

Whistleblowing Alert and Advice Services for NHSScotland

**Six-month review
(1 May 2020 – 31 October 2020)**

February 2021

13 November 2020

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Alert and Advice line overview

In the above review period we were contacted by 33 individuals who identified to one of our advisers that they work for NHSScotland.

28 of these 33 cases involved a public interest or whistleblowing concern, namely on in which the interests of others, colleagues, the public or the organisation itself were at risk. Of the 28, 5 were what Protect classifies as 'Public N/A' meaning that the caller had a public interest concern but was not an NHSScotland staff member. 4 of the 33 cases related to private matters, namely where the issue involved a private employment or HR matter, and 1 case was classified as 'Not Applicable', meaning that it did not relate to employment matters or the public interest.

NHSScotland workers will typically contact the Alert and Advice Line in one of two ways:

- via the dedicated Freephone number (0800 0086112) and email facility(alertline@protect-advice.org.uk) for the NHSScotland Alert and Advice Line
- via Protect general advice line number 020 7404 6609 / helpline@protect-advice.org.uk (through an independent web search)

We received 100 calls to the Alert and Advice Line Freephone number during the period covered. Please note these call numbers as opposed to individual cases. This may include callers who identify as working for NHSScotland, callers who do not tell us who they work for, and multiple calls from individuals.

Identification

When providing advice, it is not a requirement for the caller to provide the name of their employer to Protect advisers. The starting point for our advisers will be what the concern is; to identify the risk; what may be preventing the individual from raising the concern; and, to assist or advise them in how best to raise the concern. The caller may not wish to provide the name of their employer. With this in mind when contacting us, staff may:

- Provide their name only
- Identify themselves as working for NHSScotland with or without their name
- Not provide any information as to their identity or their employer

Out of the 23¹ public interest cases, 17 provided us with their name and/or contact details, though this is not a prerequisite for seeking advice from Protect. As is the case on the Protect advice line generally, callers may choose to remain anonymous and/or not to leave contact information. In some cases this may be because the individual has contacted us with a very specific query that we were able to deal with in the initial call. In these cases there is no case work element and the individual may feel that it is not necessary to leave their name and/or contact information. In cases where the individual is satisfied with the advice they have been given and is content to leave things there, they will always be informed of the name of their adviser and their ability to call back should they need further advice at a later date.

Job position of the caller

These are as follows:¹

	1 May 2020 - 31 October 2020 (current reporting period)		1 November 2019 – 30 April 2020	
Position	Count	Percentage	Count	Percentage
Admin/Clerical	2	11.8%	2	7.1%
Carer	1	5.9%	1	3.6%
Dentist	1	5.9%	0	0.0%
Doctor	3	17.6%	1	3.6%
Management	1	5.9%	3	10.7%
Nurse	4	23.5%	7	25.0%
Other	1	5.9%	5	17.9%
Skilled	1	5.9%	0	0.0%
Unknown	2	11.8%	9	32.1%
Unskilled	1	5.9%	0	0.0%
Total	17	100.1%	28	100.0%

Consistent with previous reports, nurses were the largest group of workers to seek advice from the Alert and Advice Line in the reporting period; they are also the largest group of workers in NHSScotland.

Please note that we classify positions as unskilled where no formal training or qualifications are required to perform the role. In an NHS context this could include support staff such as

¹ This figure does not include the Public N/A cases.

cleaners or porters. Skilled positions are those which require some formal training or qualification but which are not covered by one of our other professional categories; this could include tradespeople or drivers.

Types of concerns raised

	1 May 2020 - 31 October 2020 (current reporting period)		1 November 2019 – 30 April 2020	
Type of suspected wrongdoing	Count	Percentage	Count	Percentage
Abuse of a vulnerable person	3	9.4%	1	2.9%
COVID-19	10	31.3%	18	51.4%
Ethical	6	18.8%	6	17.1%
Patient safety	6	18.8%	8	22.9%
Unknown	1	3.1%	0	0.0%
Working Practices	6	18.8%	2	5.7%
Total	32²	100.2%	35	100.0%

As with the previous report, COVID-19 related issues were the predominant concerns raised with the alert line, including lack of PPE provision, breach of government social distancing guidelines and incorrect classification of individuals as “key workers”. As you can see we also received a number of patient safety, ethical (for example, poor staff conduct or conflict of interest) and working practices concerns (for example, breaches of policy or financial mismanagement).

Of the total 23 public cases, 11 callers had already raised their concern before contacting the Alert Line. In many cases individuals are contacting us because they have already raised their concern and feel it is being ignored and would like further advice on options for escalation or they feel they have experienced victimisation due to raising an issue. Of the callers who had already raised their concern before contacting the Alert and Advice Line, these were raised with:

	1 May 2020 - 31 October 2020 (current reporting period)		1 November 2019 – 30 April 2020	
Where the concern had been raised	Count	Percentage	Count	Percentage
Manager	6	54.5%	4	28.6%

² Some cases had multiple concerns.

Senior Management/Executive	3	27.3%	5	35.7%
Prescribed Regulator/scrutiny body	0	0%	1	7.1%
Multiple	1	9.1%	2	14.3%
Other	1	9.1%	0	0.0%
Unknown	0	0.0%	2	14.3%
Total	11	100.0%	14	100.0%

This reporting period is consistent with previous reporting periods in that Managers and Senior Management are the most common avenues used by individuals who raise concerns before calling the Alert and Advice Line.

