

Whistle-blowing Policy



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Section 1 – Policy Intentions

1. Purpose and scope

- 1.1. To maintain the system of 'policing by consent', it is essential that the public have trust and confidence in the police service. In order that this trust and confidence is not undermined, the Police and Crime Commissioner for Gloucestershire (the Commissioner) and the Chief Constable of Gloucestershire Constabulary (the Chief Constable) are under a duty to identify wrongdoing and malpractice in the workplace and take appropriate measures to remedy the situation. For ease of reference, the Commissioner and the Chief Constable will be hereafter be referred to as 'the Constabulary', unless it is necessary to identify them individually.
- 1.2. To prevent such malpractice and wrongdoing in the workplace, the Constabulary encourages a culture of openness and transparency within the organisation. The Constabulary wants everyone to feel secure about raising concerns.
- 1.3. Further, in accordance with the Standards of Professional Behaviour (Challenging and reporting improper conduct) and the Code of Ethics, it is the duty of all members of the police service including police officers, police staff, agency staff and staff working on a contractual basis and volunteers (hereafter referred to as 'Staff'), to raise issues of wrongdoing at work regardless of their rank or their grade.
- 1.4. It does not matter if an individual who raises a concern is mistaken about it - staff do not have to prove anything about the allegation they are making but they must reasonably believe that the disclosure is made in the public interest and that the information they have tends to show some malpractice.
- 1.5. This policy applies to all employees, police officers, consultants, contractors of the Constabulary and to other workers within the Constabulary including agency workers, casual workers, volunteers (including special constables), police cadets, interns and home workers. It

is important to note, however, that *statutory protection* is only afforded to those workers within the meaning of section 43 of the Employment Rights Act 1996 (and only then if concerns are raised in the correct way). If in doubt, the member of staff should seek appropriate legal advice.

- 1.6. This policy does not form part of any contract of employment and the Constabulary may amend it at any time.

Section 2 – Policy wording

2. When to use this policy

- 2.1. There is a difference between whistleblowing and raising a grievance:

- 2.1.1. Whistleblowing (sometimes known as ‘making a protected disclosure’) is where an individual has a concern about a danger or illegality that has a public interest aspect to it, for example because it threatens members of the public or third parties;
- 2.1.2. A grievance is a complaint that generally relates to an individual's own employment position or personal circumstances at work. If a member of staff has a complaint about their own personal circumstances, this should be raised via the Fairness at Work policy or Respect policy.

- 2.2. The Constabulary strongly recommends that staff do not make disclosures (whistle-blow) to the media or via social media. If a disclosure is made that is not in accordance with this guidance staff may not be able to seek statutory protection. In some circumstances, such a disclosure may result in action being taken under the Disciplinary policy or Police (Conduct) Regulations. Such disclosures can also undermine public confidence in the police service.

3. Malpractice covered by this policy

- 3.1. Whistleblowing is the reporting of suspected malpractice, wrongdoing, dangers or illegality in relation to the Constabulary's activities.
- 3.2. The kinds of malpractice covered by this policy include:
 - 3.2.1. criminal offences;
 - 3.2.2. miscarriages of justice;
 - 3.2.3. danger to the health or safety of any individual;
 - 3.2.4. damage to the environment;
 - 3.2.5. breach of any legal obligation; or
 - 3.2.6. deliberately concealing any of the above.

4. Protection and support for those raising concerns

- 4.1. The reporting of wrongdoing can leave staff feeling vulnerable and isolated. The Constabulary is committed to good practice and high standards and to being supportive to staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 4.2. Any individual raising a genuine concern must not suffer any detriment as a result of doing so. If an individual believes that they have suffered such treatment, they should inform the Anti-Corruption Unit immediately. If the matter is not dealt with to the individual's satisfaction, the individual should raise it formally using the Constabulary's Fairness at Work Policy.
- 4.3. No member of staff must threaten or retaliate against (victimise) an individual who has raised a concern and the Constabulary will not tolerate any such behaviour or victimisation. Any person involved in such conduct may be subject to disciplinary action and in some cases will be liable to a claim for compensation brought against them personally.
- 4.4. However, to ensure the protection of all our staff, those who raise a concern maliciously, frivolously, or vexatiously, and/or for personal gain and/or make an allegation they do not reasonably believe to be true and/or made in the public interest may also be liable to disciplinary action or misconduct proceedings.
- 4.5. The Constabulary offers mentoring, advice or counselling to those who have reported a concern, where appropriate. Further information is available from the HR department and/or Health Assured (follow the link to) <https://healthassuredeap.co.uk/>

