

<b>For Information</b>	
<b>Public/Non Public*</b>	<b>Public</b>
<b>Report to:</b>	<b>Joint Audit and Scrutiny Panel</b>
<b>Date of Meeting:</b>	<b>10<sup>th</sup> November 2021</b>
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<b>Agenda Item:</b>	<b>17</b>

## **PROFESSIONAL STANDARDS CONFIDENTIAL REPORTING PROCEDURE (Whistle Blowing)**

### **1. Purpose of the Report**

- 1.1 The purpose of this report is to update the Joint Audit and Scrutiny Panel (JASP) regarding the above area of business.
- 1.2 Specifically, the update will outline how the organisation and the Professional Standards Directorate (PSD) identifies and deals with those members of the organisation who make reports concerning breaches of professional standards. In particular, how they can be provided with support and confidentiality, when appropriate and necessary.

### **2. Recommendations**

- 2.1 It is recommended that the Panel receive assurance from the processes in place relating to confidential reporting as detailed within the report.
- 2.2 It is recommended that the panel receive assurance that Nottinghamshire Police Professional Standards Directorate actively seeks information and intelligence from a variety of sources in order to prevent corruption.

### **3. Reasons for Recommendations**

- 3.1 The number of confidential referrals has reduced year-on-year from 2018 to 2021. This is a trend experienced across all five regional forces. There has however, been an increase in overt reporting as measured by the increase in PSD reports received (Oct 20 – Sept 21 an increase in conduct cases recorded of + 111.3%). This measure may be an indicator of increased confidence within the PSD department.
- 3.2 Equally, there has been a marked increase in confidential reporting within the last quarter (see below). In December 2020 Nottinghamshire Police identified the counter corruption strategic priorities for the following 12 months; these are still to be subject to review in December 2021:
  - Disclosure of Information
  - Controlled Drug Use and Supply
  - Theft and Fraud

#### **4. Summary of Key Points**

- 4.1 Police officers, staff and volunteers, must be honest and act with integrity at all times. This is a principal and absolute standard of professional behaviour from which there can never be any departure. Without personnel possessing such attributes, public trust and confidence would be eroded, the Police would lack legitimacy and the service provided would become ineffective.
- 4.2 The reporting procedure for referring potential breaches in standards of professional behaviour, aims to create a climate where staff feel a genuine commitment to openness and transparency when reporting breaches of Professional Standards. Police personnel should be motivated with a desire to maintain the integrity of the Police service and feel assured that reporting misconduct and criminal transgression will be universally acknowledged as 'doing the right thing.'
- 4.3 The Force's 'Professional Standards Reporting Procedure' defines how Nottinghamshire Police will protect and support its officers, staff and volunteers, by both (a) providing a broad range of options for reporting breaches and (b) providing consistent and meaningful support to colleagues who report concerns.
- 4.4 The Code of Ethics as set by the College of Policing places a positive obligation on Police personnel to report suspected breaches in the standards of professional behaviour by their colleagues. Officers, staff and volunteers must be able to report such breaches openly, with the support of their peers and line managers and have the utmost confidence that in doing so, they will never be subject of victimisation, discrimination or disadvantage.
- 4.5 The reporting procedure identifies guiding principles and some examples of what activity or conduct should be reported, before outlining the different mechanisms and gateways for making such reports, which can be done anonymously, confidentially or in an open report.
- 4.6 The PSD have a key part to play in this procedure once a referral is made to the Directorate. Where open reports have been made, appropriate support will be given to the informant from the outset and proactive central and / or local management support and action will continue throughout the lifetime of the investigation and where necessary beyond that.
- 4.7 Confidentiality, when requested, will be given the highest priority. Nevertheless, relevant information will be subject of statutory rules governing disclosure. For misconduct cases that fall outside the scope of a criminal investigation, confidential information will be handled in a similar way to criminal intelligence. Where there can be no adverse effect on the person accused and a fair hearing can be guaranteed, immunity as to the disclosure of confidential information will always be sought.
- 4.8 For any officers, staff or volunteers who are concerned in coming forward to report any suspicion of corruption or misconduct the Force provides an

anonymous and confidential digital reporting platform called 'Integrity Messenger.' This system allows two-way communication with the PSD Counter Corruption Unit (CCU) whilst still preserving the anonymity of the person reporting for as long as they feel the need. Two way digital dialogue allows for rapport and confidence building, which in turn can lead to the person reporting providing their personal details. This affords any linked investigation with an opportunity to pursue further lines of enquiry.

- 4.9 Work has recently been undertaken within the organisation to remind officers and staff of the location of the reporting tool and how to use it. It is easily accessible via the PSD intranet page.
- 4.10 A confidential telephone reporting system, maintained by the CCU, is also available to all Officers and Staff. Telephone calls are taken in person between the hours of 8am and 4pm and outside of these times, there is a voicemail facility. This facility operates on both an external and internal telephone number.

In the reporting period of 27<sup>th</sup> November 2020 to 22<sup>nd</sup> April 2021 a total of 21 confidential referrals were received by the CCU. All of these referrals fell outside of the National Counter Corruption categories as set by the NCA:

**Non-counter corruption categories:**

Bullying / Grievance	6
Line Management Issue	5
Conduct Issue	8
Information Security	1
Other	1

In the current reporting period of 23<sup>rd</sup> April to 9<sup>th</sup> November 2021 this has increased to a total of 50 confidential referrals received by the CCU.

