

Whistleblowing Policy

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1. Introduction

Purpose

In employment, whistleblowing refers to a worker making a disclosure about a colleague's conduct in the course of employment, or about the employer's practices. The whistleblowing legislation was introduced to protect workers from dismissal or victimisation in the event that they disclose some sort of wrongdoing to the employer or another appropriate body.

The Scottish Social Services Council (SSSC) supports any member of staff to raise a qualifying disclosure under the Public Interest Disclosure Act 1998 (The Act). This means staff know when and how to raise a concern regarding a work related situation which they feel may present a danger to themselves and/or others. Staff may also have concerns regarding professional misconduct or financial malpractice which they believe may put colleagues or the organisation itself at risk.

Most staff concerns can be easily resolved however, there may be times when staff believe their concerns are serious enough that they must raise them officially through the appropriate channels. This can be a daunting prospect as staff may feel that they are being disloyal to colleagues or that their concerns will not be treated with the appropriate level of seriousness.

We are committed to creating an environment in which staff feel they can raise concerns at an early stage when still a concern rather than feeling that they must wait for proof of wrongdoing before being able to raise the issue. By doing this, issues can be resolved swiftly and any damage to individuals or the organisation kept at a minimum. We are also committed to providing opportunities for staff to discuss informally any initial concerns they have with a manager they trust before resorting to any formal routes through this policy.

The policy outlines the different steps and stages of raising a concern so that any issues are raised the appropriate way and dealt with quickly. If, however, staff are concerned with how they are being treated, they should refer to the Grievance Procedure and/or Dignity at Work Policy for advice on how best to deal with their issue. These policies, along with others, are available on SSSC intranet in the know within the Human Resources documents section.

It may be helpful to staff who are concerned about a particular issue to refer to the SSSC's Code of Conduct on SSSC intranet in the know under Human Resources section.

<https://ssscdundee.sharepoint.com/sites/Intranet/Policies%20and%20procedures/Finance%20and%20Resources/Code%20of%20Conduct%20for%20Employees%20Aug%202014.pdf>

Counter Fraud Service (CFS), in partnership with the SSSC will work actively to promote an anti-fraud culture, the aim being that employees, contractors, consultants and others will come to regard fraud as unacceptable. Further information can be found in the Counter Fraud, Bribery and Corruption Framework and the Financial Crime Action Plan ([Link to be inserted once available](#)).

Staff may use the CFS Reporting Line 08000 151628 (powered by Crimestoppers) or report their suspicions (anonymously if desired) through the CFS Website www.cfs.scot.nhs.uk . Alternatively staff may choose instead to contact the charity "Public Concern at Work" on

0207404 6609 or via their website – www.pcaw.co.uk, or free, confidential phone line, 0800 008 6112 who would offer the employee advice on how to proceed.

Scope

This policy applies to all temporary and permanent Scottish Social Services Council employees, agency workers and contractors. This policy does not apply to social service employers, workers or social work students.

Staff should be aware that there is a separate process for raising concerns in the social service sector. The SSSC is a prescribed person listed in Prescribed Persons (Reports on Disclosures of Information) Regulations 2017. Social service workers should follow their employer's process first and only report concerns to a prescribed person such as the SSSC or Care Inspectorate if their employer fails to take appropriate action. Further information can be found in a 'Raising concerns in the workplace' leaflet developed by the SSSC and Care Inspectorate <https://www.sssc.uk.com/entity/annotation/0c9b0fa9-138c-50af-9d79-e24d34ac391e>

Reporting

As a prescribed person, we are required to publish details of referrals that qualify as whistleblowing and the actions we took annually. These reports cover a 12 month period from 1 April of each year and should be published by 30 September. We include information on internal (our staff) and external cases in our report. The report is developed by Legal and Corporate Governance and is included within our annual report. HR are responsible for recording any concerns raised by staff and are responsible for providing accurate figures for the inclusion in the annual report.

Legislation

This policy has also taken into account the following legislation:

- Public Interest Disclosure Act 1998 (The Act)
<https://www.legislation.gov.uk/ukpga/1998/23/contents>
- Part IVA of the Employment Rights Act 1996 (as amended by the above act)
<https://www.legislation.gov.uk/ukpga/1996/18/part/IVA>

Data protection

When an individual makes a disclosure under this whistleblowing policy, we will process any personal data collected in accordance with our data protection policy. In particular, we will record only the personal information required and keep the information only for as long as necessary.

