



Whistleblowing principles

Submitted for approval to the Scottish Parliament under section 16A of the Scottish
Public Services Ombudsman Act 2002

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Whistleblowing principles for the NHS

These principles underpin how NHS services **must** approach concerns that are raised by staff, students and volunteers about health services.

An effective procedure for raising concerns (whistleblowing) is:

1. open;
2. focused on improvement;
3. objective, impartial and fair;
4. accessible;
5. supportive to people who raise a concern and all people involved in the procedure;
6. simple and timely; and
7. thorough, proportionate and consistent.

1. Open

- 1.1. Handle concerns **openly and transparently** throughout the process. At the same time, recognise and respect that everyone involved has the right to confidentiality.
- 1.2. Have clear governance arrangements that make sure someone is accountable for putting in place the procedure for raising concerns, and for monitoring and reviewing that procedure.
- 1.3. Following an investigation, make sure that any **lessons learned are shared** locally and more widely across the organisation. This should include telling people what improvements have been made as a result of the investigation.

2. Focused on improvement

- 2.1. Actively encourage staff, students and volunteers to report any concerns about patient safety or malpractice. Encourage them to do this as part of their day-to-day work, even before the start of any formal procedure.
- 2.2. The procedure for raising concerns should reflect and promote excellence in providing services.
- 2.3. Use the outcomes of concerns to identify and demonstrate **learning and improvement** and share best practice, both in providing services and in the procedure itself.

- 2.4. Have systems in place to make sure all reported whistleblowing concerns are investigated quickly and appropriately, and to monitor how they are handled.
- 2.5. Use information from cases where concerns have been raised to:
 - guide the organisation's performance, targets and standards; and
 - identify trends and highlight problems, with the overall purpose of **continuously improving** the way services are provided and concerns are handled.

3. Objective, impartial and fair

- 3.1. Procedures for raising concerns should be objective, based on evidence and driven by the facts and circumstances. They should not be based on assumptions. This should be clearly demonstrated.
- 3.2. Gather relevant facts and confirm these in an **objective, confidential and sensitive** way.
- 3.3. Staff investigating concerns should be **impartial, independent and accountable**. They must not be involved in investigations where they have a conflict of interest, or may be seen to have a conflict of interest.
- 3.4. Procedures for raising concerns should be **fair** to the person raising the concern, people investigating concerns, and anyone else involved in the investigation.

4. Accessible

- 4.1. Communicate the procedures for raising concerns **clearly**. The procedures should be **easy to understand and accessible to everyone**.
- 4.2. Senior staff must welcome concerns and make sure they are handled by people who have the appropriate skills and knowledge to investigate the concern and are authorised to take action.
- 4.3. Make sure the National Whistleblowing Standards and the organisation's procedures for raising concerns are well-publicised.
- 4.4. Procedures for raising concerns should be written in plain, clear language. Avoid jargon and technical terminology as far as possible. If you need to use technical terms, make sure they are explained. Procedures should be **clear to all staff and there should be no doubt about how whistleblowing and whistleblowers are supported**.

5. Supportive to people who raise a concern and all staff involved in the procedure

- 5.1. **Offer support and protection** to all staff, students and volunteers who raise a concern or who are directly involved in a concern, at all stages of the process.
- 5.2. When someone raises a concern, listen to them, support them, treat them with dignity and respect, and be sensitive and professional.
- 5.3. Offer alternative methods to people who may not want to raise concerns with their line manager. This should include access to a confidential and impartial contact.
- 5.4. As far as the law allows, respect the **confidentiality** of any person who raises a concern, unless they agree that you do not have to.
- 5.5. Make staff, students and volunteers aware of all forms of support and guidance that are available to people involved in whistleblowing.
- 5.6. People who raise a concern must not be victimised or suffer detrimental treatment as a result of raising a concern. This includes bullying and harassment, inappropriate use of policies, breaking the terms of their contract, financial loss and reputational or professional damage.

6. Simple and timely

- 6.1. Procedures for raising concerns should keep to the National Whistleblowing Standards.
- 6.2. Timescales should be clearly published and met wherever possible.
- 6.3. Investigations into a reported concern should be thorough. In particularly complex cases this may mean it is not possible to keep to published timescales. If timescales are not met for a good reason, tell the person who raised the concern (and any other relevant person) the reason, and give them a revised timescale for completing the investigation.

7. Thorough, proportionate and consistent

- 7.1. Procedures for raising concerns should provide **good-quality outcomes** through a thorough but proportionate investigation.
- 7.2. There should be detailed, well-publicised quality standards for handling concerns, and these should be supported by a clear explanation of what action will be taken if the standards are not met.

- 7.3. Investigation methods and approaches to handling concerns should be **thorough and consistent, but proportionate and appropriate** to the circumstances of the case.
- 7.4. All concerns should be treated seriously.
- 7.5. Findings and conclusions should be based on analysing evidence and weighing up the facts and circumstances. Decisions should explain your reasons and show clearly how findings and conclusions were used.
- 7.6. The outcomes of investigations should be appropriate to the findings, and should set out what actions will be taken, or have been taken, to put things right or improve practice.