



**PUBLIC PETITION NO.**

**PE01605**

### Name of petitioner

Peter Gregson on behalf of Kids not Suits

### Petition title

Whistleblowing in the NHS - a safer way to report mismanagement and bullying

### Petition summary

Calling on the Scottish Parliament's to urge the Scottish Government to establish an independent national whistleblower hotline for NHS staff to replace the current helpline. It would differ in that it would investigate reports about mismanagement and malpractice, often without recourse to NHS managers.

### Action taken to resolve issues of concern before submitting the petition

I raised the matter with Kezia Dugdale MSP, but she has not replied to my e-mail. At the time I copied in Sarah Boyack MSP, Neil Findlay MSP and Jeremy Corbyn MP so I assume they are aware of my concerns. I also raised it with Ian Murray MP.

### Petition background information

#### More details on the proposed hotline

1. This hotline would build upon existing whistleblowing policies and allow staff to report bullying by managers and colleagues. It would specifically allow staff to safely report instances of:

- perceived negligence, malpractice or ill treatment of a patient/client/customer by a member of staff
- disregard for legislation, particularly in relation to health and safety at work;
- a breach of a code of conduct;
- Systematic discrimination
- Management instructions which are contradictory to safe and effective person centred care.

2. Reports would be taken to the local NHS Boards for action and considered confidentially. If the whistleblower felt those Boards had failed to act, he or she would have recourse to the national Whistleblowing champion.

3. It would be the responsibility of each Board's Whistleblowing Champion to protect whistleblowers from retribution, to ensure their concerns were being considered and to ensure an annual whistleblowing report was compiled.

4. It would be the responsibility of the hotline provider, upon receiving the initial call from a member of the staff, to determine whether a concern was of a "major/significant" or "minor/operational" nature. If the former, the provider would always be responsible



of a non-operational nature. In the former, the provider would always be responsible for the investigation and reporting of that concern to the local Board, whilst in the latter scenario they will have discretion to ask an NHS manager to investigate and report back to them.

5. This hotline would replace the NHS Scotland National Confidential Alert Line, which is a helpline, not a hotline and is widely seen as ineffectual. A hotline passes reports back to a designated person; a helpline offers advice on whether and how employees can raise a whistleblowing concern.

6. A high level summary of these hotline calls will be published in each board's Annual Review.

7. The hotline would have the power to investigate current disclosures and ongoing cases as well as new ones.

### Current NHS practice

The Scottish Government states that Health Boards have a responsibility to ensure that:

- Staff are actively encouraged and supported to report any concerns about patient safety or malpractice they may have;
- all reported concerns are investigated in a timely and appropriate way;
- the staff member is supported and updated on progress throughout the process; and,
- the outcome is fed back to the member of staff who raised the concern, and any resultant recommended actions are progressed by the Board.

The Government's arrangements for regional board Whistleblowing Champions is that they have a critical oversight and assurance role in making sure that these responsibilities are acted upon effectively, and where not, they must bring these issues to the attention of the Board.

Furthermore, in response to the 'Freedom to Speak Up Review' the Scottish Government has made a commitment to develop and establish the role of an Independent National Whistleblowing Officer to provide an independent and external level of review on the handling of whistleblowing cases in NHSScotland. Such a National Whistleblowing Officer might supervise the award of the hotline provider contract and help monitor their effectiveness.

Each Board holds an Annual Review which allows the Scottish Government to assess each Health Board's performance; the associated public meeting allows members of the public to ask questions about health services in their region.

Board members include those from the voluntary sector and politicians from the local authorities. Both clearly have the wider public's interest at heart. Politicians, being elected, are more accountable and more likely to push for action on reports. (In Lothian there are 24 Board members, 4 of whom are Councillors, one from each of the local authorities that comprise Lothian Region).

### Why a hotline?

Good intelligence is often the best defence against poor health practices and there is no better source of this information than from employees. Bad behaviour often goes undetected because employees fear the consequences to themselves and others of reporting bad practice through existing internal channels.

Research suggests that employees place greater trust in a whistleblowing procedure which is not part of their employing body. An independent whistleblowing hotline not only provides a mechanism for exposing systemic fraud, it also serves as a useful catalyst for capturing other corrupt practices, such as discrimination and bullying, which can have an equally debilitating effect on health board performance and reputation.

The Institute of Business Ethics noted in their "Speak Up Procedures" (2007) the company practise whereby important whistle-blower reports are escalated to corporate Audit & Risk Committees. It appears that big finance companies don't let hotlines report to senior management but to Board members. Obviously managing risk is their business and if it's good enough for them, it should be good enough for the public sector too.



By giving Health Board members, including Councillors, the facility to hear hotline reports directly, power can be returned to those who are elected to serve the public interest. This petition's approach gives politicians and the boards the opportunity to properly manage risk and ensure whistleblowers are treated properly.

The current NHS helpline, the National Confidential Alert Line for NHS workers, was launched in April 2013 to allow staff in Scotland to raise their concerns about bad practice in their workplace. But it has been branded "a waste of time" by campaigners. Patients First, said: "It is a complete waste of time. We have tried it out a few times. The people who called found it was hopeless. People who call are being told 'tell your manager, speak to your union'. They don't have any power, so all they can do is advise you." The inadequacy of the helpline was further highlighted in the Herald newspaper two months ago (29th Dec 2015) where a former psychiatric nurse and whistleblower branded the current system as "useless".

