



**Protected Disclosure (Whistleblowing)
and support to people
reporting/witnessing suspected
wrongdoing**

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1 Working Practice Section (FOIA – Open)

1.1 Vision of the Strategic Alliance

Working together as it can offer the best opportunity to:-

- Develop service delivery to the public
- Ensure delivery against the PCCs' Police and Crime Plans
- Retain a local policing identity
- Ensure resilience around our Strategic Policing Requirement
- Maximise value for money
- Maximise opportunities for the ongoing personal/professional development of our staff

This approach also satisfies the set critical success factors as follows:-

- Both forces mitigate/manage their greatest threat, harm and risks
- Both forces achieve their medium term financial strategies
- The strategic policing requirement continues to be met with reducing resources
- A transformational approach to service delivery
- Both forces adapt and respond to change in an agile/positive way
- Opportunities to invest in new capabilities to meet emerging threats and technology

1.2 Statement of Intent – Aim and Rationale

1.2.1 It is the intention of this working practice to provide guidance in relation to reports of wrongdoing (commonly known as Whistleblowing) within the organisation and the protection of persons who make such disclosures. These matters will be promptly and effectively investigated whilst taking appropriate measures to ensure the reporting person suffers no detriment or threat of dismissal as a result of making what they reasonably believe to be a genuine disclosure and that anonymity is ensured in appropriate circumstances. Both forces are fully committed to creating a culture where individuals are empowered, supported and actively encouraged to report possible wrongdoing.

1.2.2 All records created as a result of this document will be retained in full accordance with the Alliance [Records Management Policy](#).

1.3 National Decision Model

1.3.1 The National Decision Model (NDM) is the primary decision-making model used in both Dorset Police and Devon and Cornwall Police. Where applied it ensures that ethical (see Code of Ethics), proportionate and defensible decisions can be made in relation to operational and non-operational policing. The latest guidance can be found via this [APP link](#).

1.4 Code of Ethics

1.4.1 The Code of Ethics underpins every policy, procedure, decision and action in policing today and staff are reminded of the need to comply with the standards and principles of the [Code of Ethics for policing](#).

1.4.2 The main components of the Code are sets of principles and standards of professional behaviour. Every member of the policing profession in Dorset, Devon and Cornwall are

required to challenge and report suspected improper conduct. We all have a positive obligation to question the conduct of colleagues that we believe falls below the expected standards and, if necessary, challenge, report or take action against such conduct.

1.5 Authorised Professional Practice

1.5.1 The College of Policing (CoP) offers an online service that provides access to a consolidated body of guidance for policing called [Authorised Professional Practice](#) (APP). This enables officers and staff to access and search for the most up to date approved guidance, replacing a number of previously published NPIA and NPCC documents.

2 Standards

2.1 Legal Basis

2.1.1 Public Interest Disclosure Act 1998

2.1.2 The act provides a definition of what is a ‘qualifying disclosure’.

A “qualifying disclosure” means any disclosure of information which, in the reasonable belief of the worker making the disclosure, tends to show one or more of the following—

a) That a criminal offence has been committed, is being committed or is likely to be committed,

(b) That a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject,

(c) That a miscarriage of justice has occurred, is occurring or is likely to occur,

(d) That the health or safety of any individual has been, is being or is likely to be endangered,

(e) That the environment has been, is being or is likely to be damaged, or

(f) That information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

2.1.3 It should be recognised that in accordance with the Standards of Professional Behavior as detailed in the Code of Ethics all staff have a duty to challenge and report improper conduct or behavior. It states ‘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’.

2.2 Assessment Compliance

2.2.1 This document has been drafted and audited to comply with the principles of the Human Rights Act. Internal and external Equality and diversity issues have also been considered to ensure compliance with Equality legislation and policies. In addition Data Protection,

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Freedom of Information, Management of Police Information and Health and Safety issues have been considered. Adherence to this document will therefore ensure compliance with all relevant legislation and internal policies.

2.3 Monitoring

2.3.1 This working practice will be monitored by the Professional Standards Department.

2.4 Feedback

2.4.1 Feedback relating to this policy can be made in writing or by e-mail to

[Professional Standards Department](#)

3 Procedure Section

3.1 Introduction

3.1.1 This working practice outlines a protection of disclosure (Whistleblowing) protocol to promote a culture that will prevent, discourage and detect wrongdoing within the organisation. The protocol will empower, support and encourage officers and staff to do the right thing, confident in the knowledge that they will receive appropriate support, protection and that the effect of disclosure will not result in a situation to their detriment or threat of dismissal. The principles of this working practise should also be applied to situations where someone has reported/witnessed suspected wrongdoing but the report does not fall under the definition of a protected disclosure in the Public Interest Disclosure Act 1998.

