

## INWO decision report

**Case:** 202206509, Forth Valley NHS Board  
**Subject:** Complaint handling



### Summary

C raised concerns with the Board about a job evaluation process, the impact organisational change would have on both staff and service users and the lack of value and support given to frontline staff within the service.

The Board considered C's concerns under stage 2 of the National Whistleblowing Standards (the Standards). C was unhappy with the Board's response and complained to the INWO about the Board's handling of their whistleblowing concerns.

We reviewed C's concerns and determined that the complaint about the job evaluation process and subsequent grievances related to personnel matters and were not within the jurisdiction of the INWO. We agreed the INWO investigation would focus instead on how the Board handled C's whistleblowing concerns about organisational change and its impact on staff and service users.

We considered the information provided by C and the Board, including the Board's investigation file and found that there were failings in the Board's handling of the concern. This included a failure to separate the HR concerns from whistleblowing concerns, a failure to provide regular updates to C during the investigation, shortcomings in the quality of the stage 2 response letter and inadequate recommendations in relation to learning and improvement. Therefore, we upheld C's complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to C for the shortcomings in handling the whistleblowing concern. The apology should meet the standards set out in the SPSO guidelines on apology.

In relation to complaints handling, we recommended:

- Start a new investigation into the concerns raised by C.

- The Board must evidence an effective investigation that clearly links the findings and recommendations to the concerns raised by the whistleblower. The stage 2 response should state whether each head of complaint has been upheld or not upheld and explain the reasons for the finding. If the Board is unable to share certain details or answer any of the concerns, it should explain why. C should receive a final response that meets the requirement of the Standards and includes relevant recommendations where concerns have been upheld. Each recommendation should clearly state what action will be taken and provide details of how these actions will address C's concerns.
- Concerns handled under the Standards must meet the definition set out in the Standards. If there are other concerns that do not meet this definition the organisation should consider whether there is an alternative process and inform and advise the person raising the concern.