



Meeting	Audit, Risk and Assurance Committee
Date	15 August 2024
Location	Virtual
Title of Paper	Police Scotland Annual Whistleblowing Report
Presented By	ACC Stuart Houston, Professionalism and Assurance
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 2023/24 and planned next steps for Year 2024/25.

Members are invited to discuss 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 continues to utilise the services of PROTECT (Whistleblowing Advice) Ltd 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 2023/24 and proposed next steps for 2024/25.

2. REPORTING WRONGDOING (WHISTLEBLOWING)

- 2.1 Police Scotland is committed to creating and supporting an open, transparent, and safe working environment where officers and members of staff feel able to speak up. All officers and staff are encouraged to report concerns they may have about potential wrongdoing at the earliest opportunity. A variety of options are available for individuals to make a report, including:
- Directly to their line manager;
 - Directly to Professional Standards Department (PSD);
 - Submitting the online 'Whistleblowing' Reporting Form;
 - Via Police Scotland's online confidential reporting mechanism;
 - Via Crimestoppers; or
 - Via the Police Anti-Corruption and Abuse Reporting Service.

3. PSD NATIONAL GATEWAY ASSESSMENT UNIT (NGAU)

- 3.1 National Gateway Assessment Unit (NGAU) provides the single point of contact for all referrals submitted by local policing divisions and departments within Police Scotland regarding any issues involving on or off-duty criminality and/or the conduct or professional behaviour of serving police officers or members of police staff.
- 3.2 Between 01 April 2023 and 31 March 2024, PSD NGAU received **3,174** referrals in total. A breakdown of these referrals is as follows: -

Gateway Category	Number	%
ABUSE OF AUTHORITY	20	0.63%
AUDIT REQUEST	74	2.33%
BUSINESS INTEREST	653	20.57%

CONDITIONAL POSTING	3	0.09%
CONTROLLED DRUG USE AND SUPPLY	79	2.49%
DISCLOSURE OF INFORMATION	156	4.91%
EXPLOITATION OF THE PRIVILEGE OF OFFICE	13	0.41%
GRIEVANCE RELATED MATTER	45	1.42%
INAPPROPRIATE ASSOCIATION	83	2.61%
INAPPROPRIATE SOCIAL MEDIA	39	1.23%
MISUSE OF FORCE SYSTEMS	31	0.98%
NOTIFIABLE ASSOCIATION	668	21.05%
ORGANISATIONAL RISK	374	11.78%
OTHER	19	0.60%
OTHER CRIMINAL BEHAVIOUR	290	9.14%
PERFORMANCE	379	11.94%
PERVERTING THE COURSE OF JUSTICE	2	0.06%
SEXUAL MISCONDUCT	48	1.51%
SOCIAL MEDIA CAPTURE	2	0.06%
THEFT AND FRAUD	15	0.47%
VULNERABILITY	181	5.70%
Grand Total	3174	100.00%

3.3 Upon receipt, PSD NGAU officers record and triage all referrals, carry out background checks and depending on the initial assessment, allocate the referral to the relevant local policing division, department, the Professional Standards Department (PSD) or the Anti-Corruption Unit (ACU) for further action.

3.4 As a general rule, matters relating to on-duty criminality, corruption or misconduct will be allocated within PSD or ACU for progression and matters relating to off-duty criminality, local issues, workplace practices or behaviours will be reverted to the most appropriate Division for consideration and progression. In addition, People and Development will also be involved should matters relate to members of police staff.

3.5 The outcome of the aforementioned referrals is as follows:

Outcome of Enquiry	Number	%
ACU referral	173	5.45%
Advice & Guidance	17	0.54%
Allegation Disproved	10	0.32%
Allegation Malicious	8	0.25%
Allegation Not Substantiated	161	5.07%
Business Interest	628	19.79%
Conditional Posting	1	0.03%

Noted for Information only	468	14.74%
Memo to Division	564	17.77%
Notifiable Association Sec 4 complete & returned to Division	553	17.42%
ONGOING	205	6.46%
Other	57	1.80%
Performance - Memo to Division	25	0.79%
PSD - Complaints	44	1.39%
PSD - Conduct	131	4.13%
PSD - Investigations	91	2.87%
PSD - SI Team Enquiry	38	1.20%
Grand Total	3174	100.00%

3.6 PSD NGAU officers will also consider whether any reports meet the legislative criteria as outlined within the Public Interest Disclosure Act (PIDA) 1998 and formally record these on PSD systems as 'Whistleblowing'.

