

The Office of the Northamptonshire Police, Fire and Crime Commissioner

**Whistle-blowing Policy**

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| Policy Version Control | | | |
| Version | Date | Summary of Changes | Author |
| V1 | Jul 13 | Reviewed and updated | John Neilson |
| V2 | Jan 2022 | Reviewed and updated | Stuart F. McCartney |
| V3 | August 2022 | Reviewed and updated | Stuart F. McCartney |

**Introduction**

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

**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.

**Mechanisms for reporting Professional Standards issues**

If a member of staff has reason to believe they have information pointing to a breach of acceptable behaviour, it should be reported as soon as possible. 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. It is in the interests of everyone that disclosures are encouraged and acted on appropriately.

**Reporting direct to line management**

Concerns can be 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. Where a breach of acceptable behaviour 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.

Any concern regarding the conduct of the Commissioner should be raised with Monitoring Officer/Head of Paid Staff, or if this is thought not appropriate the Chair of The Joint Independent Audit Committee.

**Reporting directly to the OPFCC Monitoring Officer**

There may be occasions where concerns may be expressed verbally or in written form directly to the OPFCC’s Monitoring Officer. In such cases the monitoring officer will respond promptly and sensitively and instigate and maintain a written record. In addition to this, they will support the individual and acknowledge their actions as right and provide protection against victimisation/harassment with positive and robust action.

Although staff are not expected to prove the truth of an allegation, it will need to be demonstrated to the person contacted that there are reasonable grounds for concern. Staff are encouraged to express any concern at an early stage when it is easier to take action. Members of staff will be encouraged to put in writing the background and details of their concern, to aid investigation.

**Confidentiality**

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.

**Action following a disclosure**

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 Official – Sensitive.

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 OPFCC will acknowledge its responsibility at all times for ensuring an appropriate duty of care is afforded to the person reporting.

Where a matter is not reported to the police or other body the Monitoring 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, they will ensure that positive feedback is given and in promulgating this policy, the term “doing the right thing” will be emphasized. 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.

Following the conclusion of an investigation, an important part of the process will be for the monitoring 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.

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:

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

**Amnesty and Immunity**

Confidentiality will be maintained wherever possible, but no guarantee can be given. It is strongly emphasised that the OPFCC cannot provide amnesty to any person who has been involved in criminal activity. Such circumstances will be reported to the Police or other relevant body. It would however be reasonable to suggest that in any subsequent judicial hearing notification of the circumstances of the reporting could be disclosed to the appropriate party by that organisation.

Clearly the OPFCC 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.

Due consideration will be given to:

* Proportionality
* Risk to the individual
* Risk to the OPFCC

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 OPFCC to make improvements.

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 OPFCC Monitoring Officer/Head of Paid Staff 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.

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.

**Support arrangements**

The Monitoring officer (or any other supervisor/manager to whom alleged wrongdoing 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

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.

**Feedback on progress of investigations**

The member of staff making the report will be kept updated by the Monitoring 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.

**Raising concerns externally (exceptional cases)**

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 reasonable 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 Office for Police Conduct is a prescribed regulator.

Contact details:

Independent Office for Police Conduct

PO Box 473

Sale

M33 0BW

Tel: 08458 770 061 / 0300 020 0096

Email: reportline@policeconduct.gov.uk

Website: [www.policeconduct.gov.uk/complaints-and-appeals/make-complaint](http://www.policeconduct.gov.uk/complaints-and-appeals/make-complaint)