

National guidance for NHS staff on speaking up in NHS Scotland

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Introduction

Speaking up plays a vital role in protecting patient care and safety within NHS Scotland. When staff speak up, their concerns must be heard and acted on. Everyone has responsibility to contribute to an open, supportive culture that improves the quality and safety of services.

When someone raises a concern, they should be treated with respect and empathy. It is important to take time to listen, offer support, and be professional, respectful and considerate.

We understand that raising a concern is not always easy, and the process can seem daunting. This guidance explains:

- How you can raise concerns confidentially.
- The support and protection available to you.
- How to escalate your concerns, if they cannot be resolved informally.

Who can speak up?

Anyone who works in, or provides services for, NHS Scotland. This includes:

- Employees and contractors.
- Volunteers.
- Students.
- People providing NHS services in primary care and health and social care partnerships (HSCPs).
- People who have recently left one of these roles.

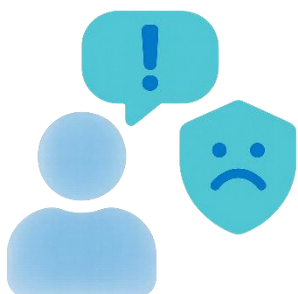


What you need to know

You can speak up if something seems unsafe or wrong within your workplace. This section explains how to get started.

What is speaking up?

Raising a concern in the public interest about an issue that involves a risk of harm or wrongdoing. This includes speaking up about patient safety and quality of care.



How to speak up

- Talk with your manager.
- Speak to another senior person.
- Approach a Confidential Contact.
- Use internal processes such as the adverse events reporting systems.

Learn more about the formal options

- The NHS whistleblowing procedure.
- When you can approach the INWO.
- The role of Healthcare Improvement Scotland.



If you want independent advice or external support to raise a concern



- Call the INWO's Advice Line for independent and confidential advice – **0800 008 6112**.
- Ask us about our monitored referral process | INWO.

What is speaking up?

Terms like **speaking up**, **raising a concern** and **whistleblowing** mean reporting risks or wrongdoing that are in the public interest. For an issue to be in the public interest, it will usually be something that affects, or could affect, people other than you. This includes:

- Patient safety or care issues.
- Unsafe working conditions.
- Fraud (theft, corruption, bribery or embezzlement).
- Changing or falsifying information about performance.
- Breaking a legal obligation.
- Deliberately covering up any of these issues.

Healthcare professionals have a separate professional duty to report concerns. All workers (including students and volunteers) must be aware of this, as it may affect how and when concerns are raised.

What is not speaking up?

There is a difference between a public interest concern and a personal grievance. A grievance is a personal complaint about your job or working conditions and is not in the public interest. For advice on a grievance, speak to your trade union representative or contact the [Advisory, Conciliation and Arbitration Service \(ACAS\)](#).

Sometimes, an issue may affect you as well as other staff or patients. In these situations, it can be hard to tell if the issue is in the public interest. If you are unsure, you can speak to a [Confidential Contact](#) or contact the [INWO Advice Line](#).

If you work for the NHS and have a concern about your own care as a patient, you should use the organisation's patient complaints process. For more information see [Making a complaint | NHS Inform](#).

How to speak up

If you have concerns, try to raise them within your organisation first. This can help resolve things more quickly and gives your organisation a chance to learn and make improvements.

You can speak up by:

- Challenging unsafe practice or wrongdoing as it happens.
- Using incident or adverse event reporting systems.
- Talking to your line manager or someone more senior.
- Speaking with a confidential contact.

In many cases, concerns can be resolved without a formal procedure. The diagram within the National Whistleblowing Standards explains when to consider the formal procedure: [Accessing the NHS Whistleblowing Procedure](#).

Confidential Contacts

Confidential Contacts (sometimes known as Speak Up Ambassadors) are the first point of contact for people who want to raise a concern.

They can provide advice on the processes available, help you to raise a concern with the right person and offer support throughout the Speaking Up Process.



You can find details of your organisation's Confidential Contacts on your organisation's staff intranet or website. If you are having difficulty finding a Confidential Contact or if you would like to speak to someone external, you can contact the [INWO Advice Line](#).