<https://ssscdundee.sharepoint.com/sites/Intranet/Policies%20and%20procedures/Strategy%20and%20Performance/Data%20Protection%20Policy%20Oct%202018.pdf>

A central record of disclosures that are made through the whistleblowing policy is kept and this is reported as part of the annual report and accounts in the section on whistleblowing.

Monitoring and review

Human Resources and the Partnership Forum are responsible for monitoring and implementing this policy to make sure that it is being fairly and consistently applied and that the stated principles and values are being met. We will review this policy every three years (or earlier should legislation change) and make amendments as appropriate in consultation with the Partnership Forum. Minor amendments will be outlined in the change log and the version control updated. Major changes will follow the consultation cycle – Equality Impact Assessment; Operational Management Team; Partnership Forum; Executive Management Team and where appropriate Council.

2. Principles

Policy specific

Our principles are aligned to the National Whistleblowing Standards for the NHS in Scotland.

Open

- We will handle concerns openly and transparently throughout the process. At the same time, recognise and respect that everyone involved has the right to confidentiality.
- Following an investigation, make sure that any lessons learned are shared locally and more widely across the organisation. This should include telling people what improvements have been made as a result of the investigation.
- Concerns will be dealt with promptly, discretely, openly, consistently and in a confidential manner in line with this policy.

Focused on improvement

- Actively encourage staff to report any concerns.
- Have systems in place to make sure all reported whistleblowing concerns are investigated quickly and appropriately, and to monitor how they are handled.
- Following any investigation lessons learned will be shared widely across the organisation including any improvements that may have been made.

Objective, impartial and fair

- Procedures for raising concerns will be objective, based on evidence and driven by the facts and circumstances. They should not be based on assumptions.
- Staff investigating concerns will be impartial, independent and accountable. They will not be involved in investigations where they have a conflict of interest or may be seen to have a conflict of interest.
- Procedures for raising concerns will be fair to the person raising the concern, people investigating concerns, and anyone else involved in the investigation.
- If it becomes apparent that a member of staff has knowingly raised a false or vexatious concern, then this will be dealt with through the Disciplinary Procedure.

Accessible

- The procedure will be easy to understand and accessible to everyone.
- Management must welcome concerns and make sure they are handled by people who have the appropriate skills and knowledge to investigate the concern and are authorised to take action.
- We will actively support colleagues to raise concerns of wrongdoing and unethical behaviour and will treat all concerns seriously.

Supportive to people who raise a concern or are involved in the procedure

- Offer support and protection to all staff who raise a concern or who are directly involved in a concern, at all stages of the process.

- When someone raises a concern, we will listen, support, treat them with dignity and respect, and be sensitive and professional.
- Offer alternative methods to people who may not want to raise concerns with their line manager.
- Employment with SSSC will not be at risk if genuine concerns are raised under this policy.
- Harassment or victimisation of anyone raising a concern will not be tolerated.
- If an allegation is made in good faith, which is not confirmed by subsequent investigation, no action will be taken against (anyone raising a whistleblowing concern) the member of staff raising the concern.

Simple and timely

- Timescales will be clear, agreed and met wherever possible.
- Investigations into a reported concern should be thorough. In particularly complex cases this may mean it is not possible to keep to published timescales. If timescales are not met for a good reason we will agree a revised timescale for completing the investigation.

Thorough, proportionate and consistent

- All concerns will be treated seriously.
- Investigation methods and approaches to handling concerns will be thorough and consistent, but proportionate and appropriate to the circumstances of the case.
- Findings and conclusions will be based on analysing evidence and weighing up the facts and circumstances. Decisions will explain the reasons and show clearly how findings and conclusions were used.

SSSC Values

Recognition and respect for others

- At every stage of the process there will be no discrimination on the grounds of protected characteristics as listed in the Equality Act 2010.
- All employees will be treated fairly and consistently under this process and in particular if any employee requires specific support and assistance due to them having a protected characteristic under the Equality Act 2010 they will be accommodated appropriately.

Working together

- We recognise the value of positive and constructive involvement and participation from the trade unions. The commitment to partnership working is confirmed in the Partnership Agreement and is integral to the development and maintenance of harmonious employee relations.
- Employees have the right to be accompanied at formal stages of the policy by a work colleague or a trade union representative. We will allow support at the informal stages where appropriate.

Accept responsibility and accountability

- The timescales detailed in this policy may be extended with the agreement of both parties and likely timescales discussed.
- Deal with issues kindly, sensitively and showing compassion.
- Respecting confidentiality and only sharing information, as appropriate, with relevant postholders.