3.1.2 This working practice applies to all police officers and police staff, including the extended police family and those working voluntarily or under contract to the Dorset, Devon and Cornwall Police, provided they are required by contract to be aware of, and to comply with, all relevant Force policy and associated procedures.

3.1.3 The following have specific responsibilities with regards to reporting wrongdoing:-

- All Commanders and Senior Management Teams
- Professional Standards Department
- All line managers
- Investigating Officers
- Legal Services Department
- HR Operations and the People Services Centre
- Occupational Health Support Unit Staff

3.1.4 This working practice is intended to:

- Provide clear and comprehensive instructions to members of the Force about the reporting of wrongdoing
- Clarify what is wrongdoing
- Explain how to report wrongdoing
- Explain how to deal with reports of wrongdoing
- Outline the support available to staff who report wrongdoing
- Draw attention to the Public Interest Disclosure Act 1998

3.1.5 For Devon and Cornwall this working practice should be read in conjunction with the Devon and Cornwall People and Leadership policy [D111 - Making Protected Disclosures](#)

3.2 Reporting Suspected Wrongdoing

3.2.1 There are many ways in which suspected wrongdoing can be reported, in person, or through a third party. The most common are:

- Through Line Management
- Through the Professional Standards Department
- The Counter Corruption Unit (CCU)
- The confidential help line (01752 701527)
- The Vetting Unit
- Trade Unions, Police Federation and Staff Associations
- Mentors
- Independent Office for Police Conduct
- Crimestoppers
- Bad Apple / Confide in us confidential reporting system – Accessed via Sharepoint

3.2.2 It is appropriate for the person reporting to contact a trusted friend or colleague within the options above. They may also contact another line manager where the problem concerns their direct line management.

3.2.3 It is recognised that officers and staff may feel difficulties in reporting certain incidents but are encouraged to remember the organisation we work for and our duty to do the right thing and to report wrongdoing. As highlighted above, one of the Standards of Professional behaviour is to challenge and report improper conduct.

3.2.4 Not all reports of suspected wrongdoing will lead to a criminal or misconduct investigation; however the perception of the person making the report is that they are reporting wrongdoing. The response from the Force will be proportionate and appropriate. The report and connected documentation will be treated as 'Official – Sensitive information' as a minimum, or higher, as circumstances dictate.

3.2.5 Where a report of wrongdoing is made to a line manager the following action will be taken:

- Take any necessary action to secure and preserve evidence.
- Inform the Alliance Counter Corruption Unit (CCU) **Please note:** Dependent on the severity of the suspected wrongdoing the line manager should not make contact with the Business Support Services at this stage as all communications need to go through the CCU in the first instance. The CCU may arrange for a nominated representative from HR Operations who will advise and co-ordinate any relevant HR activity as appropriate.
- Inform a member of their senior management team where appropriate
- Consider if the allegation amounts to a crime allegation - if so, deal with the matter appropriately.
- Submit an intelligence report via the following means:
 - E-mail – Send to Professional Standards and / or the CCU
 - Unifi – Ensuring the matter is routed to the CCU
 - Source and covert (S&C) (Charter) This is role specific and would be exclusive to users of S&C.
 - Bad Apple / Confide in Us – A secure conversation
 - Bad Apple – Completion of an intelligence report, formally known as a 5x5x5 and now referred to as 3x5x2

- 3.2.6 The CCU will:
- Review the available information
 - Decide if the report is to be classified as wrongdoing

And may,

- Decide on the appropriate level of investigation needed in consultation with the assessment unit of PSD and the HR Operations Team.
- Conduct the necessary elements of a discreet investigation if required.
- Conduct a risk assessment
- Record their decisions and rationale using the NDM (National Decision Model)
- Consider and implement a mechanism for safe contact, either face to face or through technical methods.
- Consider agreeing terms and conditions for the reporter (whistle-blower) to ensure a safe and auditable structure is implemented to safeguard the reporter (whistle-blower).