Choosing the right option for you

If you cannot resolve your concerns informally, you still have the option of using the formal procedure or approaching Healthcare Improvement Scotland. More information about these options can be found on the following pages.

Which option is right for me?

The following checklist can help you decide the best option for you.

- ☒ Are you comfortable with a small number of people in your organisation knowing your identity? (They have a duty to keep it confidential.)
- ☒ Do you want your organisation to speak with you about what support you might need whilst your concern is being reviewed?
- ☒ Would you like your organisation to share learning and improvement following their review of your concern?
- ☒ Would you like the option of an external independent review from the INWO if you are not happy with how your concern was handled or the outcome? (The INWO can make recommendations and share learning more widely)

If most of your answers are **yes**, then it is likely that the NHS whistleblowing procedure is the right option for you.

If you are not sure and want to speak to someone, contact the INWO's freephone advice line on **0800 008 6112** for a confidential discussion about your options.

The NHS whistleblowing procedure

The National Whistleblowing Standards explain how NHS organisations must handle concerns raised by staff that count as ‘whistleblowing.’

A key part of these Standards is that organisations must **support** and **protect** anyone who raises a concern, as well as anyone directly involved. This support should be provided at every stage of the process.

The Standards also make clear that **confidentiality** must be respected. This means organisations must not share information about the person who raised the concern.

Training for those receiving concerns can be found on [TURAS | NES](#).

At the end of the process, the organisation must give a full response to the person who raised the concern. The organisation must also tell the person about their right to ask for an independent review by the INWO.

Arrangements for Primary Care, Contracted Services Students and Volunteers

The arrangements for speaking up within primary care and contracted services, for students and volunteers, may be slightly different. Further information can be found on the INWO website by following the links above.

Note: Anyone in these groups can still speak with a Confidential Contact from the relevant NHS Board, or the [INWO Advice Line](#).

Legal Protection

The **Public Interest Disclosure Act 1998 (PIDA)** provides legal protection for workers who raise concerns in the public interest. This includes employees and others such as agency staff and contractors.

You can find more information about what type of concerns are protected and what this means on the following page: [Legal protection | INWO](#).

There is a list of external organisations (called 'prescribed persons') who workers can raise concerns with under PIDA. Anyone raising concerns with a prescribed person will still be protected if they reasonably believe that the information they are disclosing is true and that the subject matter falls within the remit of the prescribed person.

Raise concerns with confidence

Both the INWO and HIS are listed as prescribed persons for concerns about the NHS in Scotland.

For further advice

The law in relation to whistleblower protection can be complicated. If you need specific advice, you can find further information here: [Protect - Speak up stop harm - Whistleblowing Homepage](#).

The Independent National Whistleblowing Officer

What is the INWO?

The INWO provides the final independent review stage of the NHS whistleblowing procedure. The INWO investigates how whistleblowing concerns have been handled. For more information: [Complaining to the INWO | INWO](#).

The INWO is also responsible for the [National Whistleblowing Standards](#). These set out how NHS service providers must handle concerns that meet the definition of a whistleblowing concern.

When should I consider contacting the INWO?

For advice about raising a concern

Contact the INWO [Advice Line](#) for information and advice about speaking up about NHS services in Scotland.

If you are having problems with the local process

The INWO can provide advice and support to ensure you get a response (see [monitored referrals | INWO](#)).

Advice about handling a concern

The Scottish Public Services Ombudsman's (SPSO) Standards Team can provide guidance to NHS Organisations on handling concerns ([Whistleblowing Standards Enquiries | INWO](#)).

Ask us for an independent review

If you have completed the NHS whistleblowing procedure, you can use the online form on our website: [Ask for a review | INWO](#). The INWO will publish a report on our findings and may make recommendations to support wider learning and improvement.

How to get advice

The INWO operates a free, independent and confidential phone line. You can use this to get information and advice about speaking up about NHS services in Scotland.

Contact the advice line on **0800 008 6112** or email us:

INWO@spso.gov.scot

What to expect

If you ask us for an independent review, the INWO will:

- **Listen** – We will talk with you to understand the issues you have raised.
- **Assess** – We will consider the information you share and explain if we can review your case. If not, we will signpost you to other organisations.
- **Investigate** – If we can review your case, we will ask for information from your organisation.
- **Report** – We will tell you what we found and any recommendations we have made. We will publish information about our findings, whilst protecting the identities of everyone involved.
- **Follow up** – We ask for robust evidence to make sure learning and improvements happen.

