



# Whistleblowing Standards

## **ANNUAL REPORT 2023/24**

PATIENT SAFETY, QUALITY AND RISK TEAM

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# NHS Orkney Whistleblowing Standards

## Annual Report 2023/24

### 1. Introduction

This is NHS Orkney's third annual Whistleblowing Standards Report since the national standards came into force on 1 April 2021 and covers the reporting period 1 April 2023 to 31 March 2024. NHS Orkney (NHSO) has had zero whistleblowing concerns logged during this year. One case that was closed in 2022/23 which had various aspects to it (Human Resources (HR), Situation Background Assessment and Recommendation (SBAR) and Whistleblowing) re-emerged as a concern in 2023/24 and this has been handled appropriately with the team concerned and organisational learning implemented and shared with the team (see page 6). It has resulted in a referral to the Independent National Whistleblowing Officer which is ongoing at the time of writing (17 May 2024).

### 2. Background

The National Whistleblowing Standards set out how the Independent National Whistleblowing Officer (INWO) expects all NHS service providers to handle concerns that are raised with them, and which meet the definition of a 'whistleblowing concern'.

These standards are underpinned by a suite of supporting documents, which provide instructions on how the INWO expects concerns to be handled. Together these documents form a framework for the delivery of the National Whistleblowing Standards. The standards set out the requirement that NHS Orkney Board plays a critical role in ensuring the Whistleblowing Standards are adhered to, including through ensuring quarterly reporting is presented and robust challenge and interrogation of this takes place.

The INWO published [Findings from NHS boards' annual whistleblowing reporting 2022/23](#) which outlines further detail and information from all NHS Boards in Scotland. The INWO noted that the numbers of whistleblowing concerns received nationally had decreased in the 2022/23 year, and with this the number of upheld or partially upheld concerns, although 41% of concerns were partially or fully upheld. An area that the INWO commented on as an area that requires improvement across all NHS Boards is about reporting the experiences of people involved in the whistleblowing procedures, including the witnesses, confidential contacts, and investigators. This is an area that they intend to look at in 'Speak Up Week' 2024 and which NHS Orkney will support.

## Roles and Responsibilities

The Chief Executive is now the Executive Lead for Whistleblowing in NHS Orkney and is responsible for overseeing progress, ensuring timelines and communications are maintained and that follow-up actions and learnings are progressed appropriately. This responsibility transferred from the Medical Director's portfolio to the Chief Executive when the new Chief Executive came into post in April 2024.

The role of Whistleblowing Champion is held by a Non Executive member. The purpose of this role is to monitor and support the effective delivery of the NHS Orkney Whistleblowing Policy and is predominantly an assurance role which helps the NHS Board to comply with their responsibilities in relation to Whistleblowing. The Whistleblowing Champion is expected to raise any matters of concern with the Board as appropriate, either in relation to the implementation of the Standards, patterns in reporting of concerns or in relation to specific cases.

NHS Orkney Board plays a critical role in ensuring the standards are adhered to with a particular focus on effective:

- Leadership - setting the tone to encourage speaking up and ensuring concerns are addressed appropriately and followed up.
- Monitoring – ensuring quarterly reporting is presented and robustly scrutinised (in NHS Orkney's case, reporting is via the Joint Clinical and Care Governance Committee and Staff Governance Committee on a quarterly basis).

### 3. Activity during 2023/24

Since the introduction of the Whistleblowing Standard in 2021, NHS Orkney has further strengthened its work in this important area as it has achieved leadership stability and developed a new organisational culture programme. Creating a strong speak up culture and one where staff feel comfortable speaking up knowing and having confidence concerns will be listened to and responded to is at the heart of this new programme.

Strong relationships remain in place with other Boards recognising that as a small Health Board there are occasions that support and independence from other Boards proves incredibly helpful – including NHS Shetland and more recently NHS Fife.

While formal meetings are no longer necessary between the NHS Shetland and NHS Orkney – as NHS Orkney's approach to culture improvement has developed and matured – there remains an informal relationship in place whereby both organisations work together, share learning, and support one another as needed

and NHS Orkney has extended this support to wider Boards so we can further enhance our own learning, over the last year.

