



**NORFOLK**  
CONSTABULARY



**SUFFOLK**  
CONSTABULARY

## CONFIDENTIAL REPORTING AND WHISTLEBLOWING (BREACHES OF PROFESSIONAL STANDARDS)

**Owning Department:** Professional Standards

**Department SPOC:** PSD Operations Manager

**Risk Rating:** Medium Low

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# CONFIDENTIAL REPORTING AND WHISTLEBLOWING POLICY

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## Legal Basis

### Legislation specific to the subject of this policy document:

- Public Interest Disclosure Act 1998
- Criminal Justice & Public Order Act 1994
- Employment Rights Act 1996
- Police (Efficiency) Regulations 1999
- Police (Conduct) Regulations 2012
- Protection from Harassment Act 1997
- Police Reform Act 2002

### Other relevant legislation which you must check this document against (required by law)

- [Human Rights Act 1998 \(in particular A.14 – Prohibition of discrimination\)](#)
- [Equality Act 2010](#)
- [Health and Safety at Work etc. Act 1974 and associated Regulations](#)
- [General Data Protection Regulation \(GDPR\) and Data Protection Act 2018](#)
- [Freedom Of Information Act 2000](#)

### Other documentation which you must check this document against:

- [College of Policing – Code of Ethics](#)
- [Norfolk and Suffolk Constabularies' Standards of Professional Behaviour](#)
- [College of Policing – Authorised Professional Practice](#)
- Grievance Policy

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## 1. Introduction

- 1.1 Norfolk and Suffolk Constabularies are committed to high standards of openness, transparency and integrity. It is therefore important that officers and staff feel obligated to, and confident in their ability to, appropriately report any wrongdoing that they suspect or become aware of.
- 1.2 Norfolk and Suffolk Constabularies are committed to ensuring the College of Policing 'Code of Ethics' is adopted in full and becomes instilled as the ethical standard required from every officer/staff member.
- 1.3 The Standards of Professional Behaviour for officers and staff (referred to in paragraph 4) reflect the expectations that the police service and the public have of how those serving with the police should behave.

## 2. Statement of Policy

- 2.1 This policy has been formally agreed via the approved policy development/review process. It will be maintained by the Professional Standards Department in conjunction with the Central Policy Unit.
- 2.2 The policy is intended to promote equality, eliminate unlawful discrimination and actively promote good relations regardless of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, economic or family status.
- 2.3 Managers have a responsibility to ensure this policy is applied fairly, and unless otherwise stated, all policies and procedures are non-contractual.

## 3. Policy Aims

- 3.1 This policy aims to:
  - Ensure officers and staff feel obligated and able to report (actual or suspected) wrongdoing;
  - Provide advice on when and how individuals are able to report wrongdoing;
  - Outline the process of how reports will be dealt with and what the individual can do if they are not satisfied with the outcome.
  - Reassure officers and staff that they are able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
- 3.2 This policy does not cover reporting grievances relating specifically to an individuals' engagement or employment. Such matters should be raised through the Grievance policy.
- 3.3 The Constabularies are committed to ensuring this policy complies with relevant legislation and that consultation has been undertaken with all relevant staff/officer groups. Unless we have expressly stated that a policy is contractual, all our policies and procedures are non-contractual. This

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means we can change them at any time following consultation with UNISON and/or Federation as applicable. Our policies may also be periodically updated to reflect changes in legislation and police regulations.

- 3.4 The Professional Standards Department (PSD) has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.
- 3.5 PSD has day-to-day operational responsibility for this policy, and must ensure that all managers and other officers/staff who may deal with concerns or investigations under this policy receive regular and appropriate training.
- 3.6 This policy will be reviewed in line with the standard policy review schedule.
- 3.7 All officers and staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Officers and staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the PSD.