Response to concern at point of contact

The table below sets out the response the callers indicated they received to their concern prior to contacting us.

	1 May 2020 - 31 October 2020 (current reporting period)		1 November 2019 – 30 April 2020	
Response to concern	Incident rate	Percentage	Incident rate	Percentage
Admitted ³	0	0.0%	3	21.4%
Denied	5	45.5%	3	21.4%
Ignored	3	27.3%	3	21.4%
Unknown	3	27.3%	1	7.1%
Under investigation	0	0.0%	4	28.6%
Total	11	100.1%	14	100.0%

Of the 11 individuals who had raised their concerns, 5 stated that their concerns had been denied, an increase from the previous report. 3 stated that their concerns had been ignored.

Advice from Protect

We cannot provide specific detail about the advice given by us on the advice line as legal professional privilege applies. We can only provide non-identifying information where this does not breach confidentiality. Set out below is data on where we advised individuals to raise a matter.

³ Admitted would apply where the organisation accepted that the concern was valid, i.e. accepted immediately or after an investigation.

The data below reflects the various options provided to callers about where they might raise a concern and/or what they should do. In some cases we provide callers with multiple options to raise concerns.

- 3 cases were advised to raise concerns with a senior manager
- 8 cases were advised to contact their trust's designated whistleblowing contact
- 2 cases were advised to speak with their trade union
- 4 cases were advised to speak to an external regulator

(Note that in some cases, we would advise callers to speak to more than one body)

In seven of these cases we were not able to provide direct advice. This could be for a variety of reasons, such as lacking details about the concerns, the call ending before we could advise them or the adviser not being sure if they could give appropriate advice.

There were no cases in which we passed the information on to a contact within a Health Board on the individual's behalf. We will only make such direct referrals where we have the individual's express consent to do so. This type of request is usually made when an individual is worried about their position and would prefer for us to contact the Health Board.

There were no cases in which we found it necessary or appropriate to encourage callers to engage with an internal investigation process. Where we encourage callers to co-operate, it may occur in cases when an individual has already raised their concern internally and has been told there is an investigation ongoing but is unclear on the process or might be seeking advice on escalating the matter prematurely. In some cases, this can be triggered by a lack of clarity provided to the whistleblower about the next steps for investigation and/or where the individual feels that the initial recipient of the information did not appear to take the concern very seriously. Where the individual is informed that the matter will be looked into, we encourage them to feed into that process in order to ensure the organisation has all of the relevant information. It is best to wait until there is some feedback on outcomes before escalating the matter as to do so too early may undermine the ability of line management to investigate issues and may lead to additional senior resources being diverted to a matter that is already being considered elsewhere in the organisation.

Health Boards

We also provide information on the numbers of whistleblowing concerns raised in each Health Board during this reporting period where we have this information and the individual cannot be identified. This information is emailed to Health Boards direct. It is not a requirement for an individual to provide the name of the Health Board they are employed by in order to obtain our advice and as such these figures should be seen as indicative only as we may have received additional calls from individuals who do not identify their Health Board.

Of the 23 public cases from NHSScotland staff, 18 of these identified the organisation they worked for. There were 9 Health Boards identified. Due to the low numbers of calls received for the Health Boards listed below (between 1-5 calls), where the information could potentially identify a caller, we are unable to report on the exact number of cases from any of these Health Boards. The breakdown of self-identified calls was as follows:

NHS 24	1-5
NHS Dumfries and Galloway	1-5
NHS Forth Valley	1-5
NHS Greater Glasgow and Clyde	1-5
NHS Highlands	1-5
NHS Lothian	1-5
NHS Tayside	1-5
NHS Western Isles	1-5
Scottish Ambulance Service	1-5

Running Totals: Public cases

The running totals of the number of public interest concerns received to the advice line for NHSScotland during this six-month period are shown in the following table:

NHSSCOTLAND PUBLIC INTEREST CONCERNS (2019-2020) ⁴	Running Total (November 19- April 20)	May	Jun	Jul	Aug	Sept	Oct	Running Total (May 20- October 20)
Abuse of a vulnerable person	1	0	0	2	0	0	1	3
COVID-19	18	3	5	2	0	0	0	10

⁴ This table represents the number of concerns rather than advice line cases. As such, there may be occasions where individuals raise multiple concerns.

Ethical	6	1	1	0	0	0	4	6
Patient safety	8	2	1	1	1	1	0	6
Unknown	0	0	1	0	0	0	0	1
Working Practices	2	0	2	2	0	0	2	6
Total Public Interest Concerns	35	6	10	7	1	1	7	32

Caller Feedback on the Alert Line Service

Previously Protect has attempted to contact those callers that left contact details in order to ask for their feedback on the service. This however has proved difficult due to the small size of the group identifying themselves as NHSScotland workers, making contact, or drawing any meaningful data from such as small group. Protect regularly conducts as standard a feedback survey to all callers to our advice line services to gain feedback, and the results of the most recent survey are below. This will include any NHSScotland workers who Protect were able to contact.

Based on 2019 feedback gathered:

- 100% of callers found the advice clear and easy to understand
- 100% found the advice helpful
- 89% followed the advice
- 100% would recommend the charity

I hope you have found this report useful: as the service has now been taken over by SPSO this is Protect's final report. If you have any questions please don't hesitate to contact me.

Yours sincerely,

Jon Cunningham
Business Development Director
Protect

ⁱ All percentages have been rounded to one decimal place, meaning totals of the percentage columns may fall between 99-102%.



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