

Post-session handout for Confidential Contacts

Case Study – Equalities issues

Part one

You receive an email signed by five members of staff asking if it is possible to meet to discuss concerns about racist treatment of staff.

Part two

You arrange a meeting with the group for the following week, when everyone is available. You consider the potential that this could be an individual employment issue or a concern with a single manager and so, in advance of the meeting, you prepare signposting information relating to the Bullying and Harassment and Grievance procedures and information on how to contact HR and/or trade union reps. You also familiarise yourself with the sections in the Standards related to HR issues vs whistleblowing concerns.

At the meeting, you ask the group to expand on their concerns and they say that they are worried about racism in their department and the Board generally. They explain that they have been too scared to raise anything individually but felt safe coming forward as a group. They say that they have frequently either experienced or observed instances where Black and Asian colleagues have been treated less favourably than others. The group give examples such as being given less desirable shifts on a disproportionate basis, unreasonably being refused leave requests and being less likely to receive support to pursue development and training opportunities. Some members of the group have experienced this behaviour directly from more than one manager and others have witnessed a pattern of behaviour and want to support efforts to speak up about it.

Some members of the group have heard of similar issues experienced by staff from ethnic minorities in other departments and so they think there is a cultural issue that goes far wider than their own work area. They say that this is having a big impact on the morale of affected staff and will inevitably have wider impact on patient safety, partly because of how staff are treated but also the potential that racist behaviour also extends to how patients are treated.

You have not come across a whistleblowing concern about cultural issues before, or a concern raised by a group rather than an individual. You are initially unsure how to support or advise the group and so you thank them for raising the concerns and say



that you would like to get some further advice before meeting them again. You reassure them that you will not identify them or share any details that might indicate who had raised the concerns. The group are happy to proceed on that basis and you agree to meet again the following week.

Part three

You speak to a colleague who is also a Confidential Contact and you both agree to ask if any of the members of the Scottish Speak Up Network have come across anything similar. One member says that their Board has investigated a systemic cultural issue related to bullying and so it sounds like it would be eligible but they haven't had experience of a group raising something. They suggest calling the INWO advice line.

You call the advice line and speak to a call handler in very general terms. They say that it is possible under the Standards for a group to raise concerns if there is agreement from the group on the points they wish to raise and the outcome they are looking for. If there is disagreement between the group, they can raise separate concerns. The INWO point to the definition of whistleblowing and how it relates to harm or wrongdoing (which can impact on staff or patients). They suggest that it sounds like something that meets the definition but it will be for the Board to undertake an assessment and make a decision. The group have the right to raise it under the Standards if they wish.

You also speak to the Whistleblowing Lead at the Board and ask if there is any information you should pass on about the Board's approach to handling concerns from a group. You don't share information about the concerns at this stage or the identity of the whistleblowers. The Whistleblowing Lead advises you that the Board would normally ask for a lead person in the group to be a main point of contact and you agree to pass this on.

You meet the group again and explain how to raise their concerns internally, saying that you can support them to do that if they like. You pass on the advice from the INWO about linking the concerns to the whistleblowing definition and explain how the Board will assess the concerns for eligibility at the start of the process. You also pass on the information about the need for a shared agreement on the concerns and outcomes, and the importance of having a lead contact person. You talk them through the next steps and they agree to access the Standards. You explain that the Board will ultimately assess the concerns and determine whether or not the whistleblowing process is the correct route to raise the concerns. The group ask for



contact details for the Whistleblowing Lead and say that they will email them directly to raise their concerns. The group thank you for your help.

Takeaway points

- HR issues like bullying or harassment can become whistleblowing concerns if there are wider cultural implications that impact on staff. These can be difficult to identify. Ultimately it is for the Board to make a final decision about whether or not the concern is suitable for the procedure, it is not your role as Confidential Contact to make this decision. If the whistleblower is unhappy with the decision made by the Board, they can contact the INWO.
- If you are unsure about anything or you need advice you can always contact your Whistleblowing Lead, the INWO advice line on 0800 008 6112 or seek advice from your peers in the Scottish Speak Up Network. If you are seeking advice, you should keep the enquiry general and not share the identity of the whistleblowers.
- If you would like to join the Scottish Speak Up Network, the INWO can provide contact details for the Chairs. Email INWO@spsso.gov.scot.
- It is possible for groups of staff to raise concerns under the Standards. They are likely to need to nominate a lead person for the Board to communicate with and the group must have a shared understanding of the concerns being raised and the outcomes they are seeking. If not, they can raise the issues separately.
- Confidential Contacts should familiarise themselves with the support options already available in the Board so that they are prepared to signpost. This could include counselling services, occupational health services, chaplaincy, trade unions etc. If you are unsure – ask the Whistleblowing Lead or the HR department.
- You can always refer to the National Whistleblowing Standards for information on what the whistleblower should expect to happen during [the whistleblowing process](#). You can also find the information you need to discuss things like [support and protection under the Standards](#), and [confidentiality](#).

Further information

- The [National Whistleblowing Standards](#)
- [Independent National Whistleblowing Officer FAQs for whistleblowers](#)
- [Independent National Whistleblowing Officer contact details](#)