



Whistle-blowing Policy

1. Introduction

A policy which sets out the various means by which a member of staff can safely report to the organisation on any potential or perceived wrong doing by a fellow member of staff.

2. Legislative Compliance

This document has been drafted to comply with the principals of the Human Rights Act. Proportionality has been identified as the key to Human Rights compliance, this means striking a fair balance between the rights of the individuals and those of the rest of the community. There must be a reasonable relationship between the aim to be achieved and the means used. Equality and Diversity issues have also been considered to ensure compliance with Equal Opportunities legislation and policies. In addition, Data Protection, Freedom of Information and Health Safety issues have been considered. Adherence to this policy or procedure will therefore ensure compliance with all legislation and internal policies.

3. Policy Statement

Confidential Reporting in the Northamptonshire Office of the Police and Crime Commission (“Whistle-blowing”)

3.1. Mechanisms for reporting Professional Standards issues

3.1.1 If a member of staff has reason to believe they have information pointing to a breach of professional standards it should be reported as soon as possible.

3.1.2 There are a number of ways in which staff can make such reports. These are set out below. It is for the individual to choose which method is the right one for them.

3.1.3 It is in the interests of everyone that disclosures are encouraged and acted on appropriately.

3.2. Reporting direct to line management

3.2.1 Concerns are usually expressed verbally or in written form. It has the advantage of enabling a direct response where appropriate and direct feedback to the individual. The line manager will request a written report as soon as possible and in all cases within 24 hours of a verbal report. It is important that line managers have a clear understanding of their role and responsibilities when presented with this information.

3.2.2 Where the breach of professional standards is believed to involve the person’s line manager or where for any reason it is felt more appropriate to report it to another manager this may be done.

3.3 Confidential reporting system “Bad Apple”

3.3.1 This confidential reporting facility is for the reporting of suspected wrongdoing and is available to all Northamptonshire Police officers and staff, including members of staff belonging to the Northamptonshire Office of the Police and Crime Commission.

3.3.2 The facility is publicised throughout the organisation and staff are encouraged to raise concerns using “Bad Apple”.

3.3.3 The “Bad Apple” system can be accessed either through Forcenet via quick links (more), via Systems or through the Professional Standards Department home page.

3.3.4 The “Bad Apple” system is a safe and secure system which can be utilised anonymously by any staff member if they feel unable to report matters openly. Only Counter Corruption Unit staff receives the reports. The system does not record any information which could identify the reporting person (collar number, network computer identity or location). The facility allows for a two-way conversation if the reporting person wishes to conduct one and will allow for updates and conclusions to be provided. This two-way conversation may also allow the validity of the information to be tested whilst still protecting the identity of the person reporting. Customer service will be improved as ambiguities can be queried and welfare issues addressed during any confidential communication via the system.

3.3.5 All Counter Corruption reports will be recorded with a unique reference number (URN) and all information will be securely stored within the department.

4. Concerns brought through staff associations

4.1 Support Associations can and do play a key role in acting as an agent through which members can relay their concerns in a non-threatening environment. They are used to dealing with issues in a confidential way.

4.2 The Staff Associations and other support associations in this process offer independent advice on whether a particular case merits formal reporting. These organisations are bound by their own internal rules regarding confidentiality and the need for a member’s consent prior to the forwarding of information.

5. Concerns brought to the direct attention of Professional Standards Department

5.1 Contact may be made verbally, in writing, by email, fax or by a personal face to face meeting. Such an approach will be dealt with by staff experienced in dealing with such cases involving allegations of breaches of professional standards. When direct reporting is chosen an agreement on the status of the report and the degree of confidentiality necessary will be made between the Professional Standards staff and the person reporting. This will be agreed in writing.

5.2 Reports can be made anonymously by using the in-force Professional Standards Counter Corruption telephone extension number 8080. However, such information will be treated with caution and corroboration sought at the earliest opportunity. When made in person, the information will be treated in confidence on a “need to know” basis and the person’s identity protected as far as possible. Reports may be made directly to the Counter Corruption Unit verbally or in writing.

