

POLICY

Confidential Reporting and Whistleblowing Policy (Breaches of Professional Standards)

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Approved by

Legal Services	✓ 18.01.16
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Note: By signing the above you are authorising the policy for publication and are accepting accountability for the policy on behalf of the Chief Constables.

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Legal Basis

Legislation specific to the subject of this policy document

Section	Act (title and year)
	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 legislation which you must check this document against (required by law)

Act (title and year)
Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)
Equality Act 2010
Crime and Disorder Act 1998
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
The Civil Contingencies Act 2004

Other Related Documents

- Fairness at Work Policy
- College of Policing Code of Ethics
- Standards of Professional Behaviour for Officers and Staff

1. Introduction

- 1.1 Norfolk and Suffolk Constabularies are committed to high standards of openness, transparency and integrity. Therefore it is important that officers and staff feel obligated and are able to appropriately report any wrongdoing that they become aware of, or suspect.
- 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 and equivalent for police staff reflect the expectations that the police service and the public have of how those serving with the police should behave.

2. Policy Aims

- 2.1 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.
- 2.2 This policy does not cover reporting grievances relating specifically to an individuals' engagement or employment. Such matters should be raised through the Force Fairness at Work policy.

3. Challenging and Reporting Improper Conduct – Code of Ethics

- 3.1 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.*
- 3.2 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.*
- 3.3 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.*

- 3.4 According to these standards and principles you must never ignore unethical or unprofessional behaviour by a policing colleague, irrespective of the person's rank, grade or role.
- 3.5 You have a positive obligation to question the conduct of colleagues that you believe falls below the expected standards and, if necessary, challenge, report or take action against such conduct.
- 3.6 If you feel you cannot question or challenge a colleague directly, you should report your concerns through a line manager, a Force reporting mechanism or other appropriate channel.
- 3.7 The policing profession will protect whistleblowers according to the law. (See [Appendix A](#)).
- 3.8 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](#)).
- 3.9 You will be supported if you report any genuinely held concern over the behaviour of someone working in policing which you believe has fallen below the standards expected. You will not be supported, and may be subject to disciplinary procedures, if your report is found to be malicious or otherwise made in bad faith.
- 3.10 The police service will not tolerate discrimination or victimisation or any disadvantageous treatment against anyone who makes a report of unprofessional behaviour or wrongdoing.
- 3.11 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

- 3.12 According to these standards and principles you must:
- Ensure that your 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 you are responsible.

4. Methods of Reporting

- 4.1 It is important that concerns are reported as soon as practicable.

4.2 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.

4.3 Reports can be made openly or in confidence directly to:

- The individual's line manager or another manager/supervisor if the concern relates to the individual's direct line manager;
- The Professional Standards Department 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 Police Complaints Commission. (Phone: 08458 770061. E-mail: enquiries@ipccreportline.gsi.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.

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

4.4 Or alternatively, a report can be made anonymously via the Confidential Email Facility. This facility is encrypted and can only be read by members of the ACU who are nominated key-holders and the emails cannot be traced. When submitting a confidential email 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.

5. Confidentiality and Anonymity

- 5.1 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. Action upon Receipt of a Report

- 6.1 When PSD receive a report, either openly or in confidence, an assessment on the action required will be taken.
- 6.2 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.

7. Support, Advice & Guidance

- 7.1 Individuals who report a concern are entitled to seek advice and representation from their UNISON representative or Police Federation representative.
- 7.2 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.
- 7.3 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.
- 7.4 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.
- 7.5 PSD will work with all parties to ensure an appropriate level of support and guidance is available throughout the process.
- 7.6 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'.

- 7.7 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.

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 (i.e. it does not just affect the individual who makes the disclosure) and comes under one or more of the following categories of wrongdoing:

- There has been or is likely to be a criminal offence committed;
- 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.

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 Police Complaints Commission (IPCC) in relation to a matter for which they are responsible;

- 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.

Protection of Children Issues

To ensure that Officers / members of staff feel confident to speak out when they are concerned their Forces are not protecting children we will:

- Ensure this policy is promoted throughout the Forces
- 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.