4. PROTECTED DISCLOSURES

4.1 Police Scotland's priority is to address the concern that has been raised and to allocate the matter for investigation to the most appropriate business area for consideration and progression.

4.2 Furthermore, the service is committed to supporting anyone who has raised a concern of wrongdoing and will not tolerate their harassment or victimisation. This is highlighted to the receiving Division/Department upon allocation.

4.3 Upon receipt of the report or referral, PSD NGAU will also consider whether the matter has been witnessed at work and whether the individual making the report held a reasonable belief that:

- They were acting in the public interest and;
- 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;

OFFICIAL

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.

4.4 These specific cases are identifiable on PSD Systems under 'Whistleblowing' to provide early notification that the individuals making these reports may be entitled to seek redress through an Employment Tribunal if they consider that they have suffered detriment as a result of making their report.

4.5 Between 01 April 2023 and 31 March 2024, PSD NGAU recorded **25** matters on PSD systems which were assessed to be 'protected disclosures' as per PIDA legislation with **9** of these reports being made anonymously.

4.6 Since the creation of PSD NGAU in February 2017, the following referrals have been assessed to relate to 'protected disclosures' as per PIDA 1988:

Year	Total No. of Referrals Received by PSD NGAU	Total No. of Referrals Recognised (in Full or Part) as Whistleblowing
2017/18	1175	1*
2018/19	2168	4*
2019/20	2419	13*
2020/21	2743	7*
2021/22	2720	13*
2022/23	3084	15*
2023/24	3,174	25*

** These include anonymous reports that are reasonably assessed to be 'protected disclosures' as per PIDA 1988*

4.7 During the Year 2023/24, Police Scotland has enhanced current Whistleblowing processes, operations and governance, as follows:

- Police Scotland has renewed its contract with PROTECT to provide independent advice to officers, staff and managers with regards to managing Reporting Wrongdoing (Whistleblowing);
- PROTECT continues to deliver training to officers within Professional Standards and provide the opportunity to attend

webinars and seminars to ensure continuous professional development;

- A further benchmarking assessment has been undertaken by PROTECT which highlighted opportunities for Police Scotland to improve internal communications;
- Police Scotland observed World Whistleblower Day on 23 June 2024 and published internal communications to encourage and support reporting within the organisation;
- Professional Standards continues to hold bi-monthly meetings with Divisional Support Superintendents to maintain oversight of matters allocated to them by PSD NGAU and to discuss ongoing enquiries, including matters assessed to be 'protected disclosures' as per PIDA 1988;
- A scoping exercise has been undertaken with English and Welsh Forces which supported the refresh and rebranding of PSoS Whistleblowing Guidance and associated Policy. The 'Reporting Wrongdoing (Whistleblowing)' Guidance and Policy is now in the final stages of consultation prior to publication;
- PSD continues to support 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 NGAU delivered a presentation to our staff associations explaining the role of PSD National Gateway Assessment Unit (NGAU) which included information relating to reporting wrongdoing and protected disclosures.

5. NEXT STEPS 2024/25

5.1 In order to develop and strengthen current process and practice, Police Scotland's next steps for Year 2024/25 will be as follows:

- The Police Scotland 'Reporting Wrongdoing (Whistleblowing)' Guidance and associated Policy will be published and supported by a robust internal Communications Strategy;
- The Head of PSD will schedule focus groups concentrating on different topics, the first of which will concentrate on the role of PSD National Gateway Assessment Unit (NGAU) and will include reporting wrongdoing and protected disclosures;

- The Head of PSD will continue to arrange awareness sessions for staff associations;
- PSD Support and Service Delivery intend to schedule engagement sessions with Divisions/Departments to echo the topics and themes covered by the Head of PSD during the aforementioned focus groups;
- Information relating to reporting wrongdoing, including protected disclosures will be included in the next edition of the Standard, which will be published in August 2024.
- PSD will continue to engage with People and Development to explore opportunities to better understand and improve organisational workplace cultures through the implementation of a 'Report and Support' tool.

6. FINANCIAL IMPLICATIONS

- 6.1 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.

7. PERSONNEL IMPLICATIONS

- 7.1 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.

8. LEGAL IMPLICATIONS

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

9. REPUTATIONAL IMPLICATIONS

- 9.1 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.

10. SOCIAL IMPLICATIONS

10.1 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.

11. COMMUNITY IMPACT

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

12. EQUALITIES IMPLICATIONS

12.1 There are no equality implications in this report.

13. ENVIRONMENT IMPLICATIONS

13.1 There are no environmental implications in this report.

RECOMMENDATIONS

Members are invited to discuss the contents of this paper.