3. Roles and responsibilities

3.1 Council

People management policies which include any of the following are reserved for the Council.

- Associated additional costs that are not contained within the current budget.
- Any proposed fundamental change to terms and conditions of employment.
- Where the Council has a clearly defined role to play.

Council is accountable for:

- approving this policy and procedure
- making sure the structure of the organisation is fit for purpose to deliver objectives
- making sure that the application of this policy does not breach any statutory requirement placed upon the SSSC
- making sure that the Chief Executive and EMT have in place appropriate and up to date policies and procedures for the effective management of staff
- making sure those policies and procedures are applied fairly and in accordance with the law
- appointing a designated Whistleblowing Champion should any employee feel they cannot raise any concerns of a whistleblowing nature with management
- carrying out investigations if there are complaints about the Chief Executive
- monitoring the annual report in which we include information on internal (our staff) and external cases and holding officers accountable for that information and any associated actions.

3.2 Executive Management Team

The EMT is responsible for:

- the implementation of the policy and to create a culture in which staff can flourish through interesting and rewarding work and employees feel safe to whistle blow
- delegating responsibilities related to the policy to Operational Management Team (OMT) and line managers
- making sure that managers and staff receive appropriate development, support and training to implement the policy appropriately
- making sure that the application of this policy and procedure does not breach any statutory requirement placed upon the SSSC
- ensuring that changes to people management policies not retained for the specific approval of the Council are reported to the Council on a quarterly basis for endorsement
- making sure training is provided to all employees to ensure that they are familiar with the whistleblowing policy.
- ensuring additional training is provided to individuals appointed as recipients and investigators of concerns.

3.3 Operational Management Team

The OMT is responsible for:

- making sure their managers and staff are aware of the processes to be followed within this policy and procedure
- making arrangements for investigations to be carried out when concerns are raised
- making sure that employees are treated consistently and fairly, being mindful of the needs of the organisation as well as that of the individual.

3.4 Line manager

The line manager is responsible for:

- considering and responding to all concerns raised in a sensitive, supportive, confidential, and timely manner
- checking all complaints you receive under Public Interest Disclosure Act (1998) to find out if they are covered under whistleblowing and check with the employee raising the concern for clarification if it is a whistleblowing complaint to ensure the correct process is followed.

3.5 Staff

- Must comply with the SSSC Code of Conduct for Employees. We expect the highest standards of integrity and conduct from all employees.
- Have the responsibility to discuss all genuine concerns with your line manager, another appropriate manager or human resources.
- If you knowingly provide false or vexatious information in relation to a concern raised, this may be treated as a disciplinary matter which could potentially amount to gross misconduct, rendering you liable to summary dismissal.

3.6 Human Resources

Human Resources is responsible for:

- updating this policy and procedure in line with the agreed schedule, or as changes occur, to comply with employment and other pertinent legislation, best practice and the SSSC people strategy
- developing this process and procedure collaboratively to meet legal and business requirements
- developing template letters, forms and guidance
- offering advice on how to apply the whistleblowing policy and procedure
- making sure the process is followed in line with the policy and procedure
- reminding employees and managers of their responsibilities under the policy and procedure, if required
- monitoring use of the policy and processes and reporting any non-compliance to Heads of Department/Directors.

4. Policy

4.1 What is whistleblowing?

Whistleblowing is where an individual raises a concern about fraud, misconduct, or wrongdoing. Whistleblowing is all about ensuring that if you see something wrong in the workplace, you can raise this within your organisation, to a regulator, or wider.

Whistleblowing ultimately protects workers and the organisation itself by identifying fraud, misconduct, or wrongdoing at the earliest opportunity.

The legislation protecting individuals who make a concern, or 'protected disclosure' applies not only to employees but also to any person who undertakes or performs work for services to the organisation (workers). This includes:

- permanent and temporary employees
- agency workers
- contractors
- non-employees undergoing training or work experience as part of a training course.

As an organisation, we attach great importance to maintaining high standards of honesty, openness, integrity, and accountability. We want you to feel safe and confident to come forward with a genuine concern.

4.2 What type of concerns can you raise?

A 'qualifying disclosure' means any disclosure of information which, in the reasonable belief of the worker making the disclosure, [is made in the public interest and] tends to show one or more of the following:

(a) that a criminal offence has been committed, is being committed or is likely to be committed,

(b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject,

(c) that a miscarriage of justice has occurred, is occurring or is likely to occur,

(d) that the health or safety of any individual has been, is being or is likely to be endangered,

(e) that the environment has been, is being or is likely to be damaged, or

(f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

Please note that this list is not exhaustive but provides guidance around the types of concerns that you can raise.

