



# Reporting Professional Standards Concerns and Protected Disclosure Policy

<b>Policy Number</b>	196
<b>Policy Owner</b>	Head of Directorate of Standards & Ethics
<b>Version</b>	1.9
<b>Last Review Date</b>	August 2018
<b>Next Review Date</b>	August 2020
<b>Date of approval</b>	N/A
<b>Protective Marking</b>	Official

<b>This document has been assessed for:</b>	
Compliance with Legislation	<input checked="" type="checkbox"/>
General Equality Duty Assessment	<input checked="" type="checkbox"/>
Freedom of Information issues	<input checked="" type="checkbox"/>
Human Rights compliance	<input checked="" type="checkbox"/>
Health and Safety	<input checked="" type="checkbox"/>
Risk Management	<input checked="" type="checkbox"/>

# Reporting Professional Standards Concerns and Protected Disclosure Policy

## 1. Policy statement

---

Cleveland Police is committed to enabling its staff to safely report inappropriate behaviour in the workplace. We will provide a variety of means of reporting such behaviour and a level of support that is appropriate for those concerned and ensures that staff feel protected and valued in having the courage to speak out.

It is important to establish and maintain an open and honest culture which encourages people to report their concerns. Police regulations and the **Code of Ethics** both emphasise that officers, staff and others working in policing should challenge or report improper behaviour.

All staff should feel that they can report corruption, dishonesty and malpractice openly with the support of colleagues and managers. It is our intention to continue to develop a force culture in which such actions are viewed as the right thing to do. This will be driven by the 'Everyone Matters' agenda.

## 2. Purpose

---

### Aims

All those who work in policing are expected to report concerns they may have about wrongdoing or poor or improper practice in their force. If you have something to report, you should do so at the earliest opportunity. Your concerns do not need to be proven correct, nor are you required to be able to prove anything yourself.

As a police officer or police staff member, it is your duty to report your concerns. It is the duty of those to whom you report to ensure that those concerns are properly considered and responded to. The duty to report wrongdoing is laid out in the Standards of Professional Behaviour in Police (Conduct) Regulations 2012 and replicated in the police staff disciplinary policy, and for both officers and police staff this is reinforced in the Code of Ethics.

The main aim of this policy is to provide a mechanism that complies with legislative requirements and enables staff at all levels to raise issues of concern regarding wrongdoing and inappropriate behaviour within the workplace. This policy is integral to creating a climate in which staff at all levels feels a genuine obligation to maintain the integrity of the police service by reporting wrongdoing, and is underpinned by procedures that provide direction for all those involved in its deployment.

This policy follows the principles and guidance set out in the College of Policing's **Reporting Concerns** (2016).

## **Objectives**

The main objectives are to:

- a) Promote a working environment where staff are free from harassment or discrimination from others
- b) Increase public confidence in Cleveland Police by demonstrating the highest level of personal and professional standards of behaviour
- c) Provide a safe environment for staff to challenge and report inappropriate behaviour.

## **Application and Scope**

All police officers and police staff, including the extended police family and those working voluntarily or under contract to Cleveland Police must be aware of, and are required to comply with, all relevant policy and associated procedures.

The Chief Officer lead for this policy is the Deputy Chief Constable.

## **Outcome Evaluation**

Outcomes will reflect specific objectives and be measured against these objectives on a routine annual basis by the Head of Directorate of Standards & Ethics (DSE). Measurement will include analysis of any quantitative/qualitative data to identify themes/trends and enable prevention measures to be put in place and lessons to be learnt. This will also focus on reflective practices and individual learning.

In general terms the policy should:

- a) Ensure compliance with legislative requirements.
- b) Raise level of professionalism

## **3. Underpinning procedures**

---

### **1. Context**

#### **1.1 Changes to Legislation**

1.1.1 The Public Interest Disclosure Act 1998 (PIDA) was introduced to ensure that information in the public interest was brought to the attention of an appropriate person in order that wrongdoing could be dealt with promptly. The legislation provided statutory protection against victimisation and unfair dismissal to individuals who make 'protected' disclosures in good faith about certain acts of wrongdoing or work place dangers. These are summarised as:

- a) Criminal offence
- b) Breach of a legal obligation

- c) Miscarriage of justice
- d) Danger to the Health & Safety of an individual
- e) Damage to the environment
- f) Deliberate covering up of information relating to the above

1.1.2 The Police Reform Act 2002 and amendments to the Police (Conduct) Regulations 2012 extended the provisions to police officers.

1.1.3 Legislation covering disclosures was reformed under the provisions of the Enterprise & Regulatory Reform Act 2013 (ERRA) which stipulates disclosures must be in "the public interest" and not simply "in good faith".

1.1.4 The ERRA also clarified the position on vicarious liability and protects whistle-blowers from any detriment at the hands of co-workers as well as their employer. However, if an employer can show they took reasonable steps to prevent the detriment then it will not be held liable for the actions of co-workers.