5. Confidentiality

- 5.1. All concerns raised will be treated in confidence and every effort will be made not to reveal the identity of an individual who raises a concern if that is their wish.
- 5.2. However, on occasion, it may be necessary to disclose the identity of the person who raised the concern. If so, that person will be notified of this, and will be offered the appropriate levels of support and protection.

Section 3 – Procedural guides

6. Procedure for raising a concern

- 6.1. If the issue concerns possible corruption, this should be raised as a matter of urgency to the Anti-Corruption Unit (ACU). Staff can contact the ACU either:
 - 6.1.1. in person or on the telephone (without the need to report the issue to a line manager);
 - 6.1.2. anonymously via the Anonymous Contact System;
 - 6.1.3. via email at acu@gloucestershire.pnn.police.uk

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- 6.1.4. anonymously via the Crime Stoppers Integrity Hotline 0800 111 4444.
- 6.2. Please refer to the Anti-Corruption Unit page on the intranet for more information on how to contact the unit.
- 6.3. If an individual is concerned about any form of malpractice the individual should normally raise the issue with their immediate supervisor or a line-manager.
- 6.4. If this is not possible (for example, it may concern the staff member's line manager or the staff member does not feel confident in confiding in their line manager), they should:
 - 6.4.1. complete an Anonymous Contact System on-line form, and state who they are on the form (but see also '*c.) Raising an issue anonymously*' below);
 - 6.4.2. report the suspected wrongdoing to a senior manager from either their own business area, or if the suspected wrongdoing concerns their business area, it should be reported to another senior manager; or
 - 6.4.3. report the suspected wrongdoing to the Professional Standards Department directly via the group email: 'Professional Standards Department' or by telephoning the department directly.
- 6.5. If the suspected wrongdoing concerns the Office of the Police and Crime Commissioner for Gloucestershire and/or the Commissioner, staff should report the concern to the Commissioner's Chief Executive. The Chief Executive has a separate statutory duty of Monitoring Officer, with an obligation to consider these complaints;
- 6.6. If the suspected wrongdoing directly concerns the Commissioner, staff may report this to the Police & Crime Panel. The contact details of members can be found on the Gloucestershire County Council website;
- 6.7. If the suspected wrongdoing concerns a criminal complaint against the Commissioner, staff can report this concern to the Independent Office of Police Conduct (IOPC). Their contact details can be found on their web site.
- 6.8. If the suspected wrongdoing concerns the Chief Constable of Gloucestershire Constabulary, staff can report the concern to the Commissioner directly, or use the anonymous contact reporting system providing their contact details if they are able to.
- 6.9. More generally, a concern can be raised by telephone, in person or in writing. It is preferable if it is made in writing. Although the individual is not expected to prove the truth of their concern beyond doubt or provide evidence, the individual will generally need to provide the following information as a minimum:
 - 6.9.1. the nature of the concern and why the individual believes it to be true; and
 - 6.9.2. the background and history of the concern (giving relevant dates where possible).

c.) Raising an issue anonymously

6.10. The Constabulary actively encourages staff to raise any issues of wrongdoing with their line manager in the first instance and we are committed to providing support to those who raise concerns of wrongdoing. However, we recognise that staff may be concerned about reporting an issue of wrongdoing and as a result, have procedures in place for staff to raise these concerns anonymously. If a concern is raised anonymously, we will be unable to put supportive measures in place and staff may not be able to seek the statutory protection.

6.11. You can report an issue of wrongdoing anonymously by:

(i) Anonymous Contact System (ACS)

6.11.1. The **ACS** allows any member of staff to report any issues of wrongdoing directly to the constabulary's Anti-Corruption Unit (ACU). The system facilitates a secure and confidential dialogue via a dedicated and secure mail box accessed by a password selected by and specific to the user;

6.11.2. The system can be accessed from the home page of insight and includes a user guide which explains the functionality and confidentiality. Staff away from the workplace can use the Crime Stoppers phone line below.

