



POVERTY AND INEQUALITY COMMISSION

Qualifying Disclosures (“Whistleblowing”) Policy

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Introduction

The **Poverty and Inequality Commission (“the Body”)** is fully committed to dealing responsibly and professionally with any concerns raised by those who are appointed Members, or formerly appointed Members, of **the Body**. In most instances, concerns about **the Body** related to work matters can be easily resolved.

However, should anyone within **the Body** have a concern about serious malpractice within **the Body**, it may be regarded as a “qualifying disclosure” as set out in the [Public Interest Disclosure Act 1998](#) (PIDA) and require to be considered under this Whistleblowing policy.

The PIDA allows individuals to disclose certain issues to particular external parties where there is good reason to believe that internal disclosure will not be taken seriously or will cause the individual making the disclosure to be penalised in some way. The PIDA therefore protects an individual (often called a “whistleblower”) who has made a qualifying disclosure from detriment arising in consequence of said disclosure.

Purpose

This document sets out **the Body’s** policy on qualifying disclosures, explaining what such a disclosure is, who the policy applies to, as well as how to raise a concern, both internally and externally.

What are qualifying disclosures (“whistleblowing”)?

A qualifying disclosure has a specific legal meaning. Making a qualifying disclosure is often called “whistleblowing”. When an individual raises a concern about past, present or imminent issues (or an attempt to cover up those issues), it may be regarded as a qualifying disclosure in specific circumstances.

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 been, is being or is likely to occur:

- A criminal offence (including fraud);
- A miscarriage of justice;
- Someone’s health and safety is in danger;
- Risk of or actual damage to the environment;
- A failure to comply with a legal obligation; and/or
- The deliberate concealment of any of the above matters.

The above list should be considered a summary only, and the details of what fully amounts to a qualifying disclosure is properly detailed in [the first part of the PIDA](#).

It does not apply to personal grievances, nor does it act as an appeals mechanism for matters that have been previously considered through other procedures.

Who does this apply to?

The qualifying disclosure policy and procedures set out in this document apply to the Chair and Members of **the Body** (including those who have previously held such appointments). **The Body** does not currently employ any staff, instead, under the [Child Poverty \(Scotland\) Act 2017](#), Scottish Ministers provide **the Body** with such staff it requires to carry out its functions.

The Body's Secretariat is staffed by Civil Servants in the employment of the Scottish Government. They are therefore subject to the Civil Service Code and Scottish Government Whistleblowing Policy and would follow that guidance when raising any concerns. When raising a concern through the Civil Service Code and/or Whistleblowing policy, Civil Servants are supported by a Nominated Officer. Therefore, to ensure consistency of support a Nominated Officer will be appointed in any case raised under this policy that involves a Scottish Government staff member.

Raising a concern internally

An individual wishing to make a qualifying disclosure should, in most circumstances, do so internally in the first instance with the Chair. Whilst making only an external disclosure may be required in some circumstances, attempting to resolve the concern at a local level should initially be considered.

Individuals may first wish to discuss their concern informally with the Chair or another Member of **the Body** before raising it formally.

Raising a concern externally

If an issue has not been, or cannot be, resolved internally, or if there is a good reason for not raising a concern with the Chair, the individual should raise their concern with the Poverty and Inequality Commission's Sponsor Division. A formal concern should be addressed to the Deputy Director, Tackling Child Poverty and Financial Wellbeing Division, who will take forward an investigation into the matter. Although the Deputy Director is a Civil Servant and is not legally a part of **the Body**, they would be best placed to consider any concerns by virtue of not being a part of **the Body**. The Deputy Director may seek advice from the Accountable Officer, as appropriate, and will seek advice from the Director of Internal Audit and Assurance.

It may be necessary, in exceptional circumstances, for individuals to raise a concern externally outwith the Scottish Government (including if, for example, they strongly believe that raising it internally will not result in a proper investigation of said

concern). It is also accepted that individuals may disclose information to a legal adviser in the course of obtaining legal advice.

There are a number of “prescribed persons” that protected qualifying disclosures may be made to under the PIDA. A full list of these bodies, including the disclosure matters they would handle, can be found on [the UK’s public sector information website](#). Individuals are free to approach any of the “prescribed persons” or bodies listed.

The Ethical Standards Commissioner can be contacted if someone thinks a member of a devolved public body in Scotland has acted in a way that breaches the applicable code of conduct. They have a [web page dedicated to qualifying disclosures](#), which provides further information on such procedures. Additionally, they can be contacted directly at the following address:

Ethical Standards Commissioner
Thistle House
91 Haymarket Terrace
Edinburgh
EH12 5HE

Telephone: 0131 347 3890
Email: investigations@ethicalstandards.org.uk

Further Support

[Protect](#) is the UK’s whistleblowing charity, which aims to stop harm by encouraging safe whistleblowing. Protect offers a free [Advice Line](#) that provides expert and confidential advice on how best to raise your concern and your protection as a whistleblower.

How the concern will be handled

Where, following investigation, a disclosure is substantiated, appropriate action may be taken against the person who is the subject of the disclosure. This is regardless of whether the disclosure was raised internally or externally.

In the event that a concern is referred directly to a Scottish Minister (as a member of the Scottish Executive for the purposes of section 43E of the Employment Act 1996), it is likely that the relevant Scottish Government Sponsor Directorate will be involved in consideration of that disclosure. It may seek to obtain relevant information directly from the public body.

Misuse of this policy

Individuals should not:

- Deliberately make false or malicious allegations;
- Make disclosures for personal gain;
- Make an external disclosure to an organisation other than a prescribed person or Body
- Victimise anyone for raising a concern or making a disclosure under this policy; and/or
- Inappropriately deter anyone from making a legitimate disclosure.

Such conduct will be investigated and could lead to disciplinary action (or other such action as deemed appropriate).