

For Information	
Public/Non Public	Public
Report to:	Audit and Scrutiny Panel
Date of Meeting:	17th June 2014
Report of:	PROFESSIONAL STANDARDS REPORTING PROCEDURE ('WHISTLE BLOWING')
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Agenda Item:	7

PROFESSIONAL STANDARDS REPORTING PROCEDURE ('WHISTLE BLOWING')

1. Purpose of the Report

- 1.1 To inform the PCC regarding the above procedure and outline how the organisation in general and the Professional Standards Directorate manages 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 That the Panel receive assurance from the processes in place relating to whistle blowing as detailed within the report.

3. Reasons for Recommendations

- 3.1 To provide the PCC with relevant information and oversight in respect of how Nottinghamshire Police ensures that appropriate systems are in place to both encourage and support officers and staff to report concerns in respect of unethical behaviour or 'wrong doing'.

4. Summary of Key Points

- 4.1 There can be no more important qualities for members of the police service than that they are honest and act with integrity. Without these key attributes public trust and confidence will be eroded. The reputation of any organisation must always be considered as one of its most cherished assets.
- 4.2 The Procedure for Professional Standards Reporting aims to create a climate where staff feel a genuine commitment to openness and transparency when reporting breaches of Professional Standards, their motivation arising from a desire to maintain the integrity of the police service and in the knowledge that such action will be universally acknowledged as 'doing the right thing'.
- 4.3 This force professional standards reporting procedure defines how Nottinghamshire Police will protect and support its staff by providing a broad

range of options for reporting breaches of Professional Standards and providing consistent and meaningful support to colleagues who report concerns.

- 4.4 Staff have a clear responsibility to report suspected breaches of Professional Standards by others in Nottinghamshire Police and should feel that they can report such breaches openly and with the support of their colleagues and managers in line with our PROUD Values and Code of Ethics
- 4.5 The procedure identifies guiding principles and some examples of what activity or conduct should be reported, before outlining the different mechanisms for making such reports which can be done anonymously, confidentially or in an open report.
- 4.6 Professional Standards Directorate have a key part to play in this procedure once information comes into the Directorate, including agreeing a 'Statement of Expectations' with the member of staff and including offering support from a group of trained 'Supporters'.
- 4.7 The 'Supporters' have been established as part of this procedure to offer support on a one to one basis. The volunteer police officers and police staff have been given training and an input from PSD as to the procedure and they do not work within PSD, but can be utilised where necessary as a conduit for the staff member in terms of the progression and updates of any enquiry. This is in addition to any welfare support.
- 4.8 For any officers and staff who are concerned coming forward to report any suspicion of 'wrong doing' or unethical behaviour, the force has provided an anonymous and confidential e-reporting system called 'Integrity Messenger'. This system allows two-way communication with the force counter-corruption unit while preserving the anonymity of the referee for as long as they feel the need. It also allows rapport and confidence to be built which may lead to the referee providing personal details in due course.
- 4.9 In the relevant period (1 October 2013 to 31 March 2014) 38 referrals were made to the counter corruption unit through Integrity Messenger. This compares to 15 referrals in the previous six months.

5. Financial Implications and Budget Provision

- 5.1 No specific financial implications are noted

6. Human Resources Implications

- 6.1 No specific HR implications are noted

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 Nottinghamshire Police provide.
- 8.2 The overwhelming majority of individual members of police personnel including Police Officers, Police Staff and members of the Special Constabulary within the 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

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 organisations 'Vision', 'Values' (PROUD) and 'Plan' 'To cut crime and keep you safe', 'To spend your money wisely' and 'Earn your trust and confidence', ensure all relevant parts of the organisation are given help to improve our service and ultimately achieve the force priorities.

10. Changes in Legislation or other Legal Considerations

- 10.1 None

11. Details of outcome of consultation

- 11.1 None

12. Appendices

- 12.1 Appendix A 'Professional Standards Reporting Procedure'.