(ii) CrimeStoppers Confidential Integrity Hotline 0800 111 4444

6.11.3. This is an external service provider. It offers a totally confidential answer phone service on which any staff member can report, anonymously if they wish, any concerns regarding the integrity or unethical behaviour of a staff member. For the sake of clarity, as this is an answer phone service, you do not need to talk to a member of staff.

6.11.4. Once any information is received, the outsider service provided will contact the ACU with the information provided.

7. Actions to be taken by a prescribed person who has received a report of wrongdoing

7.1. The Constabulary is committed to ensuring that all disclosures raised will be dealt with appropriately, consistently, fairly and professionally.

7.2. Once a member of staff has reported an issue of wrongdoing in accordance with this guidance and their identity is known, the person who has received the information must take immediate steps to:

(i) ensure the welfare and confidentiality of the member of staff making the disclosure which are set out below; and

(ii) notify the Head of the Professional Standards Department.

- 7.3. If the matter requires urgent attention and the Head of Professional Standards Department is not available, the individual concerned needs to report this to the on-call Silver commander contactable through the force control room.

Assessment of the suspected wrongdoing

- 7.4. In accordance with the table below, the Head of the Professional Standards Department will identify who is the most appropriate person to assess the report, save for exceptional cases:

Suspected wrongdoing by	Assessed by
Chief Constable (personally)	Commissioner (personally)
A Chief Officer (other than the Chief Constable)	Chief Constable (personally)
All other police employees or contractors. Includes: All Police Officers, Special Constables, PCSOs, Police Staff in all roles, Volunteers, Civilian Detention Officers, and all other contractors. Does not include staff working directly to the PCC's office (see below)	Head of PSD
Commissioner (personally)	The Chief Executive - statutory position. The matter may be referred by the Chief Executive to either the Police and Crime Panel or the IPCC
The Chief Executive	The Commissioner (personally) - statutory position.
Any other member of the PCC's private office	The Chief Executive (personally)
Head of the Professional Standards Department (personally)	The Chief Constable (personally)

- 7.5. The report will also be referred to the Sensitive Information Sharing Group (SISG), unless the circumstances are exceptional. SISG is a strategic group led by the Head of the PSD. Membership is fixed as: Head of PSD, Corporate HR lead, Legal Services Department, Force Vetting lead and the Anti-Corruption Unit lead.

- 7.6. Unless the circumstances of the report are exceptional, all protected reports of suspected wrongdoing will be discussed with the membership of the SISG. This is to ensure that the Constabulary complies with its relevant policies and legislation. It will also oversee all investigations, ensuring appropriate outcomes and lessons learned are implemented.

Responsibilities of prescribed persons and individuals once suspected wrongdoing has been raised

a) Superintendent or head of department lead

- 7.7. Superintendents and heads of departments will have a responsibility to ensure the provision of welfare and support through the appropriate line managers for any member of staff who reports an issue of wrongdoing. Consideration should be given to the appointment of a welfare liaison officer.
- 7.8. Depending on the nature of the wrongdoing reported, consideration will be given to the appointment of a Liaison Officer to ensure that staff reporting the issue are fully supported throughout any subsequent enquiry. The Liaison Officer will be appointed after consultation with the individual making the report.

b) Line-management

- 7.9. Line managers will be expected to undertake the following:
- 7.9.1. Provide acknowledgement, support and a positive reinforcement as to the propriety of the reporter's actions;
 - 7.9.2. Provide protection from victimisation or harassment;
 - 7.9.3. Prevent any action that may be detrimental to the member of staff who made the report;
 - 7.9.4. Respond promptly, genuinely and with sensitivity to their needs.
- 7.10. If any person is found to have subjected a member of staff who has made a report to detrimental treatment, victimisation or harassment, they may be liable to disciplinary action.

c) Role of Staff Associations and Trade Unions

- 7.11. Staff associations and trade unions may be requested to provide a representative to give assistance and support to the reporting individual (if the individual is a member of that association or union). They will ensure that there is sufficient separation between the individual exercising that function and other representatives who may be looking after the needs of the member of staff against whom allegations have been made.

d) Role of Professional Standards Department

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- 7.12. The Head of the Professional Standards Department will ensure that the reporting individual is provided with appropriate support and fully understands the commitment of the Constabulary to that support and any associated welfare needs.
- 7.13. The Head of the Professional Standards Department will facilitate regular contact between the member of staff reporting wrongdoing, the Liaison Officer, Staff Association/Union Representative and himself/herself, to ensure that the individual's needs are fully understood and met.
- 7.14. At the conclusion of any investigation, the Head of the Professional Standards Department will seek feedback from the individual in relation to the manner in which they had been supported, in order to ensure that good practice is developed for the benefit of those that follow.

