

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.

<b>Background</b>	
<b>Title of the Policy</b>	Whistleblowing Policy
<b>EHRIA Lead (role)</b>	Amanda Meikle - HR Business Partner
<b>Date EHRIA completed</b>	18 November 2019
<b>Review date and frequency</b>	18 November 2022 (every 3 years)
<b>Is this a new or revised policy/practice?</b>	New <input type="checkbox"/> Revised <input checked="" type="checkbox"/>

<b>Scoping</b>
<p><b>What are the aims of this policy/practice?</b></p> <p>The policy is being reviewed as part of the scheduled three-year policy review process. The policy is being reviewed to ensure that SPS promote clear and robust processes and procedures for raising concerns. The revised policy will also incorporate the most recent changes in legislation.</p> <p>The revised policy will ensure compliance with legal and ethical standards. The intention of the policy is to present SPS as committed to healthy and open culture where people are encouraged to speak out, confident that they can do so without adverse repercussions and confident that appropriate action will be taken.</p> <p>The revised policy will ensure there are appropriate procedures in place to effectively manage and challenge inappropriate behaviours towards those within SPS who whistleblow. The policy will also provide specific examples of dangers, illegality or unacceptable behavior in order to best identify instances of wrongdoing in the organisation.</p>
<p><b>WHO did you consult with?</b></p> <ul style="list-style-type: none"> <li>• Equality &amp; Diversity Manager</li> <li>• TUS</li> <li>• PGA</li> <li>• ACAS</li> <li>• Scottish Government and UK Government.</li> <li>• Protect - provides confidential advice to individuals who have witnessed wrongdoing in their organisations, as well as training and consultation services to employers (contact for SPS employees to receive independent advice)</li> </ul>

## WHAT did you learn?

The need to change the references to the Data Protection Act 1998 to GDPR across the policy.

## HOW will this shape your policy/practice?

The policy requires amendments to be in line with the current legislation. The revised policy will provide guidance for individuals and managers and outline the appropriate reporting routes for raising and managing whistleblowing concerns.

## 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?

### Internal Research

- Stakeholder feedback forms
- Ask ER&R Query Log (queries in relation to policy)
- TUS conference motions
- Previous impact assessment

### External Research

- SG legislation
- UK Government legislation
- ACAS - <https://acas.org.uk/index.aspx?articleid=1919>
- XpertHR
- Relevant Case Law
- CIPD
- Protect
- <https://www.gov.uk/whistleblowing>
- *Equality Act and Human Rights Act to ensure that the policy does not breach either of those Acts with the processes being included within the policy.*
- Conducted research followed SG legislation and ACAS recommendations.

## Impact

Will the impact and outcomes of the new/revise policy/practice:

**Contribute to eliminating discrimination, harassment and victimisation?**

E.g.

**POSITIVE:**

It will contribute to eliminating discrimination, harassment, victimisation

<b>Impact</b> Will the impact and outcomes of the new/revised policy/practice:	
<ul style="list-style-type: none"> <li>• Raise awareness of our SPS vision and values for equality and diversity</li> <li>• Challenge appropriately any behaviours or procedures which do not value diversity and advance equality of opportunity</li> </ul>	<b>NO EFFECT:</b> It will have no effect on discrimination, harassment and victimisation <input type="checkbox"/>
	<b>NEGATIVE:</b> It will make discrimination, harassment and victimisation worse <input type="checkbox"/>
<b>Advance equality of opportunity between those who share a protected characteristic and those who do not?</b> E.g. <ul style="list-style-type: none"> <li>• Remove or minimise disadvantage</li> <li>• Meet the needs of equality groups that are different from the needs of others participation in public life</li> </ul>	<b>POSITIVE:</b> It will advance equality of opportunity <input type="checkbox"/>
	<b>NO EFFECT:</b> It will have no effect on equality of opportunity <input checked="" type="checkbox"/>
	<b>NEGATIVE:</b> It will reduce equality of opportunity <input type="checkbox"/>
<b>Foster good relations between those who share a protected characteristic and those who do not? E.g.</b> <ul style="list-style-type: none"> <li>• Tackle prejudice</li> <li>• Promote understanding</li> </ul>	<b>POSITIVE:</b> It will foster good relations <input checked="" type="checkbox"/>
	<b>NO EFFECT:</b> It will have no effect on good relations <input type="checkbox"/>
	<b>NEGATIVE:</b> It will cause good relations to deteriorate <input type="checkbox"/>
<b>Ensure Human Rights Compliance?</b>	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.**

<b>Positive Impacts</b>
<p>Protected characteristics affected:</p> <p>The policy will ensure that the practices in place will reduce the risk of mishandling serious concerns, provide advice to whistleblowers and effectively challenge in line with legislation and SPS employee, individual in our care or visitor to SPS who looks to victimise SPS employees who legitimately raise concerns through the process.</p> <p>The policy will clearly guide the individuals who wish to raise concerns and reassure them that there will be no adverse repercussions for raising cases with their employer.</p> <p>The policy ensures that the SPS is compliant with legislation, both in terms of Whistleblowing legislation and also with regard to ensuring that those who raise concerns are protected in line with the Equality Act, Human Rights Act and Employment Rights Act.</p>

### Negative Impacts

Protected characteristics affected:

There are no perceived impacts with this review. The SPS Whistleblowing policy is already in existence. This review has been instigated both as part of the scheduled policy review process and also to ensure that the SPS is compliant with changes to legislation.

Impact	Mitigation

### Recommended course of action

<b>Outcome 1:</b> Proceed – no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified.	<input checked="" type="checkbox"/>
<b>Outcome 2:</b> 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"/>
<b>Outcome 3:</b> 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"/>
<b>Outcome 4:</b> 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

To proceed with the amendment of the SPS Whistleblowing policy in line with the current legislation and ACAS guidelines. The policy will be monitored, ensuring all employees raising concerns under the SPS Whistleblowing Policy are treated fairly and consistently across the SPS.

### Next steps

Review in line with policy review timeframes (3 years)

If you require this document in an alternative format, please contact [SPSEqualityandDiversityTeam@sps.pnn.gov.uk](mailto:SPSEqualityandDiversityTeam@sps.pnn.gov.uk)