We will keep you informed at every stage and protect your confidentiality. For further information, please see our website: [For whistleblowers | INWO](#).

Healthcare Improvement Scotland

What is HIS?

HIS is the national improvement agency for health and social care in Scotland. A key part of our work is the *Responding to Concerns Programme*.

The Responding to Concerns Programme can consider concerns from NHS staff that relate to the safety or quality of care of NHS services.

When should I consider contacting the Responding to Concerns Programme?

You may wish to contact the programme if you prefer your organisation is not aware you raised a concern.

NHS Scotland staff can contact HIS confidentially to raise concerns about the safety or quality of care. We will not share your identity with your employer and will take care to protect your confidentiality. For more information, see the FAQ: [I have a concern about patient safety, but I want to remain anonymous.](#)

What can't the Responding to Concerns programme consider?

The programme cannot consider complaints from members of the public about NHS Services.

Information about making a complaint can be found here: [Making a complaint | NHS Inform.](#)

Concerns about an Independent Healthcare Service.

Independent Healthcare Services are handled separately under HIS regulatory responsibilities. Further information is available on our website: [Regulation of independent healthcare | HIS](#)

How to submit a concern



Complete form on our website: [Responding to concerns | HIS](#)



Or email us: his.respondingtoconcerns@nhs.scot

What Happens Next?



We will review your concern to see if it falls within the HIS remit.



We will offer you a confidential meeting to discuss next steps.



We will assess the safety and quality issues.



We will keep you informed throughout the process.



We will maintain your confidentiality throughout the process.

Our commitment to you

HIS and the INWO both aim to provide you with a person-centred service. Whichever organisation you contact first, you will get person-centred and consistent advice about speaking up options. Where both organisations have a role to review, we will work together to avoid duplication and make sure the process is efficient and effective.

Other organisations

Some organisations have specialist roles for certain types of concerns. The list below covers some of the main organisations that are relevant to concerns about healthcare settings:

Mental Welfare Commission for Scotland can investigate concerns that a person with a mental illness or learning disability is not getting the right care and treatment.

Care Inspectorate are the regulators for registered social care services in Scotland. They have a duty to consider all complaints, including whistleblowing disclosures, about these services made by employees, ex-employees and students. If you have a concern about a registered social care service, you can contact the Care Inspectorate by calling **0345 600 9527**.

NHS Scotland Counter Fraud Services will consider concerns relating to any financial loss to the NHS. These can include allegations of fraud, embezzlement, theft, corruption and other irregularities.

NHS Education for Scotland can consider concerns relating to the delivery or quality of postgraduate medical education and training.

Audit Scotland, the Accounts Commission, the Auditor General and the firms they appoint can consider concerns about fraud, corruption or wrongdoing within the public bodies they audit.

The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. You can contact HSE to report a health and safety issue in a workplace or public space.

The Office of the Patient Safety Commissioner for Scotland is independent of the NHS and government and plays a key role in advocating for systematic improvement in the safety of healthcare across Scotland. The Office does not look at, or resolve individual complaints, nor does it replace internal NHS speaking-up channels. However, safety concerns raised by patients, families or NHS staff can feed into its wider investigations and recommendations.

Professional Regulators can consider concerns about the behaviour, health or performance of registered professionals. The largest regulators are listed below, but a more complete list can be found here: [UK regulated professions and their regulators](#).

The Nursing and Midwifery Council can consider concerns about the standards of practice or behaviour of nurses or midwives.

General Medical Council can consider concerns about a doctor, physician associate (PA) or anaesthesia associate's (AA) behaviour, health or performance which put public safety or the public's confidence in the profession at risk.

The Health and Care Professions Council is the statutory regulator of 15 regulated health and care professions (including paramedics, practitioner psychologists, occupational therapists, radiographers and more). They set standards to ensure public protection, and can consider concerns raised about registrants, and take appropriate action when necessary.

General Dental Council can consider concerns about the clinical practice, behaviour or health of dental professionals.

