

Lewis Macdonald MSP
Convener
Health and Sport Committee
By email: HealthandSport@parliament.scot

1 May 2019

Dear Convener

Re: Independent National Whistleblowing Office powers and National Whistleblowing Standards; SPSO consultation process

The Scottish Government are seeking comments on draft legislation that aims to extend the Scottish Public Service Ombudsman's jurisdiction to include whistleblowing concerns for NHS Scotland's services.

The proposed extension to my powers would give me the legislative powers to:

1. investigate concerns raised by whistleblowers, as a final, independent review of these concerns, and
2. develop a set of standards for NHS services which all NHS organisations would need to follow when they receive and investigate whistleblowing concerns.

While I will not have these powers until legislation is passed, I have decided to consult on these draft Standards at the same time as the Scottish Government consults about the draft legislation. This is to ensure that anyone with an interest in Whistleblowing can see how the legislation will potentially apply in practice.

As a parliamentary-supported office-holder, I am keen to ensure that the Parliament is fully informed and involved. SPSO's proposed National Whistleblowing Standards include a set of Principles, which would apply to all NHS services in relation to whistleblowing concerns. In 2011, the Parliament approved our first Complaints Handling Principles. This fulfilled a legislative requirement in our Act but was also an important step in raising the status of complaints handling. We would like to take the same approach to the Whistleblowing Principles, and put them to Parliament for approval at the same time as the draft order is being considered by the Parliament. The current consultation therefore forms part of our requirements under the SPSO Act (2002) in relation to the development of principles.

Full details of our proposals are available [here](#), along with information about our consultation. I would be very happy to answer any questions the Committee may have and will keep the Committee informed of progress.



Further information about the Scottish Government consultation is available from John Malone (john.malone@gov.scot).

Yours sincerely

Rosemary Agnew
Scottish Public Services Ombudsman