

Our Ref: IM-FOI-2022-0546
Date: 17 March 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

I would like to make a Freedom of Information request for information contained in documents meetings communications and discussions relating to

Any policies, advice & policy documents on Whistleblowers, Whistleblower procedures, how to treat, handle, interact with & act toward Whistleblowers

Any official Police Scotland guidance documents on Whistleblowers and the dates of when any Whistleblower policies (and if policies & guidance were updated) were enacted and run from to (which dates) from 2014 to the date of this FOI request

Although not required by law, since June 2017, Police Scotland has had a formal Whistleblowing process in place. Whistleblowing is viewed by Police Scotland as an important source of information that may highlight serious risks to the effectiveness and efficiency of the organisation, with individuals often being best placed to identify deficiencies and problems at the earliest opportunity. Police Scotland will support and protect all Whistle-blowers and does not tolerate any form of discrimination, victimisation, bullying or harassment. All Whistle-blowers are afforded legislative and organisational protection. Whistle-blowers will be treated in line with our Force values of Integrity, Fairness, and Respect and in line with Human Rights.

The information is considered to be exempt and in terms of the Freedom of Information (Scotland) Act 2002 (the Act). Section 16 of the Act requires Police Scotland to provide you with a notice which: (a) states that it holds the information, (b) states that it is claiming an exemption, (c) specifies the exemption in question and (d) states, if that would not be otherwise apparent, why the exemption applies.

The information requested is publicly available, accordingly, the following exemption is applicable:

Section 25(1) – Information otherwise accessible

This is an absolute exemption and does not require consideration of the public interest test.

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Please see the links below to Police Scotland's and the Scottish Police Authority's websites.

<https://www.scotland.police.uk/about-us/how-we-do-it/complaints/>

<https://www.spa.police.uk/about-us/governance/whistleblowing/>

[Whistleblowing process - Scottish Police Authority \(spa.police.uk\)](#)

[Doc-20200402-spa-whistleblowing-policy-final-version.pdf](#)

By way of assistance and in respect of the Scottish Government, please see the link above to access the Government's independent review of whistleblowing.

[Chapter Ten - Whistleblowing by police officers and support staff - Policing - complaints handling, investigations and misconduct issues: independent review - gov.scot \(www.gov.scot\)](#)

4. the cost of forming and creating and enacting any Whistleblower Policy

I can advise you that Police Scotland does not hold the information requested. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, no cost is held in the format requested. It is your right under the Act to obtain information that is held by a public authority at the time a request for information is received, there is no obligation on a public authority to create new information.

5. Identity of any consultants, law firms, legal service providers & counsel involved in the above.

I can advise you that Police Scotland does not hold the information requested. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, Legal Services have not instructed any external lawyers in creating and enacting any Whistleblower Policy.

6. Any contact with the Scottish Government and Scottish Police Authority Whistleblower policies from 2014 to the date of this FOI request

All matters associated with police complaints and conduct matters are subject to quarterly reporting to the Scottish Police Authority's (SPA) Complaints and Conduct Committee. In addition, Police Scotland provide an annual update regarding Whistleblowing matters to the SPA's Audit and Risk Committee.

The information requested is publicly available, accordingly, the following exemption is applicable:

Section 25(1) – Information otherwise accessible

This is an absolute exemption and does not require consideration of the public interest test.

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Please see the link below to access these reports on the SPA website.

<https://www.spa.police.uk/meetings/audit-risk-and-assurance-committee/>

Should you require any further assistance concerning this matter please contact Information Management – Glasgow at foiglasgow@scotland.police.uk quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.