

Whistleblowing

This document outlines the Scottish Prison Service Policy in relation to Whistleblowing

Published by Human Resources, Organisational Development Directorate

Published 6 April 2026

Unlocking Potential - Transforming Lives.

Policy Number:

HR076/V004

Directorate Owners:

Organisational Development Directorate, Human Resources

Policy Scope:

All Scottish Prison Services Employees

Links to Other Policies:

[Grievance Policy](#)

[Code of Conduct Policy](#)

[Government Protective Marking Scheme](#)

[Information Management Policies](#)

[Records Management Civil Service Management Code](#)

[The Civil Service Code](#)

Approved by:

Organisational Development Director

Effective date:

6 April 2026

Review Date:

This policy will be reviewed as and when required to reflect changing business and legislative requirements.



Policy Content

1.0 Introduction.....1

2.0 Aim.....1

3.0 Policy Statement.....1

4.0 Scope.....2

5.0 What is Whistleblowing?.....2

 5.1 Qualifying Disclosures 2

 5.2 Protected Disclosures 3

6.0 Raising a Whistleblowing Concern (Internal)3

 6.1 Raising a Concern 3

 6.2 Investigation..... 4

 6.3 Outcome 5

7.0 Escalating a Concern (External)5

 7.1 Civil Service Commission..... 5

 7.2 Raising a Concern out-with the SPS Whistleblowing Policy 5

8.0 Confidentiality.....6

9.0 Support.....6

10.0Record Keeping7

1.0 Introduction

The Scottish Prison Service (SPS) aims to conduct its business at all times with the highest standards of integrity and honesty. These standards are reinforced by the Civil Service Management Code and the SPS Professional Charter. We expect all employees and workers to maintain the same standards in everything they do. It is important to the SPS that any wrongdoing is reported and properly dealt with.

Whistleblowing is one of the most effective ways of preventing and eliminating wrongdoing at work. This policy sets out the way in which individuals may raise concerns if they believe the conduct of others in the organisation is wrong, illegal or endangers others.

2.0 Aim

The aim of the SPS Whistleblowing Policy is to:

- Assist us in the early detection of any inappropriate behaviour or practices;
- Provide a clear procedure for our employees and workers to report to us any wrongdoing at work which they believe has occurred, or is likely to occur, and where appropriate, to receive feedback on any action taken;
- Ensure that individuals feel confident and able to raise any reasonable concern about our business activities in the knowledge that it will be taken seriously,
- Protect those who make a 'protected disclosure' either during their employment (or duration of the contract/agreement in the case of workers) and after this has ended.

3.0 Policy Statement

The SPS Whistleblowing Policy complies with the Public Interest Disclosure Act 1998 (PIDA) and takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute, guidance issued by Protect, the Whistleblowing charity and recommendations issued by the Public Accounts Committee, UK Government.

This policy has been developed and agreed in partnership between SPS Management and the Trade Union Side.

4.0 Scope

The SPS Whistleblowing Policy applies to **all SPS employees**, including other individuals such as:

agency workers, contractors, external professionals and advisors are also encouraged to use it.

5.0 What is Whistleblowing?

‘Blowing the whistle’ occurs when an employee or other individuals working in the organisation raise a concern about past, present or imminent wrongdoing, or an attempt to cover up wrongdoing, within the SPS. It is more formally known as ‘making a disclosure in the public interest’, meaning that the issue must affect others, for example the organisation, work colleagues or the general public.

In some situations, concerns may be more appropriately dealt with under the SPS Grievance Policy, e.g. where the issue relates to a personal employment matter such as working relationships, terms and conditions, or decision by a manager. However, if the concern meets the qualifying criteria for whistleblowing (section 5.1), you have the option to raise the concern under this Whistleblowing Policy. This ensures colleagues are not prevented from escalating issues that may have wider implications beyond their own employment situation.

If you are unsure about whether your concerns are best dealt with under the Whistleblowing or Grievance Policy, please speak with your local HR team for further advice. Further information on whistleblowing can be found online at [GOV.UK](https://www.gov.uk) homepage.

5.1 Qualifying Disclosures

Qualifying disclosures are disclosures of information where there is a reasonable belief that one or more of the following matters is either happening, has taken place, or is likely to happen in the future:

- A criminal offence;
- The breach of a legal obligation;
- A miscarriage of justice;
- A danger to the health and safety of any individual;
- Damage to the environment;

- Sexual harassment (in relation to concerns raised on or after 6 April 2026), e.g. if the behaviour presents a risk to others or wider wrongdoing,
- Deliberate attempt to conceal wrongdoing in any of the above categories.