## 4. Challenging and Reporting Improper Conduct – Code of Ethics

- 4.1 The **Standards of Professional Behaviour for Officers** includes the standard: Police Officers report, challenge or take action against the conduct of colleagues which has fallen below the standards of professional behaviour expected.
- 4.2 The **Standards of Professional Behaviour for Police Staff** includes the standard: Police staff whilst at work report, challenge or take action against the conduct of colleagues which have fallen below the standards of professional behaviour expected.
- 4.3 The **Code of Ethics** contains nine principles including: Honesty – You are truthful and trustworthy; Integrity – You always do the right thing, even when no one is looking, and even when the choice isn't easy.
- 4.4 According to these standards and principles officers and staff must never ignore unethical or unprofessional behaviour by a policing colleague, irrespective of the person's rank, grade or role.
- 4.5 Officers and staff have a positive obligation to question the conduct of colleagues that they believe falls below the expected standards and, if necessary, challenge, report or take action against such conduct.
- 4.6 If officers/staff feel they cannot question or challenge a colleague directly, they should report their concerns through a line manager, a Force reporting mechanism or other appropriate channel.
- 4.7 The policing profession will protect whistleblowers according to the law. (See Appendix A for details of what amounts to whistleblowing).

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- 4.8 Nothing in this policy prevents the proper disclosure of information to a relevant authority in accordance with the Public Interest Disclosure Act 1998. (See Appendix A).
- 4.9 Officers/staff will be supported if they report any genuinely held concern over the behaviour of someone working in policing which they believe has fallen below the standards expected. Officers/staff will not be supported, and may be subject to disciplinary procedures, if their report is found to be malicious or otherwise made in bad faith.
- 4.10 The police service will not tolerate discrimination or victimisation or any disadvantageous treatment against anyone who makes a report of unprofessional behaviour or wrongdoing in good faith.
- 4.11 Given the overriding duty to report wrongdoing, the appropriate reporting of genuine concerns can never be deemed to bring the policing profession into disrepute.

### Supervisors

- 4.12 According to these standards and principles, supervisors must:
- Ensure that their staff carry out their professional duties correctly;
  - Challenge and address any behaviour that falls below the standards in this Code, and report it where appropriate;
  - Assess, take positive action, or otherwise escalate appropriately any report of unprofessional behaviour or wrongdoing made by someone for whom they are responsible.

## 5. Methods of Reporting

- 5.1 It is important that concerns are reported as soon as practicable.
- 5.2 A report can be made:
- **Openly** – This is where the identity of the individual making the report and the details of the report can be made known to their colleagues;
  - **In Confidence** – This is where the identity of the individual making the report and the details of the report is kept confidential from their colleagues.
  - **Anonymously** – This is where the identity of the individual making the report is not known.
- 5.3 It is hoped that in many cases an individual would be able to raise concerns with their line manager in order to resolve concerns quickly and effectively. If this is not the case however (e.g. the individual would prefer not to raise it with them for any reason) or it is felt that the line manager has not addressed the concern, then they should contact one of the following:

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- PSD via e-mail to PSD-ACU;
- The 2-way electronic Confidential Reporting System;
- The Confidential Telephone Line\*. 01953 423502;
- The Police Federation;
- UNISON\*\*;
- The Superintendent's Association;
- The Office of the Police & Crime Commissioner;
- The Independent Office for Police Conduct (Phone: 08458 770061. E-mail: <mailto:enquiries@policeconduct.gov.uk>).

\*Calls made to the confidential telephone line are received within the secure office of the Anti-Corruption Unit (ACU) and will only be answered by ACU staff. Calls will only be answered during office hours.

\*\*Other trade unions may in future be formally recognised by the Constabularies and may subsequently be engaged.

- 5.4 The 2-way electronic Confidential Reporting System is encrypted and can only be read by members of the ACU who are nominated key-holders and the reports cannot be traced. When submitting a confidential electronic report it does not have to be anonymous. When the sender identifies themselves this allows the ACU to make discreet contact with the person reporting if necessary. This system is only monitored during office hours.

