

**SCOTTISH POLICE
AUTHORITY**

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Convener, Justice Sub-committee on Policing
c/o Justice Sub-Committee Clerks
Room T2.60
The Scottish Parliament
Edinburgh
EH99 1SP

28 July 2017

Our ref: AF/JF/045/17/CW

Dear Ms Fee

Thank you for your letter of 28 June in which you ask for information in relation to Police Scotland's policies and procedures on "whistleblowing". The Chair has asked me to respond on his behalf.

You list a number of specific points towards the end of your letter and I have addressed each of these in turn.

- (1) Whistleblowing allegations arising from the work of those within the Professional Standards Department (PSD) or Anti-Corruption Unit (ACU).

As highlighted in your letter, my evidence before the Justice Committee on 1 March 2016 was to the effect that the SPA should, potentially, have an identifiable role in dealing with whistleblowing allegations of this nature. The Chief Constable also referred to such a possibility in his own evidence to the Committee.

Since that time it has been identified that there is legislation which prescribes the external bodies to which whistleblowing allegations may be made (the Public Interest Disclosure (Prescribed Persons) Order 2014, as amended). The SPA is not listed as one of the prescribed bodies.

As you may know, the protections afforded to whistle-blowers under legislation are dependent upon the identity of the party to whom their allegations are communicated. As the SPA is not a prescribed body in terms of the regulations, it was considered that it should not act as a reporting mechanism for officers and staff within Police Scotland who wish to make whistleblowing allegations.

However, as a result of the work undertaken by the Reference Group established following HMICS's Assurance Review on what was the Counter-Corruption Unit (CCU), other arrangements have been put in place in relation to whistleblowing allegations made against the PSD or ACU. These are described at (4) below.

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In addition, Police Scotland has now established the Policing Values and Professional Ethics Unit, which is responsible for the development of a values-based culture within Police Scotland. The unit is independent of the PSD and ACU and, in terms of Police Scotland's new whistleblowing guidance, is an additional reporting option for officers and staff who do not wish to raise concerns with the PSD or ACU.

- (2) The SPA's involvement in Police Scotland's review of its whistleblowing procedures

The role of the Reference Group was to oversee implementation of the recommendations made by HMICS in its Assurance Review on the work of the CCU. Attendees included representatives from Police Scotland, HMICS, Trade Unions/Staff Associations and other key stakeholders. The group was chaired by an SPA Board member.

Part of the work of the group involved detailed oversight of the development of Police Scotland's whistleblowing guidance. The views of all key stakeholders, both internal and external, were taken into account during that process.

Following its endorsement by the Reference Group, the whistleblowing guidance was considered by the SPA's People Committee which recommended it to the Board for approval. The Board approved the guidance at its public meeting held on 25 May 2017.

- (3) Changes to the "Integrity Matters" whistleblowing policy, how such changes were agreed and how they have been communicated

As noted above, the Reference Group provided detailed oversight of the development of Police Scotland's new whistleblowing guidance. Attendees endorsed the guidance at the group's final meeting on 24 April 2017, prior to the matter being considered by the People Committee and the Board.

Police Scotland published the guidance on 21 June 2017. The People Committee is actively engaged in ensuring there is an effective communication plan in place to support the roll-out of the policy. I will provide further details of the plan as soon as possible.

- (4) Whistleblowing allegations against those working within the PSD and ACU

In terms of the new arrangements referred to at (1) above, all such allegations are subject to mandatory notification by Police Scotland to the SPA. The arrangements will allow the SPA to scrutinise the handling of such allegations as part of its regular dip-sampling of Police Scotland's complaint handling. As of July, there have been six such notifications to the SPA.

I hope this letter assists in the Sub-Committee's preparations for the proposed evidence session in September.

Yours sincerely



Chief Executive,
Scottish Police Authority