In contrast to the previous reporting period, 14 fell within the National Counter Corruption categories as set by the NCA:

**National Counter Corruption categories:**

Infiltration	1
Disclosure of Information	2
Sexual Misconduct	1
Controlled Drug Use and Supply	1

Theft and Fraud	1
Misuse of Force Systems	3
Abuse of Authority (Not Sexual Misconduct)	3
Inappropriate Association	1
Vulnerability	1

The remaining 36 fell outside of the National Corruption categories as set by the NCA:

**Non-counter corruption categories:**

Vetting – Information / Issue	1
Bullying / Grievance	8
Line Management Issue	6
Conduct Issue	21

As can be seen, there has been a large increase during the most recent recording period, potentially due to increased communications within the workforce around the reporting methods available. There has also been an emphasis placed on abuse of position in line with the national narrative. PSD and the Chief Officer team have placed recent emphasis and messages to the workforce on an abuse of position of position for sexual purpose. This has been augmented by PSD attendance at the multi-agency Domestic Violence and Sexual Abuse Executive Boards. Regular contact is made with partners, for example Women's Aid, Prostitute Outreach Workers, NHS etc who can raise any concerns they may have surrounding service provision and ethical concerns.

The CCU has also continued its monthly features surrounding "Ethical Dilemmas", which seeks to raise awareness around corruption risks and the confidential reporting methods available. As noted, the department still receives overt queries and provides regular advice on how to deal with unsatisfactory performance.

Concerningly, conduct issues features heavily during this reporting period. This category provides scope for various potential conduct issues investigated by the CCU which fall outside of one of the NCA corruption categories.

The CCU Department has seen an increase in workload due to the Covid 19 pandemic and this continues to date. The reporting mechanism has been by integrity messenger, phone call or in person to the CCU, often by supervisors or colleagues of the individual concerned.

The CCU proactive work has increased over recent months and in turn, so has the number of corruption investigations. This focus however, should be seen as a strength not a negative.

The force-wide application by the Senior Leadership team, and in particular the Detective Inspector of the 'Ethos of Learning' following the introduction of the new 2020 Police Conduct Regulations has enabled the Counter Corruption Unit (and the Complaints and Misconduct Unit) to increase its focus on proactive CCU investigations and issues of misconduct that actually require attention (not performance issues masquerading as misconduct). Seven longer-term investigations have been instigated in this reporting period following proactive work, which includes theft, conduct issues and APSP. This is in addition to numerous welfare referrals and concerning behaviours identified and dealt with through interventions and ethical interviews to prevent escalation.

PSD figures as a whole between Oct 20 – Sept 21 have seen an increase in the number of regulatory notices served on officers by 88% (from 50 – 94). So in addition to the application of PRI (practice requiring improvement), there has been a corresponding increase in officers subject to misconduct investigations.

The DCI within PSD (PIP 3 qualified) has regular quarterly meetings with the IOPC covert liaison officer. This ensures that covert, sensitive investigations have transparent independent oversight, are rigorously investigated and utilise all investigative tactics available to law enforcement to ensure positive outcomes.

The department maintains operation security by recording confidential reports on a standalone system within the Counter Corruption Unit (CCU). Records and decision making rationale are maintained for any subsequent audit and scrutiny.

The Head of department has visited all Senior Management Team meetings and discussed PSD and the CCU, identifying warning signs and what leaders should look for within their teams. Monthly meetings take place with all divisional heads of departments to discuss on going cases and learning that has been identified. Additionally, the CCU Sergeant has completed virtual briefings with all supervisors from the Response and Neighbourhood Policing Teams across the force, particularly aimed at APSP behaviours but including the reporting mechanisms available. All of this should build towards a healthier and more professional workforce.

The Force achieved 'good' for its HMICFRS (Her Majesty's Inspectorate of Constabulary and Fire and Rescue Service) inspection rating in relation to how well it maintains an ethical culture and lawful workforce behaviour.

- 4.11 The Force has an effective counter-corruption strategic threat assessment and control strategy. The Force makes good use of the integrity registers regarding notifiable associations and business interests. It has good relationships with both regional and national CCU leads. The PSD head / deputy head also chair the regional heads of CCU meeting, representing the East Midlands regional at the national Counter Corruption NPCC meeting.

## 5. Financial Implications and Budget Provision

5.1 No specific financial implications are noted.

## 6. Human Resources Implications

6.1 The 2021 ADA process has seen an uplift of a Detective Constable to CCU, yet to be appointed.

## 7. Equality Implications

7.1 This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; ECHR; Employment Act 2002; Employment Relations Act 1999 and other legislation relevant to policing.

7.2 This procedure is robust and the evidence shows there is no potential for discrimination and that all opportunities to promote equality have been taken.

## 8. Risk Management

8.1 It is essential the public have confidence in the service that Nottinghamshire Police provide.

8.2 The overwhelming majority of individual members of Police personnel including police officers, staff and volunteers within Nottinghamshire Police are dedicated, hard working, compassionate, and deliver policing services with a high degree of integrity. Regrettably, there are a small number of Police personnel that are guilty of and vulnerable to, unethical behaviour, dishonesty and corruption. The harm they do far outweighs the numbers they represent.

8.3 We all have a part to play in enhancing the integrity and reputation of the Force. This process starts with recognition that we are all individually accountable for our actions and responsible for our behaviour.

8.4 Both locally and nationally, the force PSD has good performance (independent IOPC data).

## 9. Policy Implications and links to the Police and Crime Plan Priorities

9.1 By having a Professional Standards Reporting Procedure we are able to set out ways that staff can make reports concerning breaches of Professional Standards and ensure we support the Force vision and values.

## 10. Changes in Legislation or other Legal Considerations

10.1 There are no changes in legislation or other legal considerations relating to this report.

## 11. Details of outcome of consultation

11.1 No consultation has been undertaken in relation to this report as the purpose is to provide an update to JASP only.

## 12. Appendices

12.1 There are no appendices attached to this report.