5.3 This particular method of reporting provides an element of independent and objective assessment of the information provided at the earliest stage. This is beneficial to the Northamptonshire Office of the Police and Crime Commission and to the person reporting.

5.4 Where a report is made to the Professional Standards Department via a third party it may necessitate a meeting between the person reporting and a Professional Standards officer.

6. Concerns raised through Crimestoppers

6.1 Crimestoppers provides a medium for providing information anonymously regarding crime and is therefore considered a valid alternative in appropriate circumstances. All Crimestoppers reports that relate to professional standards issues will be received by the Head of the Counter Corruption Unit.

7. Confidentiality

7.1 Professional Standards reports may be made confidentially by any member of staff. Confidentiality when requested will be given the highest priority. All staff should be aware that the legal rules governing “disclosure” would apply to cases under this procedure as they apply to others. Where confidential information has been received this will be handled for disclosure purposes in a similar way to criminal intelligence.

8. Action following a disclosure

8.1 In all cases that fall within the terms of this policy, the Head of Professional Standards Department will be contacted with regard to the particular circumstances and any initial action that has been taken. The Head of Professional Standards will decide on appropriate resources where an investigation is required. In most cases the investigating officer will be appointed from Professional Standards.

8.2 Any initial action that may be required will remain the responsibility of the line manager.

8.3 Once a report has been made and after relevant consultations with the person reporting (if identity is known), the matter will be recorded and given a unique reference number. All information and intelligence will be treated as confidential and documentation will carry a minimum protective marking as confidential.

8.4 Due regard will be taken of the circumstances of the person reporting, and a risk assessment will be carried out at an early stage to consider the welfare of the individual – relating to their present post, their levels of protection and other sensitive issues. The Northamptonshire Office of the Police and Crime Commission will acknowledge its responsibility at all times for ensuring an appropriate duty of care is afforded to the person reporting.

8.5 The investigating officer must ensure that every effort is made to examine the integrity and accuracy of the information. Where the report is made openly, during contact with the person reporting, the investigating officer will ensure that positive feedback is given and in promulgating this policy, the term “doing the right thing” will be emphasized.

8.6 Where it is established that a report has been made falsely, maliciously or not in good faith, an investigation will take place and consideration given to management/misconduct action.

8.7 Following the conclusion of an investigation, an important part of the process will be for the investigation officer to hold a debrief meeting with the person reporting. This can often be helpful to the individual but may also serve as an opportunity to identify weaknesses or good and bad practices. Persons conducting such debriefs must consider disclosure issues in cases where criminal proceedings are pending.

8.8 Consideration will be made, depending on the individual circumstances of the case, as to whether the subject's line manager, will be consulted at any stage in the investigation. This may include any of the following issues if relevant and appropriate:-

Closed and confidential (members may need to undergo indoctrination procedures).

To freely exchange information on the subject.

To decide on the most appropriate action/way forward.

To decide on actions which could include:

- Investigative process/action
- Protection matters arising from the risk assessment
- What can be discussed beyond the closed meeting
- Who else can share the detailed information and to what extent
- Details of what will be included in a support plan
- To discuss advice and make recommendations on any other action

9. Amnesty and Immunity

9.1 Confidentiality will be maintained wherever possible, but no guarantee can be given. It is strongly emphasised that the Northamptonshire Office of the Police and Crime Commission cannot provide amnesty to any person who has been involved in criminal activity. Such circumstances will be reported to the Crown Prosecution Service in the normal way. It would however be reasonable to suggest that in any subsequent judicial hearing notification of the circumstances of the reporting would be disclosed to the appropriate party.

9.2 Clearly the Northamptonshire Office of the Police and Crime Commission accepts that this reporting facility can only work if the employees are able to freely and openly divulge actionable information. Everything possible will be considered to support the disclosing person.

9.3 Due consideration will be given to:

- Proportionality
- Risk to the individual
- Risk to the Northamptonshire Office of the Police and Crime Commission

9.4 An amnesty may be declared in a non-criminal activity where there is a particular organisational problem and it is appropriate to draw a line in relation to what has occurred, in order for the Northamptonshire Office of the Police and Crime Commission to make improvements.

