

Meeting	Audit, Risk & Assurance Committee
Date	14 July 2022
Location	Video Conference
Title of Paper	Police Scotland - Whistleblowing
Presented By	ACC Alan Speirs
Recommendation to Members	For Discussion
Appendix Attached	No

PURPOSE

The purpose of this paper is:-

- to provide an update in relation to Police Scotland's Whistleblowing data for Financial Year 2021/22 and planned next steps for Year 2022/23.

Members are invited to note the contents of this paper.

1. BACKGROUND

- 1.1 Police Scotland commenced a formal Whistleblowing process in 2017 which is now a well embedded process within the organisation. Police Scotland utilise the services of PROTECT (Whistleblowing Advice) Ltd ('PROTECT') to provide independent, confidential and expert advice to Police Scotland officers, staff and managers.
- 1.2 This report will provide an update in relation to Whistleblowing matters investigated by Police Scotland in Financial Year 2021/22 and proposed next steps for 2022/23.

2. PSD GATEWAY UNIT – Referrals (including Whistleblowing Reports) 2021/22

- 2.1 Between the dates 01 April 2021 and 31 March 2022, the PSD National Gateway Assessment Unit (Gateway) received **2720** referrals in total. A breakdown of these referrals is as follows:-

Gateway Category	Number	%
ABUSE OF AUTHORITY	25	0.92%
AUDIT REQUEST	67	2.46%
BUSINESS INTEREST	475	17.46%
COMMIT, INCITE, AID AND ABET, ASSIST IN THE COMMISSION OF CRIME	345	12.68%
CONDITIONAL POSTING	28	1.03%
CONTROLLED DRUG USE AND SUPPLY	50	1.84%
DISCLOSURE OF INFORMATION	129	4.74%
GRIEVANCE RELATED MATTER	58	2.13%
INAPPROPRIATE ASSOCIATION	71	2.61%
INAPPROPRIATE SOCIAL MEDIA	34	1.25%
MISUSE OF FORCE SYSTEMS	249	9.15%
NOTIFIABLE ASSOCIATION	470	17.28%
ORGANISATIONAL RISK	151	5.55%
OTHER	9	0.33%
PERFORMANCE	270	9.93%
PERVERTING THE COURSE OF JUSTICE	6	0.22%
SEXUAL MISCONDUCT	59	2.17%
SOCIAL MEDIA CAPTURE	2	0.07%
THEFT AND FRAUD	9	0.33%
VULNERABILITY	213	7.83%
Grand Total	2720	100.00%

2.2 Of these referrals, **nine** individuals were formally recognised as Whistleblowers, as their reports met the legislative criteria whereby the Whistleblower held a reasonable belief that:

- They are acting in the public interest
- That the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
 1. A criminal offence has been, is being or is likely to be committed
 2. A person has failed, is failing or is likely to fail to comply with any legal obligation
 3. A miscarriage of justice has occurred, is occurring or likely to occur
 4. The Health or Safety of an individual has been, is being, or is likely to be endangered
 5. The environment has been, is being or is likely to be damaged
 6. There has been deliberate concealment of information in relation to any of the above.

2.3 A further report in Year 2021/22 was assessed as 'whistleblowing' however the reporter remained anonymous.

2.4 Since the establishment of the Gateway in February 2017, the referral data is as follows:

Year	Total No. of Referrals Received by Gateway	Total No. of Referrals Recognised (in Full or Part) as Whistleblowing
2017/18	1175	1*
2018/19	2168 86% increase on previous year	6*
2019/20	2419 107.6% increase since Year 1	13*
2020/21	2743 134% increase since Year 1	5
2021/22	2720 132% increase since Year 1	10*

* This includes anonymous reports received that have reasonably been assessed as Whistleblowing, whereby the reporter was unknown and therefore could not formally be recognised and/or afforded rights and protection.

2.5 Furthermore, in Year 2021/22, Police Scotland have enhanced current Whistleblowing process, operations and governance, as follows:

- The Whistleblowing Guidance document has been reviewed. Minor amendments have been proposed and this is currently with the SPA, Staff Associations and Trade Unions for consultation. It is anticipated that the revised document will be published by end of July 2022.
- Whistleblowing awareness has been imbedded within relevant Police Scotland training courses and CPD events.
- 'Investigation – Wellbeing Guidance' has now been published to ensure that all officers and staff within Police Scotland and the SPA receive a consistent level of support across the organisation should they become involved in an investigative process (including Whistleblowing matters). The Guidance is supported by two feedback forms which provides the opportunity for those involved to engage in enhancing processes moving forward.
- A further PROTECT benchmark self-assessment was completed in June 2022 for Year 2021/22. The bench-mark report is currently awaited from PROTECT.
- People and Development have confirmed that specific Whistleblowing questions will be covered in future staff surveys which will allow us to formally test confidence in our officers and staff to report wrongdoing within the workplace.
- Internal communications has been circulated for World Whistleblowers Day (23/06/2022), highlighting to officers and staff of the importance of reporting concerns of wrongdoing and signposting them to the various reporting mechanisms available within the organisation.
- Police Scotland extended our contract with PROTECT for a further year.

3. NEXT STEPS 2022/23

3.1 In order to develop and strengthen current process and practice, Police Scotland's next steps for Year 2022/23 will be as follows:-

CPD and awareness sessions will be undertaken with Divisions and Departments at all levels within the organisation.

Whistleblowing will be covered in monthly meetings with senior management teams and PSD.

A whistleblowing awareness session will be facilitated between PSD and the Police Investigations and Review Commissioner (PIRC).

We will work alongside Corporate Communications to enhance our internal Whistleblowing communication strategy.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications however Police Scotland strive to create a transparent culture within the organisation, in line with our Values of Fairness, Integrity, Respect and Human Rights, to minimise potential legal costs attributed to wrongdoing within the workplace.

5. PERSONNEL IMPLICATIONS

- 5.1 Police Scotland's policy seeks to ensure staff and officers feel enabled and empowered to report wrongdoing with the confidence that any reports made will be taken seriously and thoroughly investigated, whilst affording employees legislative protection.

6. LEGAL IMPLICATIONS

- 6.1 Processes put in place will ensure Police Scotland's compliance with the Employment Rights Act 1996 and the Public Information Disclosure Act 1988.

7. REPUTATIONAL IMPLICATIONS

- 7.1 In 2019 Police Scotland was recognised as a benchmark for other law enforcement agencies by the UK Government call for evidence into Whistleblowing. We endeavour to develop and strengthen our process, to have a workforce that is listened to, feel empowered to report wrongdoing and create a safe working environment/culture. This, in turn, will build public trust and confidence in policing, as these matters are in the public interest.

8. SOCIAL IMPLICATIONS

8.1 By strengthening existing process, we will create an open, honest and transparent culture which meets the needs and encompasses our full workforce and the wider communities we serve.

9. COMMUNITY IMPACT

9.1 A strong Whistleblowing process within the organisation will enhance public trust and confidence in Policing.

10. EQUALITIES IMPLICATIONS

10.1 None

11. ENVIRONMENT IMPLICATIONS

11.1 *None*

RECOMMENDATIONS

Members are invited to note the contents of this report.