8. **Procedure regarding concerns raised**

8.1. Subject to Section 7 above:

- 8.1.1. The Constabulary will arrange a meeting as soon possible to discuss the concern raised. The individual may bring a colleague or trade union representative to any meeting that takes place. The companion must respect the confidentiality of the disclosure and any subsequent investigation. The Constabulary may ask the individual for further information about the concern raised, either at this meeting or at a later stage.
- 8.1.2. The concern raised will be recorded by the Professional Standards Department;
- 8.1.3. After the meeting, the Constabulary will decide how to respond. Usually this will involve making internal enquiries first, but it may be necessary to carry out an investigation at a later stage which may be formal or informal depending on the nature of the concern raised. External investigators may be brought in where necessary. The Constabulary will endeavour to complete investigations within a reasonable time.
- 8.1.4. The Constabulary will keep the individual who raised the concern informed of the progress of the investigation carried out and when it is completed, and give an indication of timings for any actions or next steps that the Constabulary will take, but the Constabulary will not be able to inform the individual of any matters which would infringe any duty of confidentiality owed to others.

9. **Further information and contacts**

- 9.1. If you have any queries about the application of this policy, please contact the DI within the ACU in the first instance.
- 9.2. The Constabulary's Monitoring Officer can be contacted on ext. 4348 or via email at this address: chiefexecopcc@gloucestershire.pnn.police.uk

- 9.3. Please see paragraph 6.11 above regarding the Anonymous Contact System and the CrimeStoppers Confidential Integrity Hotline.
- 9.4. Details of the Independent Office of Police Conduct may be found on its website: <https://www.iopc.gov.uk/>
- 9.5. Public Concern at Work is a leading independent charity whose main objectives are to promote compliance with the law and good practice in the public, private and voluntary sectors. They are a source of further information and advice and operate a confidential helpline. Public Concern at Work is a source of further information and advice at www.pcaw.org.uk. It also provides a free helpline offering confidential advice on 020 7404 6609.

Section 4 - Relevant Legislation: (*Human rights/diversity/Health & Safety/any other specifics*)

Employments Rights Act 1996

Section 5 - Related References:

Code of Ethics 2014
Police Standards of Professional Behaviour
Police Staff Council Handbook 2017
Fairness at work policy
Respect Policy

Section 6 - Identification, Monitoring and Review

The Policy should enable consistent and effective decision making. Where operational or managerial circumstances

require any decision making that would adversely affect adherence to the policy or procedure, in line with the 'Statement of Intent' of the constabulary and the police service 'Code of Ethics', if an officer/ police staff member believes that they need to make a decision that steps outside of policy and procedure they should do so, provided that:

- the officer/ police staff member raises the matter at the earliest opportunity (and ideally before any such decision is made) with their line manager declaring their intended (or actual) course of action if notification is made after the decision is taken,
- produces, in a timely manner, a signed and dated written explanation of why it is/ was deemed necessary to step outside of policy and procedure, and
- maintain an adequate record of this written rationale for audit purposes appropriate to the circumstances/ contravention

GSC Security Marking:		OFFICIAL/OFFICIAL-SENSITIVE		
Type		Policy		
Department		URN	Strategic Board 'signed off'	Author/Reviewer
ACU		280	IGB – 27/6/2018	Name: Jo Mercurio
Version	Date	History of changes (ensure public copy amended and uploaded to external website)		Complied with Policy Guidance ✓
Version 1	25/6/2018	New policy created		✓
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EIA		EIA Sign Off – name and date		EIA Review – name and date
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Link to EIA – G&C to complete hyperlink action				
SIA – if required		SIA Sign Off		SIA Review
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