In cases where you are raising a concern regarding fraud or bribery, please refer to the Counter Fraud and Corruption Policy.

This can be found under the Finance section of SSSC intranet **in the know**

<https://ssscdundee.sharepoint.com/:b:/r/sites/Intranet/Finance/Finance/Accounting%20bu>

[rsaries/Counter%20Fraud%20and%20Corruption%20Framework%202017.pdf?csf=1&web=1&e=RfOlqg](https://www.audit-scotland.gov.uk/uploads/docs/um/whistleblowing_employee_2018.pdf)

You may also find it helpful to read the guidance in the link below produced by Audit Scotland. Audit Scotland is a prescribed person in law for the organisations they audit (which includes the SSSC).

https://www.audit-scotland.gov.uk/uploads/docs/um/whistleblowing_employee_2018.pdf

Example of whistleblowing in the workplace

Tim is concerned that his manager is hiring a friend of his to deliver training on suspicious terms. The fees for the training are high, more courses have been booked than are needed and his friend is always paid when a course was cancelled.

Morgan raises a concern about a serious breach of Health & Safety which has been ignored.

Both should be investigated under the whistleblowing procedure.

Example of non-whistleblowing workplace issue

James is unhappy at work because a person in his team made an offensive and discriminatory comment. This is not a whistleblowing concern. James should raise this with their line manager through the Dignity at Work Policy.

5. Procedure

5.1 How do I blow the whistle?

It is important to speak up in the public interest so that you can be reassured that the appropriate action will be taken. You will be protected by PIDA where you reasonably suspect that the alleged malpractice has occurred, is occurring or is likely to occur.

If you have a concern about a risk, malpractice, or wrongdoing at work, you should raise the issue informally with your line manager either verbally or in writing. You should include how you think the issue should be resolved and if you have any personal interest in the matter.

If your line manager thinks that your concern falls within the scope of another SSSC policy, this will be discussed with you.

If you are unsure about raising a concern or do not wish to discuss the concern with your line manager, you can seek advice from the Human Resources team, your trade union representative or you can discuss the concern informally with another a member of the EMT or OMT that you trust.

If you feel the matter is very serious, you can contact the Chief Executive directly who will meet with you to assess your concern. As a result, they may appoint an investigating officer to investigate your concerns or may refer the concern back to your line manager if they feel that they can more appropriately deal with your concern.

It is important to raise a concern as close as possible to the time that you became aware of the concern.

There are two routes available to you to raise a concern, the first one is to make an internal disclosure. This is where the concern is investigated by the SSSC. The second one is to make an external disclosure. This is where the concern is investigated by an external prescribed person.

The different routes are summarised in the flowchart in Appendix 1.

5.2 Will my concern remain confidential and/or anonymous?

If a concern is raised either anonymously or confidentially, an investigation will take place.

If you raise a concern confidentially your identity will never be disclosed to anyone who does not need to know it for the purposes of the investigation. However, you should understand that there may be practical limits to confidentiality. There may be occasions where we may be required to share information about your identity with other agencies involved in the prevention, detection, investigation or prosecution of crime or other unlawful activities. We may also share this information with other agencies which have a role in the protection of vulnerable people, including local authorities and other regulatory bodies. We will not identify an employee or share their identity unless they have given their permission for this to happen or that it is required by law.

You can also raise a concern anonymously. This is where you do not give your name at all. If you raise a concern anonymously, we will treat the information just as seriously. We recognise that many people are worried about being identified when they report concerns. However, if you do not tell us who you are it may be harder for us to take up the matter. It may also be difficult for you to access the protection available to you under the whistleblowing legislation. We will assess the anonymous information as best we can to establish whether there is substance to the concern and whether it can be investigated.

5.3 Council Member contact

A Council member will be designated a whistleblowing champion. This role is predominately an assurance role with oversight in making sure the responsibilities of the organisation are acted upon effectively. Where this does not happen the whistleblowing champion will bring this to the attention to the Council.

The contact details for the current whistleblowing champion can be found [\(link to be provided by comms once available\)](#)

In exceptional circumstances, if an employee does not feel it is appropriate to raise their concerns with management or human resources they can raise their concern directly with the Whistleblowing Champion.