9.5 It is important for staff to understand that where an individual reports a matter and is conscious that they too have minor indiscretions that could be brought out in counter allegations, the Northamptonshire Office of the Police and Crime Commission may consider, where appropriate, applications for immunity from misconduct proceedings. However, this can and will only be considered following an appropriate risk assessment and the application of the principle of

proportionality where it is clear that identifying and dealing with corrupt and dishonest members of staff outweighs the indiscretion identified through a counter allegation.

9.6 Where a report has been made and any counter allegation received is assessed as serious as the primary report, then immunity cannot be guaranteed and nor should it be expected. Consequently, an investigation will almost certainly take place.

10. Support arrangements

10.1 The investigating officer (or any other supervisor/manager to whom alleged wrong doing is referred) shall:

- Provide acknowledgement, support and positive reinforcement of the individual's actions
- Ensure the protection from victimisation and harassment
- Maintain an environment where employees are confident in making reports
- Respond promptly, genuinely and with sensitivity to their needs
- Take full account of the wishes of the individual
- Facilitate the appropriate welfare and counselling advice
- Ensure that issues are dealt with confidentially

10.2 Appropriate support must be given to the individual from the outset of the case and must continue until the issue is fully resolved. This includes pro-active management support and action, staff association involvement and advice on access to professional personnel support services.

11. Feedback on progress of investigations

11.1 The member of staff making the report will be kept updated by the Investigating Officer on progress of the investigation. This is particularly important when open reporting has occurred. When confidential reporting has taken place the wishes of the staff member making the report should be established at the outset. If they wish to be kept informed this should be facilitated as far as practicable without compromising confidentiality or imposing undue burdens on the investigation.

12. Witness Protection

12.1 It is anticipated that witness protection issues will rarely arise. However it is important that the Northamptonshire Office of the Police and Crime Commission document the level of protection they are prepared to afford to an individual. Risk assessment will be required at an early stage and options may range from merely giving advice on personal security to a complete change of identity and relocation. It will be the initial responsibility of the person receiving the report to identify the issues and make the necessary recommendations to the Head of Professional Standards.

12.2 There may be a need for the organisation to consider moving the individual into another role or post. However it is important to stress that those individuals should not become victims by any such arrangements and the full agreement of the individual should be sought.

13. Reward and recognition

13.1 There will be occasions when the Northamptonshire Office of the Police and Crime Commission would wish to recognise the actions of an individual who has made a Professional Standards report.

13.2 It remains important to consider each case on its merits and be guided by the wishes of the individual concerned. The final decision regarding rewards and recognition will be made by the Head of Professional Standards.

14. The Role of Professional Standards

14.1 In addition to the above the Professional Standards Department will undertake the following:-

- Maintain a secure system for receiving, recording and monitoring Professional Standards reports
- Provide support, guidance and advice at every stage of the process
- Monitor progress of each case from beginning to end
- The collation, analysis and dissemination of intelligence (where appropriate)
- Ensuring confidentiality issues are properly handled in accordance with this procedure
- Ensure compliance with this policy
- Keeping the reporting person updated
- Ensuring structured debriefs are held at the conclusion of the investigation
- Identifying best practice and learning lessons for the organisation.

15. Raising concerns externally (exceptional cases)

15.1 If for whatever reason it is felt that the concern cannot be raised internally via the mechanisms described and the member of staff honestly and reasonably believes the information and any allegations are true they should consider raising the matter with the appropriate regulator. The identity of the regulator will depend on the nature of the concern. The Public Interest Disclosure (Prescribed Persons) Order 1996 lists the prescribed regulators. The Independent Police Complaints Commission is a prescribed regulator.

Contact details - Independent Police Complaints Commission (IPCC) 90 High Holborn London WC1V 6BH Tel:- 0201 7663000 Fax:- 0207 4040430 1st Floor, Oaklands House, Washway Road, Sale, M33 6FS. www.ipcc.gov.uk