

## Schedule of Information/Documents

FOI Case Number: FOI/18/02514

Doc. No	Date	Inventory
1	18/9/18	Exchanges between the action officer and nominated officers requesting information
2	20/9 to 24/9/18	Clearance of draft with senior management in the people directorate before sending onto the triage/clearance group *
3	28/9	Clearance to issue response

\*Triage/clearance group is a group set up locally to support staff handling FOI cases to ensure that they are answered correctly and on time

**From:** [REDACTED]  
**Sent:** 18 September 2018 11:37  
**To:** [REDACTED]  
[REDACTED] Cackette PH (Paul) [REDACTED]  
**Subject:** RE: FOI whistleblowing

Thanks [REDACTED]

[REDACTED]



[REDACTED]

**From:** [REDACTED]  
**Sent:** 18 September 2018 11:32  
**To:** [REDACTED]  
Cackette PH (Paul) [REDACTED]  
**Subject:** RE: FOI whistleblowing

Hi [REDACTED]

In response to your request I can confirm we have had no direct concerns raised under the Whistleblowing Policy.

We have been approached in relation to 2 other cases which do not fall under the policy.

[REDACTED]

[REDACTED]

If you have any questions or wish to discuss this further please do not hesitate to contact me.

Regards

[REDACTED]

[Redacted]

**From:** [Redacted]

**Sent:** 18 September 2018 09:16

**To:** [Redacted]

[Redacted] Cackette PH (Paul) [Redacted]

**Subject:** FW: FOI whistleblowing

**Importance:** High

Please see below FOI request that I received today.

According to my records we have had no concerns raised under the WB policy grateful if you can confirm – even if you have had requests raised that were not covered by WB and staff were redirected to other sources.

This is particularly sensitive at the moment so I am hoping to finalise the draft tomorrow so grateful for a quick response.

Please give me a call if you have any queries.

Thanks

[Redacted]



[Redacted]

**From:** [Redacted]

**Sent:** 12 September 2018 14:25

**To:** Central Enquiry Unit <[CEU@gov.scot](mailto:CEU@gov.scot)>

**Subject:** FOI whistleblowing

Dear Scottish Government,

I am writing to you under the Freedom of Information Act to request the following information. If the information can be provided faster than 20 days, please do so.

The number of Scottish Government staff who engaged in legal whistleblowing, broken down for the last three years (2018, 2017 and 2016), and details of any reports of staff taking the Scottish Government to an employment tribunal because they engaged in whistleblowing for the same time periods.

Please provide the information by email to [REDACTED].

Feel free to call me on [REDACTED] or email [REDACTED] if you require any clarification about this request.

Best,

[REDACTED]

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This email has been scanned by the Symantec Email Security.cloud service.  
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**From:** [REDACTED]  
**Sent:** 24 September 2018 11:57  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: FOI/18/02514 - whistleblowing-[REDACTED] Due 10/10/18

[REDACTED]

Nicky has said below that she is content for this to go forward, so if you can send on to the triage/clearance group.

[REDACTED]



[REDACTED]

**From:** [REDACTED]  
**Sent:** 24 September 2018 11:46  
**To:** [REDACTED]  
**Subject:** RE: FOI/18/02514 - whistleblowing-[REDACTED] Due 10/10/18

Hi [REDACTED]

Once Nicky is happy, I will put this through the FOI triage/clearance group that I am working with [REDACTED]

[REDACTED]

**From:** [REDACTED]  
**Sent:** 24 September 2018 10:35  
**To:** Richards N (Nicola) [REDACTED]  
**Cc:** [REDACTED]  
Mackinnon J (Judith) [REDACTED]  
**Subject:** RE: FOI/18/02514 - whistleblowing-[REDACTED] Due 10/10/18

Nicky

I checked with the nominated officers [REDACTED] who are dealing with it . [REDACTED]  
[REDACTED]



[REDACTED]

**From:** Richards N (Nicola)

**Sent:** 24 September 2018 10:25

**To:** [REDACTED]

**Cc:** [REDACTED]

[REDACTED]

**Subject:** RE: FOI/18/02514 - whistleblowing-[REDACTED] 10/10/18

Thank [REDACTED], content with that to go forward.

[REDACTED]

Cheers

Nicky

**From:** [REDACTED]

**Sent:** 24 September 2018 10:20

**To:** Richards N (Nicola) [REDACTED]

**Cc:** [REDACTED]

[REDACTED]

**Subject:** RE: FOI/18/02514 - whistleblowing-[REDACTED] Due 10/10/18

Nicky

I have had a chat with [REDACTED] they don't normally disclose investigations unless it is specifically asked in the request.