The Whistleblowing Champion is responsible for:

- assuring that staff at all levels have access to support to report or discuss any concerns they may have
- ensuring that reported concerns are being investigated and that regular updates are provided on the progress of investigations to the member of staff raising the concern and to the council, while maintaining confidentiality
- ensuring that the Council is advised of reported whistleblowing cases and the outcomes
- ensuring the nature, number of concerns and outcomes are discussed at the partnership forum regularly.

The Whistleblowing Champion should not:

- normally be a direct contact for raising concerns, except in exceptional circumstances where all other routes are either inappropriate or have failed
- be involved in the investigation of cases.

5.4 How will we handle an internal disclosure?

5.4.1 Stage one

After checking that the complaint falls under whistleblowing remit of PIDA, we will appoint a manager to carry out an investigation of your complaint and to make recommendations to the appropriate member of OMT/EMT or Chief Executive.

We will send a written acknowledgement to you within seven calendar days (or earlier in exceptional circumstances). This will advise you who will handle the matter, how they can be contacted, and whether we require further information from you.

We will carry out an investigation to establish the relevant facts prior to making any recommendations.

You will have the right to have support from either a representative from your trade union or a co-worker at meetings discussing the case.

We will update you during the process but if you would like to know how the investigation is going, please contact your line manager or the senior manager. There may be instances where we are unable to tell you how the matter may be handled, or precisely what action will be taken. To do so could be a breach of our duty and confidentiality.

We will complete the investigation within reasonable timescales. We will act as quickly as reasonably possible to ensure we respond to high risk cases in the most appropriate timescale.

You will be given a timeframe for resolution and receive written feedback on the outcome

We will present a report to the Chief Executive and to the Council's Whistleblowing Champion about how we have addressed the issues raised through your whistleblowing complaint.

5.4.2 Stage two

If you believe that the issue has not been resolved at stage one, the manager who dealt with it at stage one will pass your concerns to a more senior manager who will appoint a different investigating officer, if necessary.

5.4.3 Stage three

If, after stage two, the investigation finds the concerns unfounded and all internal procedures have been considered but you are still not satisfied with the outcome of the investigation, the SSSC recognises your lawful rights to make a disclosure to a prescribed person or body. A list of all prescribed people and bodies is available at: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

5.5 Complaints about the Chief Executive

If the concern is about the Chief Executive, then it should be made direct to the Convener who will decide on what action should be taken.

5.6 What happens if I make an external disclosure to a prescribed person?

The internal route should be the first course of action where the concern is about the SSSC.

If you believe there is malpractice or wrongdoing happening in a public body and want to make an external disclosure to a prescribed person, there are several external bodies to which qualifying disclosure may be made, one of which is SSSC. The link below provides contact information on prescribed people and bodies for raising external whistleblowing concerns to:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

One such authority is Audit Scotland, who can be contacted on 0845 146 1010 or by visiting their website at www.audit-scotland.gov.uk

If you are still unhappy once you have gone through the internal procedure or need to make a complaint about the SSSC, then you can contact SPSO (Scottish Public Services Ombudsman).

Information on this can be found at the link below:

https://www.spsso.org.uk/sites/spsso/files/communications_material/leaflets_public/2018%20Other%20Commissioners.pdf

If you would like to complain to the SPSO you can:

Write to them using their complaint form found on www.spsso.org.uk where it can be filled in online or printed off to complete.

Phone their freephone helpline number 0800 377 7330

5.7 Independent advice

If unsure whether to use this policy, or if you require confidential advice at any stage, you can get advice from your trade union representative, professional body or the Human Resources team.

6. Further information

6.1 Learning and development

To support the fair and consistent application of this policy, we will ensure full awareness and understanding of the issues relating to whistleblowing for managers by incorporating training on this policy within line management development programmes and ensure that all managers have participated in such a programme.

6.2 Sources of support

- Unison or other trade union representative
- ACAS
- Human Resources

If you need support with whistleblowing you can contact Protect, a UK wide independent whistleblowing charity by visiting their website <https://protect-advice.org.uk/> or calling their free, confidential advice line 020 3117 2520.