## 6. Confidentiality and Anonymity

- 6.1 Where a concern is raised in confidence but is not able to be resolved without revealing the identity of the person who reported it, this will be discussed with the reporting person.
- 6.2 It is hoped that officers/staff feel able to raise concerns openly under this policy, but if an individual wishes to raise a concern confidentially and in good faith, then PSD will make every effort to keep their identity secret.

## 7. Action upon Receipt of a Report

- 7.1 Following receipt of a report, either openly or in confidence, an assessment on the action required will be taken.
- 7.2 After the initial assessment, PSD will usually arrange a meeting between the individual and a PSD Investigating Officer to discuss their concern. The individual may bring a colleague or representative from UNISON or the Police Federation to this meeting, but the companion must respect the confidentiality of the disclosure and any subsequent investigation.
- 7.3 The PSD Investigating Officer will take down a written record of the concern and provide the individual with a copy following the meeting. PSD will also

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aim to give an indication of how the matter will be dealt with at the end of the meeting.

7.4 Where a report is made openly or in confidence, contact with the individual reporting will be made (in a way that protects their identity if appropriate) as soon as possible in order to:

- Acknowledge that the concern has been received;
- Confirm how it is to be dealt with;
- Agree how the individual is to be kept informed.

## 8. Investigation and outcome

8.1 The PSD Investigating Officer will inform the individual once the scope of any investigation has been determined. The reporting individual may be required to attend additional meetings in order to provide further information.

8.2 The PSD Investigating Officer will aim to keep the individual informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the Constabularies giving specific details of the investigation or any disciplinary action taken as a result. Officers/staff should treat any information about the investigation as confidential.

8.3 The PSD Investigating Officer may make recommendations for change to enable us to minimise the risk of future wrongdoing.

8.4 If the PSD Investigating Officer concludes that the individual has made false allegations maliciously, the individual will be subject to disciplinary action.

## 9. What to do if not satisfied

9.1 While the Constabularies cannot always guarantee the outcome that the reporting individual is seeking, we will try to deal with the concern fairly and in an appropriate way. By using this policy, officers and staff can help us to achieve this.

9.2 Anyone dissatisfied with the way in which their concern has been handled, should raise this with the DCC, who will consider whether the investigation has been conducted appropriately and that the outcome is reasonable. The DCC's decision is final and concludes the internal process.

## 10. External disclosures

10.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing within the Constabularies. In most cases officers/staff should not find it necessary to alert anyone externally.

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- 10.2 The law recognises that in some circumstances it may be appropriate for officers/staff to report their concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. The Constabularies strongly encourage officers/staff to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.
- 10.3 Whistleblowing concerns usually relate to the conduct of officers/staff, but they may sometimes relate to the actions of a third party, such as a supplier or service provider. In some circumstances the law will protect officers/staff if they raise the matter with the third party directly. However, the Constabularies encourage officers/staff to report such concerns internally first. Officers/staff should contact their line manager or one of the other individuals set out in paragraph 5.3 for guidance

## 11. Support, Advice & Guidance

- 11.1 It is understandable that officers/staff are sometimes worried about possible repercussions of reporting a concern. The Constabularies aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 11.2 Officers/staff must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If an individual believes that they have suffered any such treatment, they should inform their line manager immediately, or PSD if the concern relates to their line manager. If the matter is not remedied they should raise it formally using the Grievance policy.
- 11.3 Officers and staff must not threaten or retaliate against anyone who has reported a concern in any way. Officers/staff involved in such conduct may be subject to disciplinary action. In some cases, a whistleblower could have a right to sue officers/staff personally for compensation in an employment tribunal.
- 11.4 Individuals who report a concern are entitled to seek advice and representation from their UNISON representative or Police Federation representative.
- 11.5 UNISON representatives/Police Federation representatives can play a key role in acting as an agent through which members can express their concerns in an informal environment and receive advice on the options available.
- 11.6 Support is also available from both Constabularies' staff support networks, details of which can be obtained from the Professional Standards Department or from each Force's intranets.