However as he is asking about the number of staff who **engaged** in legal whistleblowing then I think we should include the [REDACTED] case as they have engaged by [REDACTED]. The WB policy covers all those who are carrying out work for the SG including consultants etc. The [REDACTED]

[REDACTED]

Let me know what you think

[REDACTED]



[REDACTED]

**From:** Richards N (Nicola)

**Sent:** 21 September 2018 09:53

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** RE: FOI/18/02514 - whistleblowing-[REDACTED] Due 10/10/18

Thanks [REDACTED]

I've made an amendment to say 'qualifying disclosure' rather than 'as described above' – check that you're content with that.

What is the position on making live investigations public? In HR terms we have tended to not comment on something in progress as until you've concluded there is something of substance it doesn't really have any status. [REDACTED]

[REDACTED]

I think we should get our position clear on this point before putting forward.

Cheers

Nicky



[REDACTED] 4 [REDACTED] Whistleb

[copy of attachment attached at the end of this email chain ]

**From:** [REDACTED]

**Sent:** 20 September 2018 13:51

**To:** Richards N (Nicola) [REDACTED]

**Cc:** [REDACTED]

**Subject:** FW: FOI/18/02514 - whistleblowing-[REDACTED] ue 10/10/18

Nicky

Please see attached draft response to the FOI request below – cleared by [REDACTED]

As he is asking about 'legal ' whistleblowing I have tried to spell out what that means to us and that cases of a HR Nature are dealt with under different policies.

I have checked the response with the Noms Officers and Paul Cackette. They confirmed that apart from the anonymous complaint about [REDACTED] there have been no other WB concerns raised .

If you have any queries please let me know.



**From:** [REDACTED]  
**Sent:** 12 September 2018 14:25  
**To:** Central Enquiry Unit <[CEU@gov.scot](mailto:CEU@gov.scot)>  
**Subject:** FOI whistleblowing

Dear Scottish Government,

I am writing to you under the Freedom of Information Act to request the following information. If the information can be provided faster than 20 days, please do so.

The number of Scottish Government staff who engaged in legal whistleblowing, broken down for the last three years (2018, 2017 and 2016), and details of any reports of staff taking the Scottish Government to an employment tribunal because they engaged in whistleblowing for the same time periods.

Please provide the information by email to [REDACTED].

Feel free to call me on [REDACTED] email [REDACTED] if you require any clarification about this request.

Best,  
[REDACTED]

Attachment from email exchange 21 September 09.53

People Directorate  
People Advice Division



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

T: 0131-244 [REDACTED]  
[REDACTED]

[REDACTED]  
Sent by email:  
[REDACTED]

Our ref: Fol/2018/02514  
«Date»

Dear Mr [REDACTED]

## **REQUEST UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 (FOISA)**

Thank you for your request dated 12 September 2018 under the Freedom of Information (Scotland) Act 2002 (FOISA).

### **Your request**

You asked for : The number of Scottish Government staff who engaged in legal whistleblowing, broken down for the last three years (2018, 2017 and 2016), and details of any reports of staff taking the Scottish Government to an employment tribunal because they engaged in whistleblowing for the same time periods.

### **Response to your request**

This response covers core Scottish Government (details at Annex A).

The Scottish Government's (SG) 'Raising a Concern under the Civil Service Code and Whistleblowing Policy' describes the process for anyone (including contractors) carrying out work on behalf of the Scottish Government on how to raise a concern within the SG.

Whistleblowing (legally known as a qualifying disclosure) is described in the policy as follows: where the individual must reasonably believe that the disclosure of information is in the public interest and that the information tends to show one or more of the following has happened, is happening, or is likely to occur:

- a criminal offence, for example fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- your employer is not complying with the law

The above list is not exhaustive and what amounts to a qualifying disclosure is fully set out in the [Public Interest Disclosure Act 1998](#) (PIDA).

This policy should not be used to raise concerns of a HR or personal nature, for example, complaints relating to a decision by managers, terms and conditions of employment and complaints against ministers. Such concerns should be raised under the relevant alternative policy, for example, the SG's Fairness at Work Policy.

Annex A includes a copy of the full policy.

In answer to your question:

The core Scottish Government had no whistleblowing concerns (~~as described above~~ "qualifying disclosures") raised between 2016 to 2017. In 2018 we received one case which is currently under investigation.

### **Your right to request a review**

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to Dr Nicola Richards, Director - People Directorate, Scottish Government, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD (nicola.richards@gov.scot). Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at: <http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>.

Document 3

**From:** [REDACTED]  
**Sent:** 28 September 2018 19:00  
**To:** [REDACTED]  
**Subject:** FW: Further FOIs from [REDACTED]

Hi. This is good to go now.

[REDACTED]



[REDACTED]