the INWO, that the person has only agreed to the WL knowing their identity at this stage and that you will be supporting the whistleblower during any meetings but they may need additional support if that can be explored. You confirm to the whistleblower that the concern has been submitted and they receive an acknowledgement from the Whistleblowing Lead.