

This template summarises the key decisions/actions taken in the EHRIA, and has been separated from the full EHRIA document for publication on the SPS external website in compliance with statutory requirements.

Background	
Title of the Policy	Whistleblowing Policy
EHRIA Lead Person	Employee Relations and Rewards HR Business Partner
Date EHRIA completed	01/07/15
Review date and frequency	06/07/18, every 3 years
Is this a new or revised policy/practice?	New <input type="checkbox"/> Revised <input checked="" type="checkbox"/>

Scoping	
What are the aims of this policy/practice?	<p>The aim of the Scottish Prison Service Whistleblowing Policy is to:</p> <ul style="list-style-type: none"> • 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, and that no action will be taken against them by either the Scottish Prison Service or their colleagues.
WHO did you consult with?	<p>Employee Absence, Conduct and Health Team Trade Union Side Prison Governors Association Civil Service Advisory, Conciliation & Arbitration Service (ACAS)</p>
WHAT did you learn?	<p>Whistleblowing policies sampled for research, from a cross-section of public and private sector organisations, all followed Advisory, Conciliation & Arbitration Service (ACAS) guidance and were broadly very similar in format, covering processes to be followed, enabling compliance with</p>

Scoping	
	<p>appropriate legislation; the Public Interest Disclosure Act 1998 (PIDA).</p> <p>Within SPS, there have been no recorded concerns raised within the last 12 months. Nevertheless, any process in place has to be legislatively compliant.</p>
HOW will this shape your policy/practice?	The information gained through discussion and research undertaken ensured that the revision of the policy covered not only the PAC recommendations but also provided an opportunity to re-format the policy and update processes as appropriate. This enabled the aims of the policy to be clarified, a clear process to be in place which is easy to understand, whether an individual wishes to raise a whistleblowing concern or manage the concern when it is raised.
What quantitative and/or qualitative evidence as well as case law relating to equality and human rights have you considered when deciding to develop new or revise current policy/practice?	Research was conducted by following Advisory, Conciliation & Arbitration Service (ACAS) guidance and comparing whistleblowing policies from a cross-section of organisations in the public and private sector. They were of a similar nature, given the required adherence to the appropriate legislation; the Public Interest Disclosure Act 1998 (PIDA).

Impact	
Will the impact and outcomes of the new/ revised policy/practice:	
<p>Contribute to eliminating discrimination, harassment and victimisation?</p> <p>E.g.</p> <ul style="list-style-type: none"> • Raise awareness of our SPS vision and values for equality and diversity • Challenge appropriately any behaviours or procedures which do not value diversity and advance equality of opportunity 	<p>POSITIVE:</p> <p>It will contribute to eliminating discrimination, harassment, victimisation <input checked="" type="checkbox"/></p>
	<p>NO EFFECT:</p> <p>It will have no effect on discrimination, harassment and victimisation <input type="checkbox"/></p>
	<p>NEGATIVE:</p> <p>It will make discrimination, harassment and victimisation worse <input type="checkbox"/></p>
<p>Advance equality of opportunity between those who share a protected characteristic and those who do not?</p> <p>E.g.</p> <ul style="list-style-type: none"> • Remove or minimise disadvantage 	<p>POSITIVE:</p> <p>It will advance equality of opportunity <input checked="" type="checkbox"/></p>
	<p>NO EFFECT:</p> <p>It will have no effect on equality of opportunity <input type="checkbox"/></p>

Impact Will the impact and outcomes of the new/revised policy/practice:	
<ul style="list-style-type: none"> Meet the needs of equality groups that are different from the needs of others participation in public life 	NEGATIVE: It will reduce equality of opportunity <input type="checkbox"/>
Foster good relations between those who share a protected characteristic and those who do not? E.g. <ul style="list-style-type: none"> Tackle prejudice Promote understanding 	POSITIVE: It will foster good relations <input checked="" type="checkbox"/>
	NO EFFECT: It will have no effect on good relations <input type="checkbox"/>
	NEGATIVE: It will cause good relations to deteriorate <input type="checkbox"/>
Ensure Human Rights Compliance?	It will uphold human rights articles. <input checked="" type="checkbox"/>
	It will breach human rights articles. <input type="checkbox"/>

Please summarise the results of the Equality & Human Rights Impact Assessment, including the likely impact of the proposed policy/practice advancing equality and human rights.

<p>Positive Impacts</p> <p>Protected characteristics affected: Age, race, sex, disability, gender identity, religion or belief, sexual orientation, maternity or pregnancy, marriage and civil partnership, socio-economic groups, human rights compliance.</p> <p>Disclosures made by individuals should be made in the public interest. Those raising concerns can be protected in certain circumstances under the Public Interest Disclosure Act 1998 (PIDA). It is essential that any concerns raised by individuals are treated in the same fair manner and that all line and senior managers are familiar with the SPS Whistleblowing Policy. The revised policy should be easy to understand and include recent government recommendations.</p> <p>The inclusion of the government recommendations, and updating the policy as appropriate, aims to ensure that there is greater strategic leadership and accountability, effective practises are in place, there is accountability for ensuring the practises support the proper treatment of whistleblowers and that appropriate steps are in place to manage any victimisation of whistleblowers.</p> <p>Additionally, there will be separate guidance provided for individuals wishing to raise concerns and for managers receiving these concerns. There will be template letters to assist the process and flow charts to enable ease of understanding of the policy.</p>

Negative Impacts Protected characteristics affected:	
Impact	Mitigation
None identified.	

Recommended course of action

Outcome 1: Proceed – no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified.	<input checked="" type="checkbox"/>
Outcome 2: Proceed with adjustments to remove barriers identified for discrimination, advancement of equality of opportunity and fostering good relations or breach of human rights articles.	<input type="checkbox"/>
Outcome 3: Continue despite having identified some potential for adverse impact or missed opportunity to advance equality and human rights (justification to be clearly set out).	<input type="checkbox"/>
Outcome 4: Stop and rethink as actual or potential unlawful discrimination or breach of human rights articles has been identified.	<input type="checkbox"/>

Summary of Outcome decision and Recommendations

The policy will be revised to take cognisance of the PAC recommendations, ensuring alignment with Advisory, Conciliation & Arbitration Service (ACAS) guidance.

The likely impact will be ensuring there are effective practises and support in place for individuals who wish to raise whistleblowing concerns, or who require to manage the process appropriately, in line with legislation. This will contribute to eliminating potential victimisation of those who raise concerns in line with the policy.

Next steps

Monitor the policy and review after three years.

If you require this document in an alternative format, please contact SPSEqualityandDiversityTeam@sps.pnn.gov.uk