It is important to understand that if by making a disclosure of a criminal offence is being committed (e.g. under the Official Secrets Act, such as by releasing confidential papers), that disclosure will not be a qualifying disclosure under the PIDA.

5.2 Protected Disclosures

An individual qualifies for protection under the Public Interest Disclosure Act 1998 (PIDA) if the disclosure is a qualifying disclosure, and where it is reasonably believed that the:

- disclosure is made in the public interest;
- information is substantially true;
- individual is making the disclosure to the right person in accordance with the law.

A disclosure about an 'exceptionally serious' failure made will also be protected, where the individual:

- makes the disclosure in good faith;
- reasonably believes that the information disclosed and any allegations contained in it are substantially true;
- is not acting for personal gain - provided that it is reasonable for the individual to make the disclosure, having regard, in particular, to the identity of the person to whom the disclosure is made.

It will be for the employment tribunal to consider whether any particular failure is 'exceptionally serious'; this is a matter of fact, not just an individual's personal belief.

6.0 Raising a Whistleblowing Concern (Internal)

It is important that concerns are raised at the earliest opportunity possible. This will allow any concerns to be addressed and resolved quickly and by the most appropriate means.

6.1 Raising a Concern

If you have a reasonable belief that your concern relates to one of the categories which can be dealt with under this policy (section 5.1), you may wish to discuss this informally with your line manager. Ideally, an initial meeting should be held within two working

days of the concern being raised, however, practicalities of operational circumstances such as prolonged public holidays, shift-working and part-time working, must be taken into account.

To raise a formal Whistleblowing concern, you should raise the matter as soon as possible. The following steps should be adhered to and more detail can be found in the SPS Whistleblowing Guidance:

- You should report the matter, in the first instance, either to your immediate Line Manager or another appropriate Line Manager. Advice may be sought from the local HR Team. If the concern implicates your line manager in some way or is about a senior manager or is particularly serious and needs to be dealt with as a matter of urgency, individuals should contact a more senior manager.
- Whistleblowers can choose to use the Whistleblowing Report Form, whilst this is not mandatory the template helpfully captures the information required, such as background and reason behind the concern, relevant dates, why you consider the action(s) you have been asked to take (or the action taken by others) is wrong and in breach of SPS Values and why you consider that SPS's own internal procedures have not resolved that problem (if relevant).
- Proof is not required (SPS will investigate as required), but you must have a reasonable belief that it relates to one of the categories of concern which can be dealt with under this policy (see 5.1).

Formal concerns should be reported to the Director of Organisational Development by telephone or emailing: SPSWhistleblowing@prisons.gov.scot

The Director of Organisational Development will consider concerns and let the individual know what action is proposed to be taken.

6.2 Investigation

All investigations will be conducted sensitively and as quickly as possible. While we cannot guarantee that the outcome will be as you may wish, we will handle the matter fairly and in accordance with policy. Once a concern has been raised an initial assessment will be conducted to determine the scope of any investigation. The SPS will inform the individual of the outcome of the assessment.

In some cases, there may be a person, or team, appointed to carry out an investigation. This may result in recommendations for change to enable the SPS to minimise the risk of future wrongdoing. The level of investigation and time this will take will vary depending on the nature of the suspected wrongdoing.

A Whistleblower (and any witnesses to alleged wrongdoing) may be invited to attend a meeting at which they may be accompanied by a colleague or a Trade Union representative.

6.3 Outcome

Following the investigation, the relevant manager will inform you in writing, as quickly as possible after completion of the investigation, of the outcome and any next steps or action that will be taken. While we aim to provide you with comprehensive feedback, in some cases this may not be possible, for example where data protection rules apply or there are sensitive issues that need to remain confidential.

While we encourage staff to raise concerns, in the event that a conclusion has found a Whistleblower has made false allegations maliciously or with a view to personal gain, the Whistleblower will be subject to disciplinary action under the SPS Code of Conduct Policy.

7.0 Escalating a Concern (External)

It is important that concerns are raised internally, as soon as possible. This will allow SPS the opportunity to address and resolve any concerns quickly. It is for the SPS to be satisfied that the concern has been investigated and concluded appropriately, and we are confident that there are sufficient internal avenues available to deal with any concerns raised.

7.1 Civil Service Commission

If your complaint relates to a concern under the Civil Service Code and you are a civil servant, you may also raise your concern with the independent Civil Service Commission:

G/8, 1 Horse Guards Road, London, SW1A 2HQ

info@civilservicecommission.org.uk

020 7271 0831

7.2 Raising a Concern out-with the SPS Whistleblowing Policy

Employees are advised not to raise concerns externally before internal routes have been exhausted and it is expected that internal advice and support is accessed wherever possible.