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- 11.7 Where necessary, when an Officer or member of staff reports inappropriate behaviour or misconduct, they will be provided with a Senior Officer (Inspector or above) as a single point of contact to provide relevant support.
- 11.8 PSD will work with all parties to ensure an appropriate level of support and guidance is available throughout the process.
- 11.9 The individual who reported the concern may experience increased stress or anxiety as a result, therefore it is important that this is monitored and appropriate support mechanisms are put in place to minimise the problem. Other individuals who may also be affected by the report should be monitored and offered appropriate support as well. The ACU will identify an appropriate line manager to be a 'Welfare Representative'.
- 11.10 Where individuals are absent from work as a result of the stress/anxiety caused by the reporting of a concern, the Welfare Rep together with an Occupational Health Advisor should facilitate the return to work in line with the joint Sickness Management policy.

## 12. Protection of Children Issues

- 12.1 To ensure that officers/members of staff feel confident to speak out when they are concerned their Forces are not protecting children, the Constabularies will:
- Ensure this policy is promoted throughout the Constabularies.
  - Create a new national single point of contact for child abuse-related whistleblowing reports to ensure that all officers/members of staff can raise concerns about how their Force is protecting children from the risk of abuse. This new single point of contact will be able to spot patterns of failure across the counties and link to the new joint area inspections where there are concerns.
  - Ensure that the new multi-agency inspections examine whistleblowing arrangements.

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## Appendix A – Whistleblowing

### Making a Disclosure in the Public Interest

The Public Interest Disclosure Act 1998 should be consulted when “making a disclosure in the public interest” (sometimes referred to as “whistleblowing”). There are strict parameters as to when such a disclosure is relevant and how and to whom it is made.

Individuals need to understand that they are not always protected in making a disclosure of malpractice to the press or if another law is broken in making the disclosure, e.g. the Official Secrets Act. The individual must have a reasonable belief that the information disclosed tends to show wrongdoing which amounts to a ‘qualifying disclosure’ – see below.

The Confidential Reporting and Whistleblowing policy is designed to cater for relevant disclosures under the Act to the Constabulary. Anyone considering disclosure to an external party (other than a legal advisor) should give serious consideration to all the legal requirements and ramifications, and must also show a reasonable belief that the information is substantially true. In particular any disclosure must fit the protected and qualifying disclosure definitions under the Act. Under no circumstances is disclosure for personal gain allowed.

### Qualifying Disclosure

For it to be a qualifying disclosure it must, in the reasonable belief of the discloser, be made in the public interest and show that one of the following has taken place or is likely to take place:

- A criminal offence;
- A breach of legal obligation;
- A miscarriage of justice;
- Health and Safety endangered;
- The environment damaged; or
- Deliberate concealment of information about any of these.

Importantly, the discloser does not need to prove that the failure has taken place or will take place, they simply need to reasonably believe that it has taken place or is likely to take place in the future.

### Protected Disclosure

A protected disclosure is one made to the right person in the right manner. A protected disclosure can be made:

- To the Constabulary via the procedure set out in this policy;
- A legal advisor in the course of taking legal advice;
- A “prescribed” person outside the Force, e.g. Health & Safety Executive or the Independent Office of Police Conduct (IOPC) in relation to a matter for which they are responsible;

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- An external non-prescribed person in special circumstances. For example, the individual reasonably believes that the disclosure amounts to “exceptional serious failure”, or if there is a belief they will be subject to detriment making the disclosure, or reasonable belief that evidence relating to the wrongdoing will be concealed or destroyed if disclosure is made to the Constabulary, or if the matter has been the subject of previous disclosure AND in all the circumstances it is reasonable to make the disclosure.