



Whistle blowing Policy

22 November 2012

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1. INTRODUCTION

- 1.1 This whistleblowing policy is intended to provide a vehicle for individual employees to raise issues of concern where they reasonably believe, in good faith, that an act or acts of malpractice have occurred in the Office of the Police and Crime Commissioner (OPCC). The PCC also recognises that it may be applicable to other individuals or groups at any given time. This policy will therefore apply equally and with equal confidentiality to volunteers, agency workers and secondees from other organisations and contractors. It does not however provide a forum for individuals to raise issues of concern about their own employment or appointment, for which there are other procedures, and it should be used only to raise concerns that might be of a wider public interest.

Concerns may be that malpractice:

- **is unlawful; or**
- **is against the PCC's Standing Orders, policies or financial regulations; or**
- **falls below established standards or practice; or**
- **amounts to improper conduct or misconduct**

For the purpose of this policy "malpractice" includes:

- **criminal offences**
- **breach of contract (except an alleged breach of the complainants contract)**
- **negligence (except an alleged breach of duty towards the complainant)**
- **miscarriage of justice**
- **a danger to health, safety and welfare of the employees, the public or the environment**
- **the abuse of public funds**
- **any act of discrimination (except an alleged act of discrimination against the complainant.)**
- **breach of public or administrative law**
- **an attempt to cover up any of the above**

The above lists are not exhaustive, and further advice can be taken from the PCC's Monitoring Officer if you are unclear as to whether the policy is appropriate to your particular circumstances.

- 1.2 The PCC is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious and reasonably held concerns about malpractice within the OPCC to come forward and voice these concerns. It is recognised that in certain cases the person raising the concern will wish to proceed on a confidential basis. This policy document makes it clear that wherever possible, confidentiality will be respected and the staff member raising the concern will be kept informed at all times as to progress of the issue. This policy is intended to encourage and enable staff to raise serious concerns in order that they can be properly and quickly investigated.
- 1.3 This policy represents the formal arrangements that exist to deal with concerns, but in the first instance you may wish to raise the matter informally with someone in the organisation that is sufficiently close to the potential area of concern to understand the issue.

2. AIMS AND SCOPE OF THIS POLICY

2.1 This policy aims to

- provide an opportunity for you to raise concerns and receive feedback on any action taken.
- allow you to take the matter further if you are dissatisfied with the PCC's response,
- reassure you that you will be protected from reprisals or victimisation for confidential reporting where you have a reasonable belief in the accuracy of the allegations, your complaint is made in good faith, and you otherwise follow this code.
- put in place relevant support measures for you as an individual during the process

2.2 This whistleblowing policy is intended to cover concerns that fall outside the scope of other procedures and in some instances to provide a clear and speedy route for investigation of issues that may inform the disciplinary procedure. Advice on the most appropriate procedure to follow can be sought from the Monitoring Officer of the PCC.

3. SAFEGUARDS

3.1 Harassment or Victimisation

The PCC recognises that the decision to report a concern can be a difficult one to make, not least because of fear of reprisal from those responsible for the malpractice. The PCC will not tolerate harassment or victimisation in any form and will take action and put in place support measures to protect you when you raise a concern. Disciplinary procedures are already in place to address any potential attempts at harassment or victimisation. It is accepted by the PCC that staff may feel concerned that by raising areas of concern, their future careers may be detrimentally affected. This is **not** the case, and those raising genuine and reasonably held concerns, in good faith, may be assured that concerns will be treated with the utmost respect and play no part in future decisions related to progress or promotion.

3.2 If you are personally already the subject of disciplinary or redundancy procedures for other reasons, confidential reporting will not halt these procedures but every effort will be made on the part of the investigating officer to ensure that the issues are not inter-related or connected in any way.

3.3 Confidentiality

The OPCC will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. However, it must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence, especially if the next step is a police investigation and prosecution.

