

HEALTH AND SPORT COMMITTEE

CONSULTATION ON THE PROPOSALS FOR NEW INDEPENDENT NATIONAL WHISTLEBLOWING OFFICER ROLE

SUBMISSION FROM HEALTHCARE IMPROVEMENT SCOTLAND

Thank you for the opportunity to comment on the proposals. In this response we have focused on our broader role in support of whistleblowing arrangements in NHSScotland. We will also be responding to the current Scottish Government and SPSO consultations on the role of a new Independent National Whistleblowing Officer, and associated standards, in more detail, covering both our role as a national improvement body and our role as an NHS employer.

It may be helpful in the first instance to provide some background information to the Committee on the current role of Healthcare Improvement Scotland in this area.

Background - Role of Healthcare Improvement Scotland

Healthcare Improvement Scotland has a key role within the whistleblowing arrangements for NHSScotland. We have a duty to respond to potential concerns raised about the safety and quality of care provided by NHS services, with the ultimate aim of helping make care better.

We can receive concerns from NHSScotland staff through the following routes:

- Referral from the National Confidential Alert Line
- Directly by a member of staff/group of staff under the Public Interest Disclosure Act

National Confidential Alert Line (NCAL)

NCAL is a source of advice and information for NHS employees who can confidentially discuss / raise a concern about practices across the NHS in Scotland. This alert line is operated by Protect (formerly known as Public Concern at Work). Where Protect considers that there is a public interest and the internal process appears to have been exhausted, or the individual has sound reasons for not raising the concerns with their employer, they may direct the individual to Healthcare Improvement Scotland for further investigation to be undertaken. Examples of such cases can be found at the following link:

http://www.healthcareimprovementscotland.org/our_work/governance_and_assurance/responding_to_concerns/case_studies.aspx

Public Interest Disclosure Act (PIDA)

NHSScotland staff members can also contact Healthcare Improvement Scotland direct with potential concerns under PIDA. Where appropriate we will advise individuals to seek advice via the NCAL and we will ask if the individual has raised their concerns through local processes (ie whistleblowing procedure). Regardless, we will always undertake an initial assessment to establish the level of review or investigation that is required.

Healthcare Improvement Scotland affords the same protections to the individual whether the concerns are raised through the NCAL or PIDA route.

Our Process

Regardless of the route through which we receive concerns, our process for managing these is the same. All concerns made to us are subject to a level of assessment and investigation. The depth of the individual investigation will be determined based on:

- The risk the concern could lead to (or cause) harm of patients and/or staff.
- The wider potential learning for the NHS organisation involved and NHSScotland.

Where a more detailed investigation is required, Healthcare Improvement Scotland will establish a review team made up of staff from across NHSScotland who have relevant experience and expertise. At the end of the investigation, a report will be published on our website.

It is important to note that the process outlined above relates to concerns received by Healthcare Improvement Scotland regarding external organisations and service providers. This process does not relate to any internal whistleblowing concerns from Healthcare Improvement Scotland staff where the existing HIS Unethical Practices (Whistleblowing) Policy applies.

1. How will the order affect the whistleblowing process?

Engagement with the SPSO

Healthcare Improvement Scotland has been engaging with the SPSO over the last two years regarding the proposed development of the INWO role and the model procedure for the handling of whistleblowers' concerns, including directly contributing to the Draft Whistleblowing Standards for the NHS in Scotland.

The proposed focus of the INWO role is to investigate whether a relevant body or provider has handled a whistleblower's complaint properly in accordance with the SPSO's model complaint handling procedure for whistleblowing complaints and any action taken by or on behalf of the body or provider in respect of that complaint, including the treatment of any person including the whistleblower.

This does not replicate the related functions of HIS which are focused on responding to concerns regarding the safety and/or quality of patient care (which may be referred to us by a whistleblower). While we do not see the introduction of this proposed order changing our processes, we recognise the benefits of the provision to allow the sharing of relevant information between our two organisations. This will support both organisations in achieving our aims and further contribute to improving the quality and safety of patient care.

We will continue to engage with the SPSO as the findings of the consultation process become known to ensure ongoing consideration is given to how the new role aligns to the work undertaken by HIS.

2. Should the Ombudsman fulfil the role of Independent National Whistleblowing Officer?

Yes

3. Does the order give the Independent National Whistleblowing Officer adequate powers?

Yes

4. Is there anything you would add, amend or remove from the order?

No