

Report to:	QSMTM
Report by:	Helen Gardner-Swift
Meeting Date:	25 April 2018
Subject/ Title: (and VC no)	The Prescribed Persons (Reports on Disclosure of Information) Regulations 2017 – annual report VC101449
Attached Papers (title and VC no)	None

Purpose of report

1. The purpose of this report is to provide an annual report as required by The Prescribed Persons (Reports on Disclosure of Information) Regulations 2017 and the Governance Reporting Arrangements (GRA).

Recommendation and actions

1. I recommend that
 - (i) the SMT note the report
 - (ii) the report is published in full

Executive summary

Statutory requirements

2. Under the Employment Rights Act 1996, Section 43F whistleblowers may qualify for employment protections if they disclose information to a “prescribed person”. The list of prescribed persons is set out in the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 2014 and the Scottish Information Commissioner (the Commissioner) is a “prescribed person” for the purpose of The Prescribed Persons (Reports on Disclosure of Information) Regulations 2017 (the Regulations).
3. The Regulations specify requirements for prescribed persons to report annually on disclosures of information that they receive from workers.
4. The report must contain, without including any information in the report that would identify a worker who has made a disclosure of information, or an employer or other person in respect of whom a disclosure of information has been made
 - (i) the number of workers’ disclosures received during the reporting period that the relevant prescribed person reasonably believes are
 - (a) the qualifying disclosures
 - (b) which fall within the matters in respect of which that person is so prescribed
 - (ii) the number of those disclosures in relation to which the relevant prescribed person decided during the reporting period to take further action;
 - (iii) a summary of

- (a) the action that the relevant prescribed person has taken during the reporting period in respect of the workers' disclosures
 - (b) how workers' disclosures have impacted on the relevant prescribed person's ability to perform its functions and meet its objectives during the reporting period;
 - (iv) an explanation of the functions and objectives of the relevant prescribed person.
5. The relevant reporting period is 1 April 2017- 31 March 2018 and there is no requirement to report on any disclosures which the relevant prescribed person reasonably believes do not fall within the matters for which it is prescribed.
 6. The report must be published within 6 months of the end of the reporting period;
 - (i) by placing the report on its website, or
 - (ii) in such other manner as the relevant prescribed person considers appropriate for bringing the report to the attention of the public.

Report for period 1 April 2017- 31 March 2018

7. Under the GRA, it is my responsibility to prepare the above report and submit it to the Senior Management Team.
8. There were no disclosures from workers received during the reporting period that were qualifying disclosures falling within the matters in respect of which the Commissioner is so prescribed
9. The following report should be published on the Commissioner's website:

"The Prescribed Persons (Reports on Disclosure of Information) Regulations 2017– report by the Scottish Information Commissioner

The Scottish Information Commissioner (the Commissioner) is the independent public official responsible for promoting and enforcing Scotland's law relating to freedom of information.

There are several laws dealing with access to information, which apply in Scotland and the Commissioner is responsible for enforcing and promoting three of these.

- The Freedom of Information (Scotland) Act 2002 - this is an Act of the Scottish Parliament which gives everyone the right to ask for any information held by a Scottish public authority.
- The Environmental Information (Scotland) Regulations 2004 EIRs) - these come from a European Directive on access to environmental information. The EIRs give everyone the right to ask for environmental information held by a Scottish public authority (and some other bodies).
- The INSPIRE (Scotland) Regulations also come from a European Directive, and create a right to discover and view spatial datasets (e.g. map data) held by Scottish public authorities.

The main functions of the Commissioner are: investigating appeals, promoting the public's right to know, promoting good practice to public authorities and intervening when public authority practice is not compliant with freedom of information law.

Under the Employment Rights Act 1996, Section 43F whistleblowers may qualify for employment protections if they disclose information to a "prescribed person". The Commissioner is a "prescribed person" and must report annually on the number of

relevant workers' disclosures under the The Prescribed Persons (Reports on Disclosure of Information) Regulations 2017 (the Regulations).

For the period 1 April 2017 – 31 March 2018 there were no relevant workers disclosures falling within the Regulations.”

10. The report must be published on the Commissioner's website by 30 September 2018.
11. In addition to publishing the report on the website, the penultimate and final paragraphs of the report should be included in our Annual Report and Accounts 2017 - 18.

Risk impact

12. The required report is required to be made and published in accordance with a statutory duty and Risk 10 (Operational Risk Register) is relevant as this relates to compliance with statutory duties. If the proposed report is published this will help to mitigate Risk 10.

Equalities impact

13. No impact arising as a result of this report.

Resources impact

14. No additional impact as a result of this report.

Operational/ strategic plan impact

15. No immediate impact.

Records management impact (including any key documents actions)

16. None.

Consultation and Communication

17. QSMTM minute

Publication

18. I recommend that this committee report is published in full.