The Bowles report of May 2012 was titled "Investigation into Management Culture in NHS Lothian". It followed concerns about the manipulation of waiting list times. One of the organisational problems it logged was that staff had not used the Board's whistleblowing and other procedures to raise concerns, apparently for a number of reasons including a lack of confidence in their application at senior level and concerns about reprisals.

This petition seeks to tackle the widespread dissatisfaction with current arrangements. As Nicolas Chamfort said, too often "We leave unmolested those who set the fire to the house, and prosecute those who sound the alarm."

#### What a hotline might tackle

The 2014 NHS Scotland Staff Survey, asked staff about their being provided with a continuously improving and safe working environment, and promoting the health and wellbeing of staff, patients and the wider community. 23% of staff did not believe it was safe to speak up and challenge the way things were done if they had concerns about quality, negligence or wrongdoing by staff. Only 57% thought it was safe.

Staff were asked if they had experienced bullying/harassment in the past 12 months from their manager or from other colleagues. 9% of those who responded said that they had experienced bullying/harassment from their manager and 15% said that they had experienced bullying/harassment from other colleagues.

Of those respondents who said that they had experienced bullying/harassment, 37% said they had reported it.

The most commonly identified reasons for non-reporting were:

- I felt nothing would happen (87%)
- I feared what would happen if I did report it (78%)
- I was concerned about confidentiality (76%).

Fewer than two in five respondents (37%) who reported the bullying/harassment they experienced were satisfied with the response they received.

The whistleblowing hotline would allow reports of bullying and harassment to be reported and investigated by the hotline provider, with a report submitted to the Regional Health Board if necessary.

#### Cost of hotline to NHS Scotland

NHS Scotland has 160,000 staff, so the annual cost of an independent investigating hotline provider could come to £450K. But the cost should be set against the NHS Scotland annual budget of £12 Bn. To understand the cost/benefit ratio for such a scheme, the cost of a hotline should be considered in the light of savings it should create. For instance, on the 26th February 2016 the Edinburgh Evening News reported that "Delivery room blunders had cost NHS Lothian £12m". The cost of the hotline would be relatively miniscule if it helped minimise such blunders.

#### Edinburgh Council hotline

The new national hotline should seek to mimic the success of the independent hotline at the City of Edinburgh Council which reports to the Governance Risk & Best Value



at the City of Edinburgh Council which reports to the Governance, Risk & Best Value Committee. It is run by an independent external company.

Edinburgh is the only local authority in Scotland to have this independent hotline to take staff reports of mismanagement and malpractice. It came about after we petitioned the Council's Petitions Committee.

The hotline has been in place since May 2014 and was recently lauded by the Council in its Whistleblowing Annual Report : "Many of the recommendations that have resulted from investigations have led to amendments to policy, improvements to procedures and processes, the development and sharing of best practice and improved service delivery."

In August 2015, the Finance & Resources Committee agreed that the hotline was valuable and had led to the investigation of matters that would otherwise not have come to light. The Committee considered an externally produced report which assessed the service. That report stated that all those interviewed considered that there was value in having an external whistleblowing service and that such an arrangement should continue. The Committee agreed that the hotline should continue.

#### Support

This petition is supported by the Scotland Patients Association, the UK Patients Association and Action for a Safe & Accountable People's NHS (ASAP NHS). NHS Lothian UNITE Branch have passed a motion which includes the call for "Establishment of an independent Whistleblowing hotline to record, monitor and inform the regulator regarding issues to investigate reported cases of wrongdoing."

#### Conclusion

To conclude, this petition aims to complement existing Regional Health Board whistleblowing policies and sits alongside the Scottish Governments call for every Health Board to appoint a Whistleblowing Champion.

This petition is one of a raft of Petitions to the Scottish Parliament launched in the run up to the Scottish Elections by Kids not Suits under the aegis "Vision for an emancipated healthy democratic Scotland".

#### **Unique web address**

<http://ww3.parliament.scot/GettingInvolved/Petitions/WhistleblowerHotlineNHS>

#### **Related information for petition**

The NHS Scotland Staff Survey can be downloaded from [www.staffgovernance.scot.nhs.uk/monitoring-employee-experience/staff-survey/](http://www.staffgovernance.scot.nhs.uk/monitoring-employee-experience/staff-survey/)

(2015 stats are almost the same as 2014 stats)

The difference between a hotline and a helpline is spelled out in the "PAS 1998:2008 Whistleblowing Arrangements Code of Practice" which can be downloaded free from the BSI business standards company at <http://shop.bsigroup.com/forms/PASs/PAS-1998/>

Stay up to date with developments on this petition or contact the petitioner through the website [www.kidsnotsuits.co.uk](http://www.kidsnotsuits.co.uk)

**Do you wish your petition to be hosted on the Parliament's website to collect signatures online?**

**YES**

**How many signatures have you collected so far?**

0

**Closing date for collecting signatures online**

22 / 03 / 2016

**Comments to stimulate online discussion**

Would you feel safe telling your boss if they - or one of your colleagues (that you knew they liked)- were mismanaging or bullying?

Would you worry it might impact upon your own career?

Would you feel safe trusting your health to an organisation where staff did not feel confident about raising concerns around mismanagement and malpractice?