Consultation questions

1. Do you agree that the following individuals should be given access to an investigation by the SPSO in her role as INWO?

<table>
<thead>
<tr>
<th>Individuals</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individuals in the primary care sector</td>
<td></td>
</tr>
<tr>
<td>Individuals delivering services for independent providers, under contractual arrangements with NHSScotland</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Do you have any comments on this proposal?

It is important that these groups of staff are treated the same as staff employed directly by NHS boards to ensure there is a consistent and transparent approach to how whistleblowing is managed across NHS services. It is also in keeping with the aim to support improvement of public functions in relation to efficiency, effectiveness and economy.

More generally, we note that the proposals complement a similar role held by the Care Inspectorate for the social care sector. With the continuing integration of health and social care services it will be important to provide assurance that these two processes will dovetail and be mutually supportive.

2. Do you agree that the SPSO may specify in the model Whistleblowing Procedure which individuals may qualify as whistleblowers and which types of concerns may qualify as whistleblowing matters for the purposes of the INWO investigation?

☒ Yes
☐ No

Do you have any comments on this proposal?

The case examples provided here are relevant and helpful.

Healthcare Improvement Scotland hosts the Volunteering in NHSScotland Programme that supports NHS Boards to develop sustainable volunteering programmes that are safe, effective and person-centred. There are over 6,000 directly engaged volunteers in NHSScotland (volunteers recruited, trained and managed by NHS Boards) and many thousands more indirectly-engaged (via third sector organisations where volunteers are placed in healthcare settings).

We therefore welcome the inclusion of arrangements for volunteers in these arrangements. Given the comments above it is important that whistleblowing procedures are accessible both to
3. Do you agree that the SPSO in her role as INWO should be able to investigate and comment upon the treatment of the individual as outlined in the consultation?

☑ Yes
☐ No

Do you have any comments on this proposal?

This is fundamentally important - staff who have raised concerns often comment on the poor treatment they have experienced and that this has either stopped them raising any further concerns and/or created an environment where other colleagues do not feel comfortable to raise concerns. In order to instil confidence in staff to raise concerns there needs to be a focus on how whistleblowers are treated. This will then contribute directly to a change in culture and ensure that poor practice is reported.

The Scottish Public Services Ombudsman is one of the seven organisations on the Sharing Intelligence for Health and Care Group of seven national agencies which share and consider intelligence about the quality of care services across Scotland. It will be important that the SPSO can share information about the treatment of whistleblowers with this Group, as culture is one of the themes on which the Group focuses when it considers NHS boards.

Are there any other bodies that you think the INWO should be able to share this type of information with?

☑ Yes
☐ No

If yes, which other bodies do you think the SPSO, in her role as INWO should be able to share this type of information with?

As noted above, the SPSO is a member of the Sharing Intelligence for Health and Care Group. The proposals currently enable the SPSO to share information about this with some but not all of the organisations on this Group, and we suggest that the Care Inspectorate and Audit Scotland should also be included. It may also be appropriate to include Public Health Scotland when established, as part of the new body will be formed by Public Health and Intelligence (NSS) which currently takes part in this work.

5. Do you have any other comments on our proposals for establishing the INWO?
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 Healthcare Improvement Scotland which is focused on responding to concerns regarding the safety and/or quality of patient care (which may be referred to us by a whistleblower) which we see as a complementary role. 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 Healthcare Improvement Scotland.

Questions about you or your organisation

6. Are you responding on behalf of an organisation or as an individual?
   ☒ Organisation
   ☐ Individual

   If you are responding for an organisation:

   What is the name of the organisation?

   Healthcare Improvement Scotland

   What is your role?

   Policy and Governance Manager

7. If you are responding as an individual:

   Do you work / have you recently worked in the NHS?
☐ Yes
☐ No

If yes, what is/ was your role in the NHS?


If not, what is your experience in relation to the health service?


8. We may wish to publish your consultation responses in full or in part. The Scottish Government would like your permission to do so. Please indicate your publishing preference.

☐ Publish response with name
☐ Publish response without your name – for individuals only
☐ Do not publish response

Please provide your name:
Healthcare Improvement Scotland

Please provide your email address:
Jane.illingworth@nhs.net

Information for individuals
If you choose the option ‘Do not publish response’ we will still reflect your comments in our analysis but will not include any of the free text comments in any report of the consultation.

Information for organisations
If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.
9. We will analyse all responses and may publish a report. We may wish to contact you for further information. Are you content for the Scottish Government to contact you again in relation to this consultation exercise?

☐ No

X Yes

If yes, please provide your name and email address

Jane.illingworth@nhs.net

Thank you
We welcome all comments and contributions, and will use this feedback to inform any amendments to the draft order.