

The Draft National Whistleblowing Standards

Part 9

Information for Integration Joint Boards

May 2019

Promoting raising concerns

1. Listening and responding to concerns raised by staff about the way services are provided is a vital way in which organisations can improve their services. Health and Social Care Partnerships (HSCPs) are in an unusual position in having employees from two organisations delivering services together. The challenges this creates in governance arrangements must not get in the way of staff raising concerns when they see working practices which are unsafe or risky, or where they believe there has been improper conduct, mismanagement or fraud.
2. People working in joint teams may feel reluctant or uneasy in raising concerns relating to staff with different lines of management, or where employers have different arrangements in place for whistleblowing. It is, therefore, more important than ever that senior managers in HSCPs and the Integration Joint Board (IJB) itself promote a culture that encourages staff to raise issues or concerns at the earliest opportunity.
3. Senior managers play a critical role in promoting a culture that encourages staff to raise issues or concerns. Their leadership and behaviour sets the tone for the way other staff behave. All NHS services must strive for a culture that welcomes concerns from people working within their services, whoever they are, and whatever their concern, with the focus on good governance and delivering safe and effective services.
4. The Standards set out the requirements for all NHS service providers to respond when staff raise concerns, including supporting the person raising a concern. This document reviews the expectations and options for IJBs in implementing the Standards.

Requirement to meet the Standards

5. All those working in HSCPs must be able to raise concerns about NHS services, and must have access to the support they need to do so. Their concerns must be handled in line with the requirements of these Standards, and anyone raising a concern through these Standards, whoever their employer is, will have access to the Independent National Whistleblowing Officer (INWO), if their concerns relate to the delivery of NHS services.
6. IJBs must ensure that all HSCP staff, across both the local authority and the NHS, as well as any students, trainees, agency staff or volunteers, must be able to raise a concern through this procedure.
7. This includes:
 - 7.1. Providing clear information about who staff and other workers can raise concerns with, either within their service or at a more senior level;

- 7.2. Ensuring access to the 2 stage procedure (see Part 4), where the worker has agreed to use this procedure;
 - 7.3. The availability of support (see Part 3) for those involved in raising a concern;
 - 7.4. The ability to raise concerns about senior staff (see Part 5);
 - 7.5. A requirement to record (see Part 6) all concerns;
 - 7.6. A requirement to report (see Part 6) all concerns to the IJB and the NHS Board on a quarterly basis; and
 - 7.7. A requirement to share information about how services have improved as a result of concerns, taking care not to identify who raised the concern.
- 8. Anyone raising a concern about a service provided by NHS Scotland must be signposted to the INWO at the end of this process. It may be that in considering concerns about NHS services, issues are identified which relate to local authority services. If that is the case, the whistleblower should be signposted to the INWO in respect of issues that relate to NHS services and either the Care Inspectorate or Audit Scotland for concerns about local authority services.
 - 9. An agreement by the IJB may be required to ensure support and protection for all those working for the IJBs services, in raising concerns about its NHS services.

Ensuring equity for staff

- 10. The requirement to have the Standards in place for all NHS services and not for local authority services could lead to disparity between those working for NHS and local authority services. It could also lead to some confusion around which procedure to use, particularly if these services are closely integrated.
- 11. While this procedure must be available to all those working within NHS services, it is also important for those working in any of the IJB's other services to also feel able to raise concerns. This is critical to:
 - 11.1. Effective governance arrangements;
 - 11.2. Enable safe and efficient delivery of services;
 - 11.3. Ensure equity for staff whoever they work for;
 - 11.4. Assist senior managers in sharing a consistent message in encouraging staff to raise concerns through a simple and straightforward procedure; and
 - 11.5. Enable a joined up approach to raising concerns, where lessons can be learnt across the organisation.
- 12. With this in mind, and particularly where services have been effectively integrated, the INWO recommends that IJBs adopt the same approach to

handling concerns raised about local authority services as they do in relation to NHS services. This would extend any agreement in place in relation to the raising of concerns for NHS services, and would ensure that all those working within the HSCP had equal access to a procedure which was in line with these Standards. The only variation would need to be at the review stage, when concerns about different services would need to be signposted as appropriate, to the INWO, the Care Inspectorate or in some cases, Audit Scotland.

13. The details of any extended agreement are for each IJB to consider; each HSCP has different arrangements in place for the delivery of their services, and it will be for them to consider whether such an agreement should cover all of their services or only the NHS services. This will depend to some extent how differentiated the HSCPs services are from other local authority services; it would not be appropriate to create confusion for local authority staff in how to raise concerns about their services.

Channels for raising concerns

14. A key element of the Standards is for those people who raise concerns to be advised of their right, and agree to access this procedure. This can be achieved through a conversation with:
 - 14.1. The person's line manager or team leader;
 - 14.2. A more senior manager if circumstances mean this is more appropriate;
 - 14.3. A confidential contact for raising concerns (in some places there may also be speak up ambassadors or advocates).
15. Within HSCPs, the confidential contact will need to be familiar with the way concerns are handled across its services, as well as the Board's expectations around handling concerns.
16. The Board's Whistleblowing Champion will have a role in ensuring that appropriate arrangements are in place to ensure delivery of the Standards. They will be able to provide guidance for HSCP managers on how concerns raised in relation to NHS services must be handled, as well as sharing information about appropriate governance arrangements.

Recording of concerns

17. The detailed information about recording concerns (Part 6 of the Standards) is also applicable to concerns raised within HSCPs in relation to their NHS services.
18. Each IJB needs to consider how they hold information about concerns that have been raised through this procedure. In particular, there need to be systems in place

to ensure that personal information is only shared with individuals as agreed or explained to the person raising the concern. The details of the concern itself, and how it has been handled, need to be stored in a way that will enable reporting and monitoring of concerns and concerns handling.

19. This may mean that concerns about local authority services are recorded separately from those relating to NHS services. Any joint systems that are developed will need to be able to separate out concerns about NHS services from those about the local authority services, so the NHS Board can carry out appropriate monitoring of these concerns.

Monitoring, reporting and learning from concerns

20. The detailed information about monitoring, reporting and learning from concerns (Part 6 of the Standards) is also applicable to concerns raised within HSCPs in relation to their NHS services.
21. It is important for all services to listen to staff concerns, and, where appropriate, for this to lead to organisational learning and service improvements. Learning (including the potential for improvements across other areas of the service) can be identified from individual cases closed at Stage 2 and through statistical analysis of concerns resolved at Stage 1 of the procedure. Any learning that is identified from concerns must be recorded within the case record, including any action planning.
22. NHS Boards are responsible for collating reports of concerns raised in relation to the services they deliver, including those raised within the HSCPs in its area. In this way, Boards will be able to identify areas for specific attention, based on the themes and trends across the HSCPs in their area. Feedback from this process provides the opportunity to demonstrate the benefits of raising concerns.
23. Each HSCP is also expected to show their staff that they value the concerns that are raised by staff and other workers. All IJBs must ensure that information is published and promoted about the concerns that have been raised about their services, unless this is likely to identify individuals. High-level information (with very limited information about what was investigated) may still be appropriate, and will provide the opportunity to show staff that managers will listen and respond to concerns.