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SECTION 1 VERSION CONTROL

Version No.	Date	Post Holder/Author	Post	Reason for Issue
1.0	June 2003	Supt Mick Leyton	HQ (PSU)	First Edition
1.1	Sept 2005	Supt Mark Pollock	HQ (PSU)	Amended to new template
1.2	June 2007	D/Supt Foster	HQ (PSD)	Amended
1.3	February 2008	D/Supt Beasley	HQ (PSD)	Reviewed and Amended
1.4	March 2010	D/Supt Beasley	HQ (PSD)	Reviewed and Amended
1.5	April 2012	D/Supt Alexander	HQ (PSD)	Reviewed and Amended
2.0	March 2014	Pat Stocker	ISM	Amalgamated with Confidential Reporting Policy
		Inspector Tracey Reynolds		Reviewed and Amended

SECTION 2 BACKGROUND

There can be no more important qualities for members of the police service than that they are honest and act with integrity. Without these basic attributes the public can never be expected to trust the police and have the confidence in them that is necessary for a system of policing by consent. The reputation of any organisation must always be considered as one of its most cherished assets.

The overwhelming majority of individual members of police personnel including Police Officers, Police Staff and members of the Special Constabulary within the 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.

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.

The Procedure for Professional Standards Reporting aims to create a climate where staff feel a genuine obligation to openness and transparency when reporting breaches of Professional Standards, their motivation arising from a desire to maintain the integrity of the police service and in the knowledge that such action will be universally acknowledged as right.

This procedure defines how Nottinghamshire Police will protect and support its staff by providing a broad range of options for reporting breaches of Professional Standards and providing consistent and meaningful support to colleagues who 'Do the right thing'.

Chris Eyre

Chief Constable

SECTION 3 AIMS / OBJECTIVES

The purpose of this procedure is to set out the ways in which individuals within Nottinghamshire Police can report breaches of Professional Standards in a supportive and confidential environment.

These procedures apply to Nottinghamshire Police Officers, Police Staff, Partners, Agents and Approved Persons working for or with the Police.

Breaches of Professional Standards may include:

- A criminal offence;
- A miscarriage of justice;
- Breaches of a legal obligation
- Malpractice;
- Dishonesty;
- Unethical behaviour;
- Breaches of the Police Officer / Police Staff codes of conduct; and
- Deliberate concealment of information in respect of any of the above.

Staff have a clear responsibility to report suspected breaches of Professional Standards by others in Nottinghamshire Police and should feel that they can report such breaches openly and with the support of their colleagues and managers.

This procedure may be used by staff to make Professional Standards Reports and compliments but does not replace the following:

- Grievance Procedure
- Police (Conduct) Regulations 2012
- Police (Complaints and Misconduct) (Amendment) Regulations 2008.
- Police (Performance) Regulations 2012
- Police Staff Discipline Code
- Unsatisfactory Performance Procedure
- Gifts, Gratuities and Hospitality Procedure
- Health and Safety Procedure

SECTION 4 DETAILS

GUIDING PRINCIPLES

Confidentiality

Colleagues and working partners are often the first to recognise that there may be something suspicious or out of character in another person's behaviour, lifestyle or actions. It is acknowledged that some may be uncomfortable in raising their concerns and may feel such action would be disloyal. The individual's decision to voice their concerns is a difficult one and will ultimately rely on the trust they have in the system and processes to protect them. The Police (Conduct) Regulations 2012 make it a breach of the Professional Standards to fail to report such activity.

This procedure makes it clear that individuals can speak out without fear of victimisation, discrimination or disadvantage. Nottinghamshire Police gives its reassurance that the protection of the identity of the provider of any information will always take priority regardless of the outcome of any subsequent investigation. In line with the Force's commitment, it also expects all individuals, who have suspicions or concerns, to raise them in the appropriate manner.

Professional Standards Reports may be made confidentially. Confidentiality, when requested, will be given the highest priority. Individuals should be aware that the legal rules governing 