## 1.2 **Police (Conduct) Regulations 2012, Standards of Professional Behaviour**

1.2.1 This legislation introduced updated Standards of Professional Behaviour to the police service, and placed a regulatory obligation upon all police officers to **challenge and reporting improper conduct**, which provides that, "*Police officers report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behaviour.*"

1.2.2 This standard is explained in greater detail in the **Code of Ethics**. A breach of these standards can lead to action for misconduct, and in serious cases can result in dismissal.

1.2.3 The Police (Conduct) (Amendment) Regulations 2015 provided that for the purposes of these Regulations, the making of a protected disclosure by a police officer is not a breach of the Standards of Professional Behaviour.

## 2. **Reporting**

2.1.1 It is not possible to define the point at which a member of staff should make a decision to provide information in the form of a report to the Directorate of Standards & Ethics. However if a member of staff has reason to believe that they have information which indicates a breach of professional standards then it should be reported as soon as practicable. The methodology for making such reports is set out in the following paragraphs

2.1.2 Provided you are raising a genuine concern, it does not matter if you are mistaken. If you raise a genuine concern using this guidance or your force's policy or procedure, you will not be at risk of losing your job or suffering any form of reprisal as a result. The harassment or victimisation of anyone raising a genuine concern will not be tolerated. It is a disciplinary matter to victimise anyone who has raised a genuine concern. If at any stage you experience reprisal, harassment or victimisation for raising a genuine concern, you should

seek advice and report it to the appropriate body (i.e. Directorate of Standards & Ethics or human resources) immediately.

## 2.2 **Direct Report to Line Management**

2.2.1 In the first instance, you should normally make a report to your line manager. This enables an immediate response, and feedback can be given directly, especially if the matter is something your line manager can deal with themselves. Your line manager can also provide support and guidance throughout the reporting process. Should you wish to make a report regarding your line manager, or if for any other reason it is more appropriate to report to another manager, then this is also possible.

2.2.2 In cases where the breach of professional standards is believed to involve the individual's Line Manager, or if it is felt more appropriate to make the report to another manager, this may be done. In cases of doubt, advice can be sought from the DSE or other methods included below.

2.2.3 In cases involving a suspected breach / breach of Information Security, a report could be submitted direct to the information security manager.

## 2.3 **Direct Report to Directorate of Standards & Ethics**

2.3.1 You may also report to Cleveland Police DSE directly. Such a report will be dealt with by officers and staff experienced in dealing with sensitive and confidential matters.

## 2.4 **Confidential Reporting**

2.4.1 Internal Contacts - Unison, The Police Federation, Superintendent's Association, LGB and T Chair, Welfare Officer, Force Chaplain, EDHR Team, can and do play a key role. The nature of their role means they have considerable expertise in dealing with confidential matters.

2.4.2 Anonymous contact via a confidential e mail system which can be found on the Force's intranet home page.

2.4.3 Crimestoppers - provides a further alternative for the anonymous provision of information relating to criminal activity. The Force would prefer whenever possible for staff to identify themselves when providing information but recognises there are limited occasions when anonymity is sought Crimestoppers will be a valid alternative. Crimestoppers has a dedicated Integrity reporting telephone line number of 0800 111 4444 or the main line **0800 555 111**. Crimestoppers can also be contacted online at <https://crimestoppers-uk.org/misc/contact-us/>

2.4.4 The Independent Office of Police Complaints Conduct (IOPC) Report Line - is a dedicated and secure phone line and email address that enables police officers and police staff to report concerns about a colleague committing a criminal offence or behaving in a way that would justify disciplinary action in addition to any inappropriate behaviour. Police officers and staff can contact the Report Line between the hours of 10am and 5pm

Contact details are:

Phone: 0845 8770061

Email: [enquires@ipccreportline.gsi.gov.uk](mailto:enquires@ipccreportline.gsi.gov.uk)

- 2.4.5 Reports can also be submitted confidentially via the OPCC office, or direct to HMICFRS
- 2.4.6 If you are unsure about raising a concern, you can get independent advice at any stage of the process. Some organisations which may be able to assist you are your staff association or union. The independent whistleblowing charity Public Concern at Work can be contacted for free confidential advice on 020 7404 6609 or by email at [helpline@pcaw.org.uk](mailto:helpline@pcaw.org.uk).
- 2.4.7 The options outlined above are not exclusive or exhaustive in allowing staff to make Professional Standards Reports. It is acknowledged that there are a number of other ways such as the Occupational Health Unit or local Personnel Units as examples available for staff to make reports.
- 2.4.8 In all instances, it is essential that the initial response is positive, robust and supportive. Additionally all reports received will be treated in the utmost confidence whilst providing assistance to the individual concerned to make the report in the most appropriate way.

