

## Office of Police & Crime Commissioner – Devon & Cornwall Policy Cover Sheet

<b>Policy Name:</b>	Protected Disclosures - Whistleblowing Formerly: Whistleblowing Policy & Procedure
<b>Version Number:</b>	V2.0 (Final)
<b>Date:</b>	19 December 2013
<b>Policy Author:</b>	Claire Mead
<b>Policy Authorised by:</b>	Andrew White, Chief Executive
<b>Policy Sign off Date:</b>	19 December 2013
<b>Policy Signed off by:</b>	Andrew White, Chief Executive
<b>Cover note:</b>	<p>This policy sets out the high level principles and ethos around the management of protected disclosures and is based on the recently developed Devon &amp; Cornwall Police (D&amp;CP) policy.</p> <p>D&amp;CP are currently putting all their HR policies into the new Force template style and reviewing content in terms of legislative changes, terminology and bringing them up to date. This policy version is based on the D&amp;CP draft consulted on 2103 and signed off at Partnership Group, JNCC and JCC.</p> <p>It is proposed the previous Police Authority Whistleblowing operating procedures remain in place from a practical implementation of policy perspective.</p>
<b>EIA status:</b>	Policy will require EIA from the OPCC perspective.

# Office of Police & Crime Commissioner – Devon & Cornwall Making Protected Disclosures (Whistleblowing)

**Version dated:** 19 December 2013

## **1.0 Contents List [FOIA Open]**

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## **2.0 Policy Statement [FOIA Open]**

- 2.1 The Office of Police & Crime Commissioner (OPCC) is committed to ensuring individuals in its employ have a mechanism to report any suspected illegal or unethical conduct, without suffering any detrimental impact on themselves, their current or future employment and career opportunities. This is consistent with the commitment to meet OPCC aims and values, which place honesty and integrity as core principles that underpin the police service.
- 2.2 A 'qualifying disclosure' is the disclosure of information in good faith by an individual who has a reasonable belief that a criminal offence, a miscarriage of justice, an act creating risk to health and safety, an act causing damage to the environment, a breach of any other legal obligation or concealment of any of the above is being, has been, or is likely to be, committed. This is commonly known as 'Whistleblowing'.
- 2.3 The Public Interest Disclosure Act 1998 which amended the Employment Rights Act 1996, provides protection for workers who provide sufficient information relating to legitimate concerns about specified matters. These are called 'qualifying disclosures'.
- 2.4 Protected disclosures under the Public Interest Disclosure Act 1998 relate to disclosures/reporting of matters under public interest terms and should not be confused with:
- a) the more common mechanisms for reporting and dealing with misconduct matters, and;
  - b) the OPCC grievance policy and procedure, which provides a means for individuals to raise concerns around matters affecting them personally.
- The purpose of the Protected Disclosures - Whistleblowing Policy and procedure is to provide a means for individuals to raise concerns where an individual, a group of individuals or the organisation is acting in a way which might be considered illegal or unethical.
- 2.5 The OPCC is committed to protecting individuals in its employ from any form of victimisation; OPCC principles and ethos on this area, which support the Equality Act 2010, are set out within the Prevention of Harassment policy and supporting procedures.

### 3.0 Introduction [FOIA Open]

- 3.1 This policy applies to all staff (including agency workers) working under contract to the OPCC provided they are required by contract to be aware of, and to comply with, all relevant OPCC policies and associated procedures.
- 3.2 The OPCC's 'people management' policies reflect the organisation's commitment to its staff, and are underpinned by the highest standards of integrity. They provide a high-level set of principles, which are supported by procedures, working practices and guidance. By nature, however, it is not possible to cover every eventuality that may occur within the context of 'people management'. It may be necessary to vary the approach to ensure matters are dealt with in the most efficient/appropriate way whilst maintaining equity and fairness. Any variance from the stated practice should be justifiable in these terms.

### 4.0 Principles/Ethos of the Policy [FOIA Open]

- 4.1 This policy is supported by a series of practical procedures to assist with its effective/consistent implementation. The overriding principles of the policy are:
- 4.2 Everyone should be aware of the importance of preventing and eliminating illegal or unethical conduct in the workplace.
- 4.3 Individuals are encouraged to raise such concerns under this policy and supporting procedure. If the individual is not sure whether or not to raise a concern, he/she should discuss the issue with his/her line manager or, where this is not appropriate, the Chief Executive. Where the concerns relate to the Chief Executive, these should be discussed with the Statutory Financial Officer (known as "Treasurer" in the local context).
- 4.4 Where disclosure concerns the proper conduct of public business, value for money, fraud or corruption by the PCC, then staff of the OPCC should refer the matter to the [Chief Executive](#) or the [Treasurer](#). In a case where it may be inappropriate to refer the matter to one or other of the statutory officers then OPCC staff should disclose the matter to the [external auditor](#) appointed and the [Chair of the Joint Audit Committee](#) (JAC).
- 4.5 Any matter raised under this procedure will be investigated thoroughly and promptly; the progress of the investigation will be reported back to the individual who raised the concern. Wherever possible these matters will be dealt with confidentially, maintaining the individual's anonymity, but may come into the public domain in the context of disciplinary or criminal proceedings.
- 4.6 It is not necessary for the individual to have proof that such an act is being, has been, or is likely to be committed - a reasonable belief is sufficient. The individual has no responsibility for investigating the matter - it is the organisation's responsibility to ensure that an investigation into the concerns raised or allegations made takes place.
- 4.7 Where the information provided by an individual (which may include information disclosed to certain external bodies) meets the criteria of a 'qualifying disclosure', that individual has the specific right not to be dismissed, subjected to any other detriment or victimised on the basis of, or connected with, the fact that he/she has made a disclosure. This means that continued employment and opportunities for future promotion or training will not be prejudiced because the individual has raised a legitimate concern. Victimisation of an individual for raising a qualifying disclosure will be considered a disciplinary offence.

- 4.8 If a criminal offence is discovered as a result of any investigation under this procedure, it will be referred to the Chief Executive in his/her role as monitoring office. Where any criminal offence relates to the Chief Executive, the matter will be referred to the Statutory Chief Financial Officer (known as “Treasurer” in the local context).
- 4.9 If misconduct is discovered as a result of any investigation under this procedure, OPCC disciplinary procedures will be followed, in addition to any other appropriate external reporting requirements.
- 4.10 An instruction to cover up illegal or unethical conduct is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, individuals should not agree to remain silent. They should report the matter through an appropriate route as set down within the supporting procedure. Maliciously making a false allegation is also a disciplinary offence.

## **5.0 Audit/Assessment Compliance [FOIA Open]**

- 5.1 This policy has been drafted and audited to comply with the principles of the Human Rights Act. Equality and diversity issues have also been considered to ensure compliance with equality legislation and policies. In addition Data Protection, Freedom of Information, Management of Police Information and Health and Safety issues have been considered. Adherence to this policy will therefore ensure compliance with all relevant legislation and internal policies. Under the Freedom of Information Act 2000, the document is classified as ‘OPEN’.

## **6.0 Review and Ownership [FOIA Open]**

- 6.1 This policy is owned by the Office of Police & Crime Commissioner, with a review undertaken on a two yearly basis.

## **7.0 Useful Links [FOIA Open]**

- 7.1 Practical procedures are available to assist with the effective and consistent implementation of the policy. For enquiries relating to this policy contact the Chief Executive until such time as the structure of the OPCC is determined.