

HEALTH AND SPORT COMMITTEE

CONSULTATION ON THE PROPOSALS FOR NEW INDEPENDENT NATIONAL WHISTLEBLOWING OFFICER ROLE

SUBMISSION FROM RCN SCOTLAND

Background

The Royal College of Nursing (RCN) is the world's largest professional organisation and trade union for nursing staff, with members in the NHS, independent and voluntary sectors. With around 40,000 members in Scotland, we are the voice of nursing.

The Royal College of Nursing Scotland is actively involved in supporting members with raising concerns and speaking out about patient safety, malpractice or the quality of care. The RCN believes everyone should feel safe and supported when raising concerns about patient care. Nurses have a responsibility and a duty to raise any concerns they have about poor care or other issues which could affect patient care.

How will the order affect the whistleblowing process?

The RCN welcomes and supports a draft order that will see the introduction of an Independent National Whistleblowing Officer (INWO) for the NHS in Scotland and the efforts made to support vulnerable staff groups. NHS staff need to feel they can raise issues safe in the knowledge they will be listened to and their concerns acted on promptly, and where appropriate, confidentially.

The draft proposals clearly benefits and protects all staff groups (students, agency staff etc) working in primary care, acute hospitals and health and social care partnerships. It is comprehensive and covers recording and reporting, which the RCN called for in a previous consultation.

RCN believes the order will improve the efficiency of health service bodies, independent providers and family health service providers by enabling resolution of whistleblowing matters at the earliest possible time. It will support recording, reporting and learning from whistleblowing cases and sharing best practice. The draft order creates a new route for whistleblowers in NHS settings to bring complaints about the internal handling of their whistleblowing case to the SPSO.

The RCN also acknowledges that there is learning for all parties from the Sturrock report and we will be reviewing the report in detail to consider what improvements we can and should make in representing our members. Health boards and managers need to be more proactive, listen to their staff and change the workplace culture for the benefit of staff and patients.

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

Yes. The RCN welcomes legislation to introduce an independent national whistleblowing officer for NHS Scotland, with authority to investigate the handling of whistleblowing complaints and make recommendations to the Scottish Parliament. RCN believes the Ombudsman is well placed to fulfil this role given the Ombudsman's existing remit and independence from NHS Boards and Scottish Government. RCN takes the view that the function of the independent national whistleblowing officer will improve case handling and promote an open and honest reporting culture within our NHS. This in turn could lead to improved patient care and safety. The order will provide a clear mechanism independent of government and sets clearly defined whistleblowing standards.

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

The RCN believes the order gives the INWO extended powers to meet some of the recommendations and emerging themes highlighted in the Freedom to Speak Up Review, including the need for a culture change and strengthening current assurance arrangements.

It is crucial that the establishment of the INWO is not seen as the end of the road. The Scottish Government must continue to work with us and the other trade unions to ensure that whistleblowing is genuinely effective so that staff, patients and the public have faith in the NHS Scotland whistleblowing system.

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

The RCN continues to be supportive of training for senior staff members to facilitate the cultural change required, as well as visible protections for staff members who raise concerns. We would welcome continued efforts in the future to carefully monitor the ways in which the order is or is not beneficial for vulnerable staff groups. Transparency about these findings will be valuable in strengthening the voices of all staff members. The RCN would welcome additional clarification regarding support and protection mechanisms available for those who have faced or may face bullying, harassment, or other harms in violation of this policy because of their whistleblowing.