



Agenda Item 4.7

Meeting	Audit, Risk and Assurance Committee
Date	15 August 2024
Location	Online
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 2023/24.

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	One raised and concluded in 2023/24.
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	One concluded, and lessons learned exercise still in progress.
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	Lessons learned exercise still in progress.
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	
The extent to which issues raised could have been resolved earlier before the concern was raised	
Any relevant views from the whistleblower and/or trade unions on the current whistleblowing policy.	

3 CASE LEARNING

3.1 Early learning from the case concluded in 24/25 includes:

- The training that has been provided since the case was raised was helpful in clarifying areas that needed clarity during consideration of the case
- There is a potential gap in relation to external organisations that could be involved to support whistleblowing concerns that are scientific in nature given the Forensic Services Regulator only covers England and Wales
- There were challenges with the overlap of whistleblowing and grievance

3.2 In previous annual reports it was confirmed that a lessons learned exercise was progressed for a single case. 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. 	Complete
Update policy to fully clarify Complaints and Conduct quality assurance role in ensuring managers actively consider whether concerns raised meet legal definition.	Role carried out in practice following training. Draft update developed however policy yet to be progressed for consultation.
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 matters raised require to be treated as a separate complaint.	Draft update developed however policy yet to be progressed for consultation.
Put in place appropriate induction and refresher training.	Complete
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.	Draft update developed however policy yet to be progressed for consultation.

4 POLICY/PRACTICE SELF-ASSESSMENT

- 4.1 Previous assurance reports have confirmed that the whistleblowing policy/practice strongly aligns with ISO 37002, the whistleblowing management system standard published in July 2021. SPA’s approach to whistleblowing is particularly strong in relation to the content of the policy and the supporting governance process that includes a regular assurance report to the SPA Chief Executive, Director of Forensic Services and the SPA Whistleblowing Champion. This is also supported by an annual update on the effectiveness of arrangements to the Audit, Risk and Assurance Committee.
- 4.2 In the spirit of continuous improvement areas for potential development have been identified linked to the ISO standard.

Areas for Development	Status
Consider explicit inclusion of specific intended whistleblowing outcomes that can then be considered as part of the assurance process.	Draft update developed however policy yet to be progressed for consultation.
Consider the need for there to be scope to offer different levels of support based on case by case assessment of risk of detriment.	
Consider need for specific reference to the fact that criminal allegations also require to be reported to Police Scotland.	
Ensure engagement with Information Management as part of policy review (considering detail of ISO	Will form part of upcoming

guidance) to determine extent to which policy should be more specific in relation to data protection, retention and confidentiality.	consultation process.
Ensure accessibility assessment forms part of policy review.	Will be considered as part of EqHRIA.

5 TRAINING PLAN

- 5.1 Specific training has been delivered to the SPA Complaints and Conduct team in line with their responsibilities in relation to quality assurance relating to assessment of
- Concerns raised which do not reference whistleblowing but actually meet the legal definition
 - Concerns raised which reference whistleblowing but actually meet the legal definition
- 5.2 In addition an e-learning package has been developed and implemented in 2023/24 for all staff in SPA Corporate and Forensics.
- 5.3 As of 23 July 2024, 41 (87%) of SPA Corporate staff and 423 (69%) of SPA Forensics Staff had completed the training.

6 MEASUREMENT OF KNOWLEDGE AND CONFIDENCE RELATED TO WHISTLEBLOWING

SPA Corporate

- 6.1 For the last three years SPA corporate have measured understanding and confidence levels related to SPA Corporate and the results are 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	2024	2022	2023	2024
Strongly Agree	31.8%	50%	50%	29.5%	45.5%	50%
Agree	63.6%	34.1%	44.7%	54.5%	34.1%	34.2%
Neither	2.3%	9.1%	5.3%	6.8%	9.1%	13.2%
Disagree	2.3%	4.5%	0.0%	4.5%	9.1%	0.0%
Strongly Disagree	0.0%	0.0%	0.0%	2.3%	2.3%	2.6%
Not Answered	0.0%	2.3%	0.0%	2.3%	0.0%	0.0%



- 6.2 Whilst not being complacent about the need to always work to embed a culture that encourages individuals to raise concerns it is positive to note that results have improved in terms of knowledge and confidence levels.

Staff Survey for All

- 6.3 Previous updates have confirmed that there is a focus in ensuring the staff survey for all officers/staff in policing includes appropriate questions that would allow for the confidence to raise concerns to be measured going forward beyond SPA Corporate only. The Staff Survey was launched on 1 July 2024 and the opportunity to outline views on level of confidence to raise concerns. This will mean that this information will be available for SPA Corporate, SPA Forensics and Police Scotland.

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
- Training package now in place

- Improved 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

- Survey results for SPA Corporate demonstrate high levels of confidence to raise concerns and high levels of knowledge in the process
 - New policing staff survey has appropriate questions to ensure measuring of confidence to raise concerns for whole of policing going forward
- 7.2 In summary the SPA whistleblowing arrangements are effective with evidence that steps were taken in 2023/24 to make improvements, with further improvements planned in 2024/25.

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

- 9.2 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

- 10.2 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

- 11.2 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

- 12.2 There are no social implications in this report.

13 COMMUNITY IMPACT

13.2 There are no community implications in this report.

14 EQUALITIES IMPLICATIONS

14.2 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

15.2 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.