While PIDA affords protection to staff who make qualifying disclosures in certain limited circumstances, disclosure of concerns externally may not be a qualifying disclosure and may breach the Official Secrets Act. Qualifying disclosures to certain

regulatory bodies known as ‘prescribed persons’, can be made under PIDA in certain circumstances. However, in order to be protected from detriment under this policy, you will need to follow the procedure set out in the PIDA. If you wish to raise a concern in this way, it would be advisable to seek your own legal advice.

Raising a concern outside of the routes outlined may, if it amounts to an unauthorised disclosure, result in disciplinary action under the SPS Code of Conduct Policy.

8.0 Confidentiality

The best way to raise a concern is to do so openly, as this makes it easier to investigate and provide feedback. Any disclosures made under this procedure will be treated in a sensitive manner.

The SPS recognises that individuals may want to raise a concern in confidence and will respect any request for confidentiality as far as possible, restricting it to a ‘need to know basis’. However, if the situation arises where it is not possible to resolve the concern without revealing your identity (for example in matters of criminal law), we will aim to advise you before proceeding. The same considerations of confidentiality should be afforded to the individual(s) at the centre of the concern, as far as appropriate.

You may choose to raise concerns anonymously, i.e. without providing your name at all. If this is the case, the act of investigation itself may serve to reveal your identity. You are therefore encouraged, where possible, to put your name to concerns raised in the first instance to enable a full investigation to take place. When anonymous concerns are raised they will be treated as credible and investigated so far as is possible.

9.0 Support

You have the right not to be subjected to any detrimental treatment (including being unfairly penalised, disciplined or dismissed) because you have raised a whistleblowing concern.

If you raise a whistleblowing concern in accordance with this policy, we will ensure that you are treated with respect and provided with adequate support and protection.

If you are told not to raise or pursue a whistleblowing concern, or you believe that you have been subjected to detrimental treatment because you have raised a whistleblowing concern, you should report the matter to your local HR team. In the alternative, you can raise it under the SPS [Grievance procedure](#) if it applies to you.

We recognise that raising a whistleblowing concern can be daunting and there are various channels of support available to you throughout the process:

- your manager/HR Business Partner can advise you on available support. This may include for example a move to a different work area if necessary.
- you can use the Employee Assistance Programme (EAP). However, please note that the EAP is not a body with whom you can raise your concern they can only provide emotional support and advice.
- If you need further guidance or support, you can contact the whistleblowing charity [Protect](#) for free confidential advice
- Your trade union representative for advice and support during the process including being accompanied to meetings during the investigation.

10.0 Record Keeping

The Employee Absence Conduct and Health department should keep a record of all whistleblowing approaches made, along with a brief note of the issue which should include:

- the date the issue was raised;
- the outcome, including how the issue was resolved and by whom;
- how long the process took;
- any other relevant management information.

All records and correspondence should have the appropriate protective marking in line with the Government Protective Marking Scheme and the SPS Information Security Policy and be kept securely, for a period of five years, in line with the SPS Records Management Policy.

At all stages, documentation should be managed in compliance with the requirements of the General Data Protection Act (GDPR).

Further Information:

The SPS recognises that from time to time employees may have questions or concerns relating to this policy and wishes to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Employees are encouraged to seek clarification on any issues with their Line Manager or local HR Team in the first instance.

In certain situations, employees' rights and obligations regarding this policy may change. In these circumstances, the SPS will abide by any statutory obligations.

Sustainability

Improving our environmental performance and doing things in a more sustainable way should be seen as integral to our core business practices.

In line with the SPS Sustainable Policy and to demonstrate compliance with the Scottish Government's commitment to improving environmental and sustainable development performance, please be mindful if printing this document – keeping paper usage to a minimum (print only version), printing on both sides, and recycling.

Equality Statement

The SPS is an equal opportunities employer where all employees are treated with dignity and respect. We are fully committed to equality, diversity and human rights and to ensuring our culture, working environment, policies, processes and practices are free from bias. This policy applies to all employees regardless of protected characteristics, and, subject to any eligibility criteria, length of service, grade, working pattern or operational status.

GDPR

This Policy has been subject to a Data Protection Impact Assessment to ensure compliance with GDPR.

Inclusive Communications

It is our ambition to ensure that SPS documents are readable, accessible and engaging for staff.

In formatting this document, good practice principles around engagement and inclusive communications have been adhered to.


If you require this document in an alternative format please contact Human Resources.

Review and Monitoring


This policy will be reviewed as and when required to reflect changing business and legislative requirements.

Human Resources Policy and Guidance in SPS


SPS policies take into account current legislation, rules, regulations and best practice guidance from a range of professional and public bodies, including the following:




UK Civil Service Management Code




UK Legislation



EU Legislation



ACAS



CIPD Best Practice