3.4 **Anonymous Allegations**

The PCC accepts that employees will raise genuine concerns that are based on factual evidence or direct observation. With this in mind you are encouraged to put your name to your allegation. Concerns expressed anonymously are much less powerful and far more difficult to investigate and prove. However, they will be considered at the discretion of the PCC.

3.5 In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from other sources in the face of a flat denial from the accused person.

3.6 **Untrue Allegations**

If you make an allegation in good faith, which is based on evidence, observation or a series of unexplainable instances, but it is not confirmed by the investigation, no action will be taken against you and you will be fully supported after the event. If however, you make malicious or vexatious allegations, disciplinary action may be taken against you. Equally, if malicious or vexatious allegations are made against you, the PCC will ensure that you are fully supported and that appropriate disciplinary action is taken against the person making such allegations.

4. **HOW TO RAISE A CONCERN**

4.1 As a first step, you should normally raise concerns with your immediate manager, or their manager if you feel uncomfortable in discussing the issue with someone working in close proximity to you.

Additionally, where you do not feel able to raise the concern with the relevant manager, you should approach the Chief Executive/Monitoring Officer of the PCC directly.

You may choose to raise the concern in writing, but it is helpful to all concerned if an initial and informal discussion can take place in the first instance. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that any member(s) of senior management is involved, you should approach the Chief Executive/Monitoring Officer of the PCC. In cases of financial impropriety you should approach the Treasurer and consult the Anti-Fraud and Anti-Corruption Strategy.

4.2 Once initial concerns have been raised, it will be important to translate these into writing. You will be invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation.

4.3 The earlier you express the concern the easier it is to take action.

4.4 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your

concern and that you have acted in good faith (for example, that you are not pursuing a grudge.).

- 4.5 You may invite your trade union or professional association to raise a matter, on your behalf and they can be invited to participate in any future discussions between yourself and the investigating officer.

5. HOW THE PCC WILL RESPOND

- 5.1 The action taken by the PCC will depend on the nature of the concern. The matters raised may:

- be referred to the Internal Auditor (in the cases of financial impropriety)
- be referred to the Police immediately where allegations of criminal conduct such as fraud or child abuse are apparent
- be referred to the External Auditor
- be referred to the Monitoring Officer
- form the subject of an independent inquiry by a nominated body outside of the OPCC

- 5.2 In order to protect individuals and the PCC, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

- 5.3 Some concerns may be resolved by agreed action without the need for investigation.

- 5.4 When a concern is received, the PCC will write to you (normally within 10 working days):

- acknowledging that the concern has been received
- indicating how he proposes to deal with the matter and where possible who the investigating officer(s) will be
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made and
- telling you whether further investigations will take place and, if not, why not

- 5.5 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

- 5.6 When any meeting is arranged with you, you have the right if you so wish to be accompanied by a representative from your trade union or professional association, or a workplace colleague.

- 5.7 The PCC will take steps to minimise any difficulties which you may experience as a result of raising a reasonably held concern in good faith. For instance, if you are

required to give evidence in criminal or disciplinary proceedings, the PCC will advise you about the procedure to be followed and make arrangements for you to be released from your normal duties.

- 5.8 The PCC accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive feedback and information about the progress and outcomes of any investigations.

6. HOW THE MATTER CAN BE TAKEN FURTHER

- 6.1 The policy is intended to provide you with an opportunity to raise concerns within the PCC. The PCC hopes you will be satisfied. If you are not, and if you feel it is right to pursue the matter further, the following are possible contact points. However, all previous internal steps must already have been exhausted.

- the external Auditor
- relevant professional bodies or regulatory organisations
- your solicitor
- the Police

- 6.2 If you do take the matter to a person or body other than the PCC, you need to ensure that you do not improperly disclose information which is either confidential or exempt from disclosure. This means that you must not, for example, disclose confidential committee reports, other confidential documents or confidential information that relates to individuals or contractors or is related to the investigation of a crime. If you are not sure whether information is considered to be confidential, you should check with the PCC's Monitoring Officer.

7. THE RESPONSIBLE OFFICER

- 7.1 The Monitoring Officer of the PCC has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the PCC.