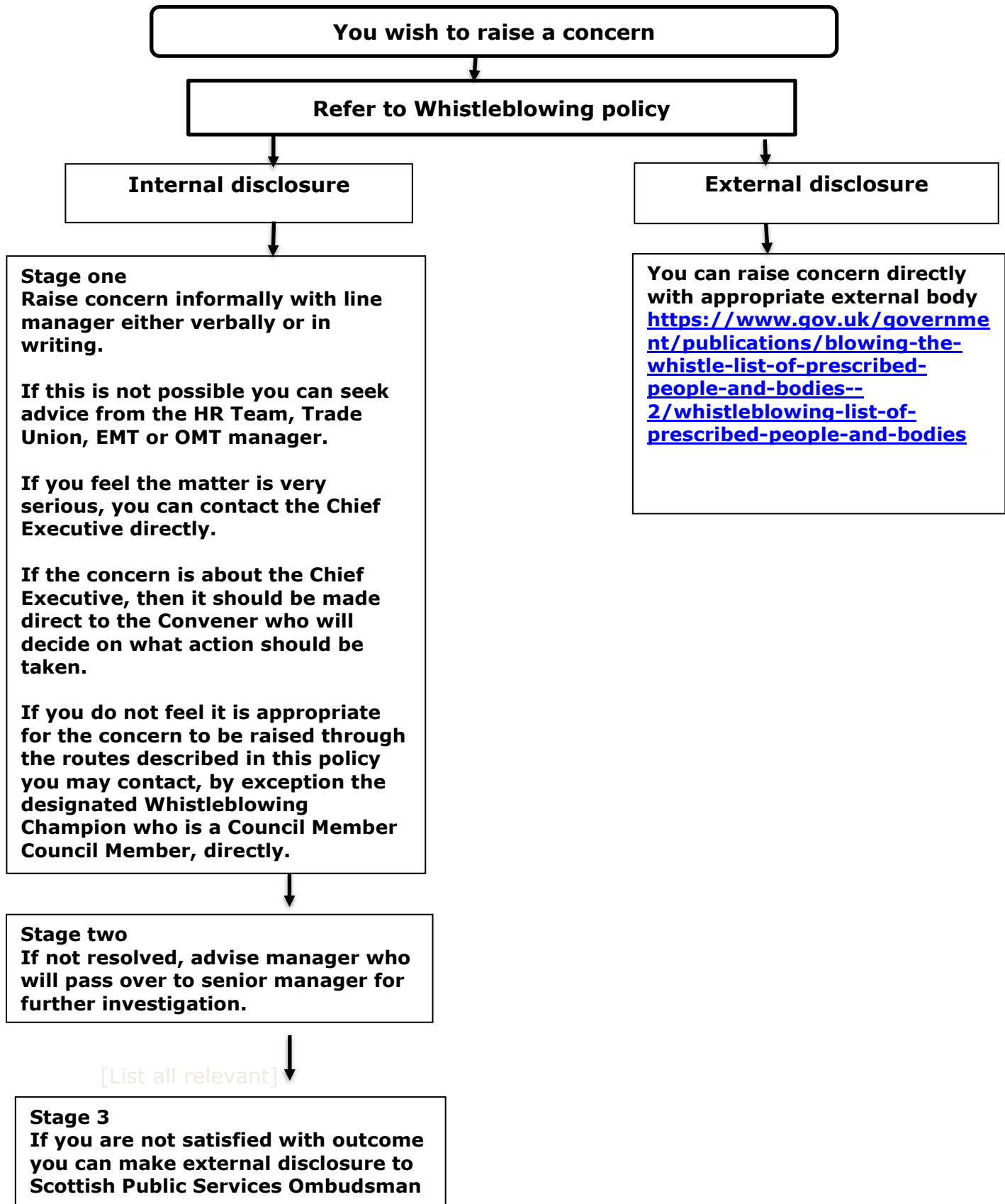
Raising a concern under this policy or being subject to investigation or being involved in an investigation as a witness can be stressful. The Employee Assistance Programme offers a free, confidential counselling service that is open 24 hours a day, seven days a week. They can be contacted on 0800 5875 670.

6.3 Related documents

- SSSC Code of Conduct
- SSSC Finance Counter Fraud and Corruption policy
- Raising concerns in the workplace: Guidance for employers, social service workers and social work students
- Grievance Procedure and Dignity at Work Policy
- Counter Fraud, Bribery and Corruption Framework
- Financial Crime Action Plan

<https://ssscdundee.sharepoint.com/:f:/r/sites/Intranet/HR/HR/Policies%20and%20Procedures?csf=1&web=1&e=KeZAzi>

Appendix 1 - Whistleblowing internal and external process flowchart





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Tel: 0345 60 30 891
Email: enquiries@sssc.uk.com
Web: www.sssc.uk.com

If you would like this document in a different format, for example, in larger print or audio-format, or in another language please contact the SSSC on 0345 60 30 891.

We promote equality by removing unlawful and unfair treatment on the grounds of any protected characteristic wherever possible.

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