NHS Orkney now has three Confidential Contacts (one clinical and two non-clinical). These colleagues have had training led by the Whistleblowing Champion from NHS Fife in quarter four of 2023/24 and annual refresher training is now in place which is a welcome development.

Speak Up Week ran from 2 to 6 October 2023. This provides Boards, including NHS Orkney, with opportunities to share learning, raise awareness of the whistleblowing process and the benefits of a supportive speak up culture. Locally this was led by NHS Orkney's Chief Executive and Whistleblowing Champion (see below for further details).

The areas of focus in 2023/24 for NHS Orkney have been:

- Strengthened leadership (a focus on listening and visible and compassionate leadership)
- Listening and closing the loop when people raise concerns to improve trust and confidence in our processes and leadership
- Much improved communications re: the culture we want to create and the ways in which we listen
- New Board member walkabout via a structured programme, which has improved visibility of Board members across the organisation
- Training for Confidential Contacts
- Improved promotion of who our Confidential Contacts are and their role at NHS Orkney
- Clarity to staff about the various 'ways we listen' at NHS Orkney so that staff are more confident about where and who to go and turn to when they have concerns to raise, including safety concerns, and require someone to listen, signpost or support

Throughout 2023/24 there has been much-improved communication with staff on the work underway to create a Speak Up culture at NHS Orkney.

Communication to staff has been supported through a range of communications, including:

- All staff briefings
- Chief Executive blogs and standalone dedicated communications
- Relaunching Confidential Contacts across the organisation and updating relevant website pages
- Launching and regularly promoting a new 'Ways we Listen' document which summarises in a simple and easy way, all in one place

- Supporting for Speak Up Week (2-6 October 2023) – as part of Speak Up Week, the Chief Executive joined a national webinar and panel discussion, chaired by Niki Maclean (Scottish Public Services Ombudsman Director), with Dr Scott Jamieson (a General Practitioner in the NHS Tayside area) and Kirstie MacDonald (Whistleblowing Champion at NHS Fife) about the importance of how leaders and managers listen to people, as well as the need for strong and visible leadership on whistleblowing from the top of all NHS organisations. Listening and acting on feedback is an everyday activity, not just for an annual Speak Up Week, and staff should have access to informal and formal options to speak up. It is important to close the loop on concerns quickly, to ease any distress for everyone involved and make changes quickly.
- Speaking Up and Whistleblowing is included in the Chief Executive's induction slot (new for 2023/24 for all new starters who join NHS Orkney)

#### 4. Whistleblowing complaints

There have been zero concerns raised under the Whistleblowing Standards during 2023/24.

There has been much organisational learning from a whistleblowing case which featured in the 2022/23 Annual Report and which had different aspects to it (HR, SBAR and whistleblowing), and the handling of this case continued into 2023/24 with the team dissatisfied with the outcome. Learning from this case has been shared with the team and has included:

- An independent investigation of case notes – a Child Health Review (which is completed and is coming through our governance routes with our learning)
- Having clearer structures between management between Orkney Health and Care and NHS Orkney and clarity re: leadership arrangements within our services (line manager and professional responsibilities) /and clear routes of escalation
- A review of our whistleblowing process itself to incorporate learning points in an updated process going forward, with particular emphasis (but not restricted to) the post investigation and organisational response phase
- The Chief Executive has personally apologised to the team concerned for the impact the organisation's handling of this case has had on them and has shared learning with the team and changes to organisational culture that are underway, and this conversation was well received

One of the other key learning points from this case is that individual and teams will be kept updated on next steps, how things are progressing and clearer on how they will be kept updated. The Chief Executive has committed to any future recommendations from whistleblowing cases being progressed and actions overseen on a more formal footing via Corporate Leadership Team and Senior Leadership Team meetings to improve accountability and ensure follow through and progress against any actions.