- 3.2.7 PSD/assessment
- Document decisions made regarding support measures for the person making the report and the initial steps taken/considered to support or protect the person making the report
 - Arrange for nominated HR professionals involvement through the HR Operations Team.
 - Consider seeking advice from the Legal Services Department.
 - Consider any necessary involvement from the Occupational Health Support Unit, where appropriate

3.2.8 Whatever method is used to report the suspected wrongdoing the initial recipient of the report and subsequent investigator must take into account the wishes of the reporter/witness. The reporter may not wish for their staff association, union, line management, HR or occupational health to be notified. Whilst this may have an impact on the level of support provided their wishes should were possible be respected.

3.3 **Investigation Strategy**

3.3.1 The investigation strategy must be proportionate to the classification of the report and level of investigation agreed.

- 3.3.2 The investigating officer has responsibility for:
- Completing a policy log and complying with Force standards of investigation
 - Documenting the investigation strategy
 - Documenting decisions made, action taken/not taken and the reasons why
 - Documenting any views or suggestions made by the person making the report
 - Documenting the agreed level of confidentiality appropriate to the report
 - Agreeing the support given to the person making the report

3.3.3 The needs of the service and public interest are of paramount concern, they are factors that must be considered by the investigating officer and may override the needs of the person making the report. Whilst there is no guarantee of anonymity in every case, the individual circumstances will be considered with decisions and rationale entered in the policy log

3.3.4 At the conclusion of the investigation the investigating officer must inform the person who made the report, of the outcome of the investigation.

3.4 Support mechanisms for persons who report/witness suspected wrongdoing

3.4.1 In order to be effective, the person making the report must be confident that they will be taken seriously and that the matter will be recorded and a decision made as to appropriate investigation at a local level. Equally important is the knowledge that they will receive support throughout the process, as appropriate. The responsibility for delivering that support will likely sit with the line manager of the person making the report. Where the line manager is subject of the report made, or is otherwise involved in the report, another responsible manager will be nominated.

3.4.2 The Investigating Officer (IO) appointed to the case will work in liaison with HR Operations to ensure that all measures to support the individual have been reasonably considered.

3.4.3 The line manager or appointed person, in consultation as appropriate with HR Operations, has an ongoing responsibility for:

- Assessing and taking steps to ensure that the person making the report is protected from victimisation and harassment
- Identifying and maintaining anonymity as appropriate
- Close liaison and communication with the investigating officer concerning the welfare and possible repercussions of the investigation
- Considering referral to the Occupational Health Support Unit or the Force Employee Assistance provider and staff associations
- Monitoring the matter to ensure that this working practice is complied with

3.4.4 Details of the support mechanisms available can be found in [Appendix 'A'](#)

Appendix A

Support

The intention of this working practice is to encourage "open" reporting, that is where the identity of the person making the report is known to their colleagues. However, it also allows for persons reporting wrongdoing to do so anonymously, where possible or to have the information treated as confidential whilst still supplying their own details.

Individuals should be made aware that in the event of a trial, employment tribunal, or other internal / external proceedings anonymity may not be possible and cannot be guaranteed.

Whilst individuals who report wrongdoing should expect their information to be tested it is vital that they do not feel victimised by the process. To prevent this, appropriate support mechanisms must be implemented and their effectiveness monitored.

The support given to an individual who reports wrongdoing must be tangible and agreed from the outset. It must continue throughout the process and be reviewed to ensure that it is appropriate. The person's role will be considered as part of the support assessment.

The responsibility to protect the person from victimisation or harassment does not end at the conclusion of the matter. Slang, negative or derogatory terms must not be used to describe a person who reports wrongdoing. Appropriate measures must be implemented and monitored.

Line Management

First line managers are ideally placed to provide frontline support to individuals who have reported wrongdoing, be their welfare lead and to monitor the effectiveness of the support measures. When a report is made it is crucial that the person making it is treated positively and reassured that they are doing the right thing. All supervisors have a responsibility to prevent the person making the report, being victimised or harassed.

Whilst not exhaustive, the following should be considered:

- Encourage the person making the report to seek the assistance and support of their staff association(s).
- Where appropriate, liaise with HR Operations and monitor the process
- Remain in close liaison with the investigating officer.
- Obtain specialist help from the Occupational Health Support Unit.
- Open reporting is encouraged and provides the most effective investigative options. However reports can be made in confidence but the person must be told that the legal rules governing disclosure apply. For disclosure purposes confidential information will be handled in a similar way to criminal intelligence.
- Consider the appointment of an independent person to act as a welfare officer.