General Pharmaceutical Council can consider concerns about individual pharmacists, pharmacy technicians and pharmacies where there may be a risk to patient safety or the public confidence in pharmacy could be affected.

Frequently asked questions

I have concerns about an issue in my workplace, but I do not feel safe to speak to someone internally.

If you work in NHS services in Scotland, your organisation must ensure there is a person you can speak to about your concerns.

This person might be called a *Confidential Contact*, *Speak Up Ambassador*, or *Speak Up Advocate*. Their job is to listen, support you, and explain your options clearly in a confidential setting.

If you do not know who the Confidential Contacts are for your organisation, or if you would prefer to speak to someone external, you can call the INWO free on **0800 008 6112** for advice.

I have raised a concern with someone in my organisation, but I am having difficulty getting a response.

If you are worried that your concern is not being taken seriously or if you are unclear what is happening, speak to one of your organisation's Confidential Contacts first. They can give you advice and help you understand your options.

If you do not know who the Confidential Contacts are for your organisation, or if they cannot help you, please call the INWO's freephone advice line on **0800 008 6112**.

I have a concern about patient safety, but I want to remain anonymous.

You can raise a concern anonymously within your organisation. However, it will not be handled under the NHS whistleblowing procedure.

If you choose to stay anonymous, this can limit the support, legal protection and feedback you receive. You also will not be able to ask the INWO to review how your concern was handled or how you were treated.

If you do not feel safe speaking to someone in your organisation, NHS Scotland staff can contact Healthcare Improvement Scotland (HIS) confidentially by email: his.respondingtoconcerns@nhs.scot

You can choose to give your contact details or stay anonymous. If you share your contact details, HIS will keep your identity confidential.

Please note that anonymity and confidentiality have limits. For example, the details of your concern may make it clear to your employer who raised it. However, it is against the law for an employer to try to identify someone who has raised a concern.

Important: HIS's Responding to Concerns programme is separate from the NHS whistleblowing procedure. You can only ask the INWO to review your case if you have used the NHS whistleblowing process.

I have raised a concern with my organisation, but I am unhappy with the response.

What you do next depends on how you raised your concern.

Many concerns are shared informally, such as in a team meeting, at handover, or through an incident reporting system like DATIX or InPhase. If these routes have not resolved the issue, you can speak to a [Confidential Contact](#) about raising your concern formally.

If you have already used the NHS whistleblowing procedure and received a Stage 1 (early resolution) response, you can ask for your concern to move to Stage 2 (investigation).

At the end of the two-stage process, your organisation will send you a letter explaining how to ask the Independent National Whistleblowing Officer (INWO) to review your case if you are still unhappy.

You can use the online form on the INWO website to request a review ([Ask for a review | INWO](#)). If you need this in a different format, you can contact INWO for help.

I would like to speak with someone about my specific situation

You can call the INWO for free, independent, and confidential advice.

They can talk through your situation, explain your options for raising a concern, and point you to relevant support services.

Call the freephone advice line on **0800 008 6112**.

I am unhappy with how I have been treated after raising a concern within my organisation.

Organisations must protect and support staff who speak up. You should not be treated unfairly for raising a concern. This includes things like bullying, harassment, misuse of policies, changes to your contract, financial loss, or damage to your reputation or career.

If you raised your concern using the NHS whistleblowing procedure, you can ask the INWO to review how you have been treated.

If you did not use the NHS whistleblowing procedure (for example, you used Healthcare Improvement Scotland's Responding to Concerns process), the INWO cannot look into how you were treated.

You can also use your organisation's own procedures, such as grievance or bullying and harassment policies. NHS Scotland staff can find these here: [Policies | NHS Scotland](#).

The outcome you can get will depend on the route you choose. If you want to talk through your options, you can call the INWO advice line.

If you believe you have been treated unfairly or dismissed because you spoke up, you may be able to make a claim to an Employment Tribunal. It is important to act quickly, as there are strict time limits. You should get advice as soon as possible from your trade union, [Protect](#) or [ACAS](#).

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Need information in a different format? Contact our Equality, Inclusion and Human Rights Team to discuss your needs. Email his.equality@nhs.scot or call 0141 225 6999. We will consider your request and respond within 20 days.

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