This case has since been referred to the Independent National Whistleblowing Officer which is ongoing at the time of writing. We will embrace any further organisational learning that may flow from this referral.

Circa 30 staff/teams have contacted the Chief Executive Directly with concerns that are always logged and followed through as appropriate in 2023/24. When staff/teams contact the Chief Executive for advice and support, the full range of options, including whistleblowing are always discussed with staff, so that appropriate next steps can be agreed and taken, based on the wishes of the staff member/teams concerned and the standards in place.

Building trust and confidence is at the heart of creating a strong speak up culture, and listening to, responding to and closing the loop when concerns are raised has been a real focus during 2023/24 for the Chief Executive, Executive Team and Senior Leadership Team.

In 2023, the iMatter survey included new questions on Speak Up, which evidenced the work NHS Orkney has to do in this space to improve, with NHS Orkney's scores poor and showing the organisation is a national outlier – as follows:

- I am confident I can safely raise concerns/issues (NHS Orkney score 75 – national average 79)
- I am confident that concerns will be followed-up/responded to (NHS Orkney score 65 – national average 74)

There has been a concerted effort to create a speak up culture, and at the heart of this is listening, being accessible and following through when people make contact and reach out. As such it is hoped that these scores will show some improvement in the 2024 survey (which we expect to receive in June 2024).

Quarterly reports on speak up and Whistleblowing activity are shared via the Joint Clinical and Care Governance Committee and Staff Governance Committee and presented by the Chief Executive.

Of the 30 speak up concerns raised with the Chief Executive in 2023/24, the themes can be summarised as follows:

- Patient care, safety and experience – always raised with the Executive Director Leads for action and these concerns span acute care (The Balfour), community and care on the ferry-linked isles
- Linked to the above point, concerns about colleagues' working on the ferry-linked isles not feeling heard/supported
- Lack of responsiveness to ideas for improvement from staff. Staff are trying to be proactive and reach out and up for support; but dialogue and support in return is not always forthcoming which often leads to despondency and frustration
- Continued concerns about some HR processes and fairness, notably recruitment processes, including internal acting up/interim arrangements being appropriately and fairly advertised and concerns about staff being promoted by several bandings and fairness/process around these decisions
- Continued concerns and frustrations about the lack of responsiveness from some of our Corporate Services, including our HR and Finance Teams
- Concerns from some specific services relating to fragility of services and their sustainability in their current form and the impact on our staff
- Concerns about staffing and retention (losing good people from NHS Orkney)
- Frustrations about IT/digital systems that are getting in the way of people doing a good job
- Concerns about the impact of our financial position on what this means for patient care and quality
- Questions about arrangements for travel (for colleagues who do not live in Orkney) and whether arrangements are formalised re: travelling in work hours/if there is an organisational policy or agreed stance on this – and again the concerns relate to fairness and transparency



The resulting outcomes and performance against the whistleblowing indicators are detailed in Table 1 below.

**Table 1: NHS Orkney Performance against Whistleblowing Key Performance Indicators 2023/24**

Indicator	Performance
The total number of concerns received	Zero formal concerns.
Concerns closed at each stage in the process	N/A
Concerns upheld, partially upheld and not upheld	N/A
Average times	N/A
Number of concerns closed at each stage within the set timescales	N/A
Number of cases where extension was authorised	N/A
Learning from concerns raised	<p>While there have been no formal whistleblowing concerns raised, there has been learning from wider concerns that have been raised via the Chief Executive, including:</p> <ul style="list-style-type: none"> <li>- Clarity when different processes are at play (HR and whistleblowing) that the timescales are and who the main point of contact is for updates/keeping in touch</li> <li>- Lack of follow through in some cases (some historically) means some people still lack confidence in our systems and processes</li> </ul>
Experience for those raising concerns	N/A