All support measures considered, should be documented. They must be reviewed and be considered again if circumstances change. It will not generally be the responsibility of PSD or the investigator to be accountable for the welfare and support provided to someone who reports/witness's suspected wrongdoing. PSD and the investigator need to retain a neutral

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position in the process, however they can assist the relevant line manager or welfare officer in providing updates and information to assist them in this task.

Persons subject to allegations of wrongdoing

The rights and entitlements of the individual who is the subject of the report of wrongdoing are covered in the relevant regulations or force policy. This will include the right to disclosure of information, to be informed in full of the details of any allegation and representation by their Trade Union or the Police Federation.

Individuals are entitled to receive support from their line manager and it is quite possible that this could be the same person to which the report was made. Ideally there should be separate support mechanisms for each party with similar offers of support made. That said, nothing in this working practice prevents a line manager from performing their role.

Head of Professional Standards Department

Additionally the Head of the Professional Standards Department can authorise additional support measures:

- Dependent on the level and seriousness of the wrongdoing reported and the degree of risk to the person making it, a senior manager can be appointed to oversee the matter. They will have responsibility for ensuring that appropriate support is provided and is effective.
- Additional support may be offered in exceptional cases. This will not extend to an amnesty in cases involving criminal offences by the reporter.

Policy File

A Policy File will be completed in all cases, it summarises what the person making the report can expect from the Force and what the Force expects of that person. It will be commenced by the CCU on receipt of the report and will include initial policy decisions taken by the person to whom the initial report was made. The policy file will pass to the investigating officer and will include any policy directions from the Head of Professional Standards or other relevant senior officer depending on the circumstances of the case.

Contact

It is crucial that a framework is created for contact between the investigating officer and the person making the report. Where applicable it should also include mentors, staff associations, senior manager overseer or any agreed third party.

It should also cover the timescale for reviewing the statement and updating the person on the progress of the investigation.

The investigator should agree with the person making the report the frequency and method of ongoing communication. In addition key points in the investigation should also trigger enhanced communication. This could include and is not limited to:

- Suspect/s have been subject of a formal interview
- A decision has been made to go to misconduct or criminal proceedings.
- No further action is to be taken

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- Disclosure of evidence to the suspect/s
- Outcome of a hearing
- Outcome of any appeal

Risk Assessment

Depending on the nature of the investigation and who has knowledge it will be decided who is best placed to have responsibility for conducting a formal risk assessment in order to fully understand and devise measures to deal with possible consequences of making the report may have on the professional and private life of the person, it is necessary to discuss these implications and decide on the best course of action to deal with them.

Do they believe they are at risk in the workplace? If so, who from? Is there a risk to their home, at home or to their family?

What steps will be taken to mitigate those risks and are there any other issues that should be considered?

The support measures agreed, those considered but not implemented and the reasons why and any that are refused by the person making the report must be recorded and considered.

It should also be pointed out that in the event of a prosecution, employment tribunal, misconduct hearing or similar, anonymity may not be available. Guarantees of anonymity should not be given, although all reports received should be treated as restricted information.

Individuals who have reported or witnessed suspected wrongdoing may be anxious about giving evidence in any subsequent criminal, conduct or employment proceedings. To assist individuals with this consideration should be given to providing them with information on what format the proceedings will take, what protective measures may be available and where possible allow them to view the location and set up of the proceedings venue before giving their evidence.

Post investigation considerations

The possible impact on the welfare of those persons who either report, witness or are accused of suspected wrong doing should not be underestimated. Early consideration should be given to what arrangements may be needed should the relevant parties remain working in the same location/department once all matters have concluded.

In particular if the original report qualifies as a Protected Disclosure under the Public Interest Disclosure Act 1998 then the person making the report should suffer no detriment as a result.

4.0 Consultation and Authorisation

4.1 Consultation

Version No: 1.0	Name	Signature	Date
Police & Crime Commissioner			
Police Federation			
Superintendents Association			
GMB / UNISON / Unite			
Other Relevant Partners (if applicable)	Alliance PSD		30/08/2019

4.2 Authorisation of this Version

Version No: 1.0	Name	Signature	Date
Prepared:	Peter Burren		
Authorised:			
Approved:			

5.0 Version Control

5.1 Review

Date of next scheduled review	Date:
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5.2 Version History

Version	Date	Reason for Change	Created / Amended by
1.0		Initial Document	

5.3 Document History

Present Portfolio Holder	Deputy Chief Constable
Present Document Owner	Professional Standards Department
Present Owning Department	Professional Standards Department