### **3. Support**

- 3.1 Reporting a concern can be a stressful process, and it is essential that support mechanisms are in place for those who decide to come forward. The DSE will be responsible for ensuring appropriate support is provided to those who come forward. Where someone comes forward, we will value their action.
- 3.2 Upon receipt of a report, DSE will direct the command of the reporting person to appoint an appropriate welfare officer to support the member of staff concerned. Where it is not appropriate to seek a welfare officer from the reporting persons command direction will be sought through an alternative means that is most appropriate in the given circumstances. The Force Occupational Health professionals are also available to provide advice, information and support to managers dealing with such issues.
- 3.3 Where the person reporting wrongdoing wishes, and where confidentiality provisions allow, they should be kept updated on the progress of any investigation by the appointed welfare officer.
- 3.4 In addition to consultation at key stages, the investigating officer must also keep a reporting person updated with the progress of an investigation triggered by their report. Updates may include information about the stage reached in the investigation, what has been done, what remains to be done, together with timescales and, where it cannot compromise the investigation, a summary of any significant evidence obtained.
- 3.5 Managers at all levels must be aware of the importance of provision of such support to members of staff who make a report of concerns. During the

feedback and de-briefing process which should be held at the conclusion of any investigation, the level of managerial support will be subject of discussion and assessment.

#### **4. Responsibilities**

##### **4.1 Line Management**

4.1.1 Line Managers have an individual and collective responsibility to take whatever immediate action is necessary to investigate the initial report and preserve any evidence. They also have a duty of confidentiality to the person making the report. They should ensure that:

- a) A positive message is given to the individual that they are doing the right thing and offer the right level of support.
- b) The individual is aware that they may be required as a witness in any relevant formal proceedings
- c) Confidentiality will be respected throughout any investigation and only those who need to know are made aware of the circumstances
- d) Protection against harassment and victimisation is offered immediately via DSE through its capacity to appoint a welfare officer and to consider where necessary, whether or not the parties involved can remain within their current work location, always taking in to account the wishes of the reporting person.
- e) Actions are taken to provide support to the member of staff and details are provided to the Investigating Officer.

##### **4.2 Directorate of Standards & Ethics**

4.2.1 Responsibility to take necessary immediate action should always remain with immediate line managers. However the DSE should act as a focal point for Professional Standards reporting. The Department will:

- a) Provide support, guidance and advice at all stages as required unless it is a misconduct investigation.
- b) As appropriate liaise with local Line Manager / Personnel Manager
- c) Assist in identifying the method to take the issue forward
- d) Direct the command to appoint a welfare officer to support the member of staff concerned. Where it is not appropriate to seek a welfare officer from the reporting persons command direction will be sought through an alternative means that is most appropriate in the given circumstances
- e) Ensure that any covert response is appropriate, necessary and proportionate
- f) Monitor the progress of all cases reported to the Department
- g) Compile statistical Data in respect of reported cases for dissemination as required
- h) Ensure the principles of the policy are complied with and that the staff member making the report is kept informed

### 4.3 **Head of Directorate of Standards & Ethics**

4.3.1 The Head of Directorate of Standards & Ethics is responsible for the application of this policy and procedure. The post holders will review annually; seek such reports as are necessary to ensure compliance.

### 4.4 **Inclusion Meeting**

4.4.1 In any investigation into a suspected breach of professional standards that has arisen as a result of a member of staff reporting the matter consideration should be given to arranging a meeting between the Investigating Officer and the respective Line Manager.

4.4.2 The purpose of this meeting is to inform the manager of the existence of the investigation and determine appropriate support. The Investigating Officer is responsible for arranging the meeting.

### 4.5 **Feedback / Debriefing**

4.5.1 At the conclusion of any investigation, a full debrief should take place with the individual who raised the concern. This will provide an opportunity to identify positive and negative aspects of the policy and procedure and make any necessary improvements.

4.5.2 Responsibility for ensuring this takes place should remain with the Investigating Officer who is responsible for reporting issues to the Head of the Directorate of Standards & Ethics.

## 4. **Appendices**

---

<b>Appendix</b>	<b>Description</b>
1.	Not applicable

## 5. **Compliance and monitoring**

---

The Head of Directorate of Standards & Ethics is responsible for the accuracy and integrity of this document. This policy will be continuously monitored, and updated when appropriate, to ensure full compliance with legislation.

The Head of Directorate of Standards & Ethics will review this process to ensure that all aspects are being adhered to in accordance with the framework of this policy.

## 6. Version control

---

This policy will be reviewed and updated at least every two years by the owner, and more frequently if necessary.

The Head of Tasking, Coordination and Performance Command will ensure this document is available on the Force intranet, including any interim updates.

The following identifies all version changes.

Version	Date	Reason for update	Author
0.1	Jan 2010	Inclusion in Governance Framework	Head of PSD
1.0	Jan 2010	Published policy	Head of PSD
1.1	Nov 2012	Policy amended to reflect introduction of PCC, statement only	██████████
1.2	May 2013	Policy Review	Head of PSD
1.3	July 2014	Policy Review	██████████
1.4	May 2016	Policy Reviewed and renamed from Whistle Blowing	██████████
1.5	June 2016	Further amendments	██████████
1.6	June 2016	Final version following consultation	██████████
1.7	August 2017	Review and inclusion of updated regulatory provision	██████████
1.8	Sept 2017	Change of owner department name	██████████
1.9	August 2018	Revision to paragraphs 3.2 and 4.2.1 (d)	██████████