



Meeting	Audit, Risk and Assurance Committee
Date	2 August 2023
Location	MS Teams
Title of Paper	SPA Annual Whistleblowing Report
Presented By	John Maclean, SPA Workforce Governance Lead
Recommendation to Members	For Discussion
Appendix Attached	No

PURPOSE

The purpose of this paper is to provide an annual update and assessment on the effectiveness of whistleblowing arrangements within the Scottish Police Authority (SPA).

1 BACKGROUND

- 1.1. The SPA Whistleblowing Policy outlines the requirement to provide an annual update to the Audit, Risk and Assurance Committee with a particular focus on concluded whistleblowing cases and lessons learned as a result.
- 1.2. This annual update goes beyond the specific policy commitment with further information to ensure a full and rounded assessment of the effectiveness of whistleblowing arrangements.

2 POLICY ASSURANCE PROCESS

2.1 A six monthly SPA assurance process is in place ensuring the SPA Chief Executive, Director of Forensic Services and SPA Whistleblowing Champion (SPA Board Member) receive an update of the effectiveness of the policy against set out criteria. The table below provides a summary of key areas from the two six monthly assurance assessments during 2022/23.

Policy Requirements	Update
The number of whistleblowing concerns that are outstanding, how they are being dealt with and for how long they have been outstanding	None in this period.
The number of whistleblowing concerns that have been closed, along with the outcome, lessons learned and improvements made as a result of the concern being raised	None in this period, although steps are being taken to act upon lessons learned from a case that was closed in 2021/22
The extent to which procedures used are adequate to track the actions taken and in ensuring appropriate follow-up action has been taken to investigate and, if necessary, resolve	No issues identified.
The extent to which whistleblowers are being effectively provided with updates and feedback	
The extent to which there have been any difficulties with confidentiality	
The extent to which there have been any concerns in relation to fair treatment	No issues identified in relation to fair treatment, however lessons learned from previous case demonstrates importance of ensuring decisions taken don't lead to perception of unfairness. For example an improvement is proposed to ensure the Single

	Point of Contact under the policy is appraised of any potential changes to agreed employee safeguarding arrangements prior to implementation.
The extent to which issues raised could have been resolved earlier before the concern was raised	No issues identified.
Any relevant views from the whistleblower and/or trade unions on the current whistleblowing policy.	No issues identified.

3 CASE LEARNING

3.1 In the previous annual report it was confirmed that a lessons learned exercise was progressed for a single case that closed during 2021/22. A supporting action plan was developed and recognised the case was multi-faceted and had elements related to grievance, discipline and whistleblowing. A progress update is included below.

Action	Status
Engagement with Police Scotland to ensure SPA Corporate/Forensics management are informed of any disciplinary or grievance matters raised directly with them re SPA staff	Complete
Engagement with Police Scotland to propose the Case Allocation Review Panel (CARP) is split into two sections (i.e. Police Scotland and then SPA) with a view to having appropriate SPA officer involvement in such discussions	Complete
Development of training for SPA Complaints and Conduct Team to support quality assurance process for the following circumstances <ul style="list-style-type: none"> ○ Concerns raised which do not reference whistleblowing but actually meet the legal definition ○ Concerns raised which reference whistleblowing but do not actually meet the legal definition. 	Training developed to be delivered in Q2 2023/24. See section 5.
Update policy to fully clarify Complaints and Conduct quality assurance role in ensuring managers actively consider whether concerns raised meet legal definition.	Policy updated to be progressed for consultation in Q2 2023/24
Update Code of Conduct to clarify that Integrity Matters only applies to Police Scotland	Complete
Ensure assessment take places, where subsequent correspondence is received following initial protected disclosure, on whether or not additional	Policy updated to be progressed for consultation in Q2 2023/24

matters raised require to be treated as a separate complaint.	
Put in place appropriate induction and refresher training.	E-Learning package developed and currently going through user testing. To be delivered Q2/Q3 2023/24. See section 5.
Engage with Police Scotland to confirm that PSD (and CAAPD) have no locus in respect of whistleblowing concerns related to SPA staff with the need for any concern raised to be referred back to SPA.	Complete
Ensure policy is updated to confirm Single Point of Contact under the policy is appraised of any potential changes to agreed employee safeguarding arrangements prior to implementation to ensure that these do not result in undue risk.	Policy updated to be progressed for consultation in Q2 2023/24

4 POLICY/PRACTICE SELF-ASSESSMENT

- 4.1 Following a self-assessment the 2020/21 annual report confirmed that the SPA approach was well aligned to the Whistleblowing Commission Code of Practice. In the 2021/22 annual report it was confirmed that a further review of SPA whistleblowing policy/practice would be undertaken considering this against ISO 37002, the whistleblowing management system standard published in July 2021.
- 4.2 This assessment has now taken place and has identified that policy/practice strongly aligns with the ISO standard. In the spirit of continuous improvement, areas for development were identified linked to the ISO standard and a progress update is outlined below.

Areas for Development	Status
Consider explicit inclusion of specific intended whistleblowing outcomes that can then be considered as part of the assurance process.	Policy updated to be progressed for consultation in Q2 2023/24
Consider the need for there to be scope to offer different levels of support based on case by case assessment of risk of detriment.	Policy updated to be progressed for consultation in Q2 2023/24

Consider need for specific reference to the fact that criminal allegations also require to be reported to Police Scotland.	Policy updated to be progressed for consultation in Q2 2023/24
Ensure engagement with Information Management as part of policy review (considering detail of ISO guidance) to determine extent to which policy should be more specific in relation to data protection, retention and confidentiality.	Will form part of upcoming consultation process.
Ensure accessibility assessment forms part of policy review.	Will be considered as part of EqHRIA.

5 TRAINING PLAN

- 5.1 Following positive engagement and work with the Police Scotland E-Learning team, e-learning training has been developed to support both those who raise and those who receive concerns. This package is currently going through user testing before being finalised for use in Q2/Q3 2023/24.
- 5.2 This package will be provided to all members of staff within SPA Corporate and Forensic Services with plans to embed these as part of induction and refresher training.
- 5.3 In line with Section 3, a specific training session has also been developed for the SPA Complaints Team to support the ability to effectively identify when a concern does or doesn't meet the definition of whistleblowing irrespective of whether it formally comes through the formal whistleblowing channel.
- 5.4 The proposed training session has been developed jointly by SPA Workforce Governance and Legal and has been shared with the SPA Complaints and Conduct Manager and will be delivered to the SPA Complaints team in Q2 2023/24.

6 MEASUREMENT OF KNOWLEDGE AND CONFIDENCE RELATED TO WHISTLEBLOWING

SPA Corporate

- 6.1 The confidence and knowledge to raise whistleblowing concerns has rightly been a key area of interest for the ARAC. SPA Corporate staff have been surveyed on their knowledge of and confidence to raise whistleblowing concerns through pulse surveys in February 2022 and May 2023. A comparison of the results is outlined below.

	I understand what constitutes a whistleblowing concern and how to bring this to the attention of the organisation			If I had a whistleblowing concern, I am confident to raise this		
	2022	2023	+/-	2022	2023	+/-
Strongly Agree	31.8	50	+18.2	29.5	45.5	+15.9
Agree	63.6	34.1	-29.5	54.5	34.1	-20.5
Neither	2.3	9.1	+6.8	6.8	9.1	+2.3
Disagree	2.3	4.5	+2.2	4.5	9.1	+4.6
Strongly Disagree	0.0	0.0	0.0	2.3	2.3	0.0
Not Answered	0.0	2.3	+2.3	2.3	0.0	-2.3
Agree/Strongly Agree	95.5	84.1	-11.4	84.1	79.5	-4.6
Disagree/Strongly Disagree	2.3	4.5	+2.2	6.8	11.4	+4.6
Neither/not answered	2.3	11.4	+9.1	9.1	9.1	0.0

- 6.2 Positively the percentage of staff that strongly agreed increased for both questions, however there has also been an overall decrease in those that strongly agree/agree overall.
- 6.3 Whilst knowledge of the process is still at a high level it is anticipated that the introduction of the e-learning package will improve on the current position. Whilst confidence to raise concerns will be considered as part of the broader SPA Corporate response to the pulse survey it is anticipated that the positive messages around whistleblowing within the E-Learning package, which will be reiterated by the Chief Executive when launched at a Staff Briefing will contribute to increased confidence to raise concerns going forward.

SPA Forensic Services

- 6.4 SPA Forensic Services do not currently have an equivalent survey that measures knowledge and confidence associated with whistleblowing. However what has been confirmed is that 96% of all staff have read and acknowledged the policy. The policy is also included in the Forensic Services Quality Policy Manual with the last issue of this being sent out in early April 2023.

Inclusion in overall Staff Survey for Policing

- 6.5 Following discussion at the ARAC in January 2022 the ACC Professionalism and Assurance committed to ensure relevant questions are included in the next Staff Survey for policing. The SPA Workforce Governance Team are also engaging with Police Scotland to ensure this commitment is delivered. The timing of the next survey has yet to be confirmed.

7 ASSESSMENT OF EFFECTIVENESS

- 7.1 This assessment considers the policy and practice, based on the detail above.

Policy

- Policy very clear in relation to benefits of raising concerns and encourages individuals to raise concerns
- Policy was developed in line good practice and has been subject to self-assessment with conclusion re alignment to the Whistleblowing Commission Code of Practice and ISO Standards
- Evidence that lessons learned in practice will continue to inform policy development

Practice

- Self-assessments demonstrate alignment with good practice
- Steps have been and are being taken to make improvements based on lessons learned from previous cases and consideration of ISO standards

Training and Awareness

- Current Policy easily accessible
- Sustainable and comprehensive approach to training in final stages of development for those who raise and those who receive concerns
- Positive steps being taken to ensure increased capability and quality assurance process that identifies whether a concern does or doesn't meet whistleblowing definition irrespective of whether it formally comes through whistleblowing channels

Staff Confidence

- Whilst levels of confidence and knowledge in the whistleblowing procedure for SPA Corporate remain high the results demonstrate the need to ensure sustainable approaches to training are put in place along with clear demonstration from senior leadership that raising a concern is a positive act.
- There remains a continued commitment to ensure all staff within SPA feel comfortable to raise concerns
- Steps still require to be taken to ensure consistent and effective approach to measuring knowledge and confidence to raise concerns across policing.

7.2 In summary the SPA whistleblowing arrangements are effective with evidence that steps were taken in 2022/23 to make improvements, with further improvements planned in 2023/24.

8 FINANCIAL IMPLICATIONS

8.1 There are no direct financial implications. However, an open and transparent culture will help to mitigate the associated costs of malpractice and poor financial decision making.

9 PERSONNEL IMPLICATIONS

9.1. The Authority approach to whistleblowing seeks to ensure that staff work in an open, transparent and safe working environment where people feel able to speak up.

10 LEGAL IMPLICATIONS

10.1. The policy seeks to ensure internal controls and processes are in place to enable SPA compliance with the relevant legislation. The work in relation to the implementation of the training plan seeks to build on this.

11 REPUTATIONAL IMPLICATIONS

11.1. An effective approach to whistleblowing is essential in detecting and deterring wrongdoing, whilst also raising the bar on standards and quality. The reputational benefit of having an open, transparent and safe working environment is clear.

12 SOCIAL IMPLICATIONS

12.1. There are no social implications in this report.

13 COMMUNITY IMPACT

13.1. There are no community implications in this report.

14 EQUALITIES IMPLICATIONS

14.1. Policy developments being considered are being supported by an Equality and Human Rights Impact assessment to ensure mitigation of negative impact whilst ensuring opportunities are taken to maximise positive impact.

15 ENVIRONMENT IMPLICATIONS

15.1. A specific category for raising whistleblowing concerns relates to damage to the environment. No issues have yet been identified through the updated whistleblowing policy.

RECOMMENDATIONS

Members are requested to discuss the report.