Staff awareness and training	<p>All NHS Orkney staff have access to training through TURAS Learn with information to support staff in raising or dealing with a concern is available on a dedicated Whistleblowing page on NHSO Blog. This includes signposting to internal and external sources of information and support as well as relevant Standard Operating Procedures.</p> <p>Table 1 – 2023/24 Training figures</p> <table><tr><th colspan="4">Count of Learning Status – Status</th></tr><tr><th>Course Title</th><th>Completed</th><th>In Progress</th><th>Total</th></tr><tr><td>Whistleblowing: an overview</td><td>111</td><td>15</td><td>126</td></tr><tr><td>Whistleblowing: for managers &amp; people who receive concerns</td><td>6</td><td>1</td><td>7</td></tr><tr><td>Whistleblowing: for senior managers</td><td>30</td><td>7</td><td>37</td></tr></table> <p>Training figures have remained consistently low (&lt;10% of staff who could have undertaken the training). A deliberate decision was made by the Chief Executive not to focus on increasing training for whistleblowing in 2023/24 as increasing wider statutory and mandatory training compliance remained a priority given low rates to date, which have seen improvements in-year as a result of this focus.</p> <p>This TURAS training is not currently part of NHS Orkney mandatory suite of learning, and this will be reconsidered in 2024/25 once the organisational stabilises further, recognising this could benefit leaders/managers as part of induction and those new into roles.</p>	Count of Learning Status – Status				Course Title	Completed	In Progress	Total	Whistleblowing: an overview	111	15	126	Whistleblowing: for managers & people who receive concerns	6	1	7	Whistleblowing: for senior managers	30	7	37
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## 5. Action plans & progress on upheld concerns

For an organisation to achieve high performance and deliver high quality care all opportunities for learning must be vigorously pursued.

As there have been no formal referrals this year, there is nothing to add to this section.

## 6. Primary Care and contracted services

NHS Boards are responsible for ensuring all primary care and other contracted service providers supply the appropriate information to the Board as soon as possible after the end of each quarter (when concerns have been raised) and at the end of the year. This is an area where further exploration and discussion is needed over the coming year to ensure awareness, compliance and learning outcomes are included.

## 7. Conclusion

Although there has been no formal whistleblowing referrals at NHS Orkney in 2023/24, it is regarded as a positive that speak up concerns are being raised via different routes, including via the Chief Executive and being followed through more quickly with the loop being closed. There is a sense that this change of approach is building more confidence in our systems and processes, knowing that staff feedback is being listened to and acted on more quickly. This will remain a continued focus in the year to come as this is now about consistency across the Senior Leadership Team.

We would like to extend our sincere thanks to the staff who have taken the time and been brave enough to raise concerns over the last year.

Learning from whistleblowing and all staff feedback is essential to shape our culture, services and uphold our values of being caring, safe and respectful.

Looking to 2024/25, a number of priorities have been identified so that we build further on the good work that has taken place over the last 12-months, notably:

- Introducing a Whistleblowing Oversight Group – with the Chief Executive, Whistleblowing Champion, Medical Director and Head of Patient Safety, Quality and Risk in the membership

- We will proactively promote, in our communications, that we will consider other Board support/independent person to consider cases, on a case-by-case basis – recognising the challenges of being a small Board can bring when it comes to whistleblowing concerns
- We need to log Confidential Contact and whistleblowing concerns centrally – via our Head of Patient Safety, Quality and Risk (whilst giving careful thought in terms of what we want to record and maintaining confidentiality)
- We will improve resilience when our Chief Executive and Whistleblowing Champion are on annual leave via our Medical Director and Head of Patient Safety, Quality and Risk
- We have introduced quarterly touch-point meetings for Confidential Contacts, with the Chief Executive and Whistleblowing Champion
- We will introduce annual refresher training for our Confidential Contacts
- We will ensure our Confidential Contacts are linked into the national Confidential Contact network for wider peer support
- Reporting against the Whistleblowing Standards will continue to be via the Joint Clinical and Care Governance Committee and speak up concerns will become part of wider integrated dashboard (featuring many indicators) that will go to Staff Governance Committee on a quarterly basis as part of how we measure the impact of our new culture programme

Laura Skaife-Knight  
 Chief Executive, Executive Lead for Whistleblowing  
 17 May 2024