



Meeting	Audit, Risk and Assurance Committee
Date	2 August 2023
Location	MS Teams
Title of Paper	Police Scotland Annual Whistleblowing Report
Presented By	Chief Superintendent Catriona Henderson
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 2022/23 and planned next steps for Year 2023/24.

Members are invited to discuss the information contained within this report.

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 during the Financial Year 2022/23 and proposed next steps for 2023/24.

2. PSD NATIONAL GATEWAY ASSESSMENT UNIT – Referrals (including Whistleblowing Reports) 2022/23

- 2.1 Between the dates 01 April 2022 and 31 March 2023, the PSD National Gateway Assessment Unit (NGAU) received **3084** referrals in total. A breakdown of these referrals is as follows:-

Gateway Category	Number	%
ABUSE OF AUTHORITY	23	0.75%
AUDIT REQUEST	89	2.89%
BUSINESS INTEREST	739	23.96%
COMMIT, INCITE, AID AND ABET, ASSIST IN THE COMMISSION OF CRIME	14	0.45%
CONDITIONAL POSTING	20	0.65%
CONTROLLED DRUG USE AND SUPPLY	71	2.30%
DISCLOSURE OF INFORMATION	144	4.67%
EXPLOITATION OF THE PRIVILEGE OF OFFICE	7	0.23%
GRIEVANCE RELATED MATTER	88	2.85%
INAPPROPRIATE ASSOCIATION	61	1.98%
INAPPROPRIATE SOCIAL MEDIA	41	1.33%
INFILTRATION	1	0.03%
MISUSE OF FORCE SYSTEMS	39	1.26%
NOTIFIABLE ASSOCIATION	724	23.48%
ORGANISATIONAL RISK	190	6.16%
OTHER	25	0.81%
OTHER CRIMINAL BEHAVIOUR	229	7.43%
PERFORMANCE	299	9.70%
PERVERTING THE COURSE OF JUSTICE	4	0.13%
SEXUAL MISCONDUCT	84	2.72%
SOCIAL MEDIA CAPTURE	3	0.10%

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SUSPICIOUS ACTIVITY REPORT	3	0.10%
THEFT AND FRAUD	6	0.19%
VULNERABILITY	180	5.84%
Grand Total	3084	100.00%

2.2 Of these referrals, **14** reports were recognised as Whistleblowing, with **15** individual officers or members of police staff formally recognised as Whistleblowers due to their disclosures meeting the legislative criteria in that the individual held a reasonable belief that:

- They were acting in the public interest;
- That the disclosure tended 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 **1** of the aforementioned reports was assessed as 'Whistleblowing' however the reporter remained anonymous and could not be identified.

2.4 Since the establishment of PSD NGAU 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*

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2020/21	2743 134% increase since Year 1	5
2021/22	2720 132% increase since Year 1	10*
2022/23	3084 162.5% increase since Year 1	14*

* 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 A dedicated Chief Inspector has oversight of the NGAU and ownership of Whistleblowing assessments and associated processes. Regular engagement with PROTECT and attendance at its Seminars and Masterclasses has ensured that the organisation's response to Whistleblowing continues to be fit for purpose.

2.6 During the Year 2022/23, Police Scotland has enhanced current Whistleblowing processes, operations and governance, as follows:

- The published Whistleblowing Guidance is currently under review and upon conclusion of mandatory consultation, will be published in early course;
- The PROTECT benchmark self-assessment was completed in June 2022 for Year 2021/22 and the resulting Benchmarking Report provided that Police Scotland's Benchmark Score was 91%, which can be further broken down as follows;
 - Governance 97%
 - Engagement 93% and
 - Effective Operations 83%
- Suggestions to improve the Operations score include:
 - Police Scotland could implement a network of whistleblowing advocates to support 'Whistleblowers' through the process of the investigation;
 - Police Scotland could also be more explicit in communicating that settlement agreements do not stop an employee from going to a relevant regulator.
- Officers within PSD are aware of the importance of protecting police officers and members of police staff making reports about colleagues and are encouraged to proactively consider during their investigations whether any Whistleblowing assessments require to be undertaken. This ensures that matters submitted directly to other PSD business areas receive the same level of assessment with regards to Whistleblowing as those submitted via PSD NGAU.

- PSD has undertaken a range of activities Police Scotland's 'Policing Together' strategy, which supports the service-wide drive to raise awareness of the organisation's values of integrity, fairness and respect, and a commitment to upholding human rights. Examples of this include the publication of misconduct outcomes and a programme of activity which focuses on maintaining our Standards of Professional Behaviour, encouraging officers and members of police staff to challenge inappropriate behaviours and to report same to line managers or to PSD.
- PSD has engaged with People and Development to explore opportunities to better understand and improve organisational workplace cultures through the implementation of a 'Report and Support' tool. Furthermore, discussions are ongoing with 'Crimestoppers' in relation to a further confidential reporting system which aims to capture police corruption; all with a view to improving means for the public, police officers and members of police staff to report wrongdoing, inappropriate behaviours, misconduct or criminality.
- PSD has engaged with Leadership and Talent colleagues to ensure that Whistleblowing awareness has been embedded within the current 'Your Leadership Matters' Seminars currently being delivered across the Force.
- The published 'Investigation – Wellbeing Guidance' ensures 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 individuals and supervisors to submit feedback to enhance processes moving forward.
- Police Scotland has extended its contract with PROTECT for a further year.

3. NEXT STEPS 2023/24

3.1 In order to develop and strengthen current process and practice, Police Scotland's next steps for Year 2023/24 will be as follows:-

- A further Benchmarking Assessment will be completed and submitted to PROTECT;
- PSD will consider and progress implementation of the Benchmarking Report recommendations;

- Advice and Guidance in relation to reporting mechanisms, including Whistleblowing, will be included within forthcoming issues of PSD's new quarterly newsletter, 'The Standard';
- PSD will engage with English and Welsh Police Forces in order to benchmark their Whistleblowing processes;
- CPD and awareness sessions will be undertaken with Divisions and Departments at all levels within the organisation;
- Whistleblowing will continue to be promoted during PSD meetings with divisional/departmental senior management teams;
- PSD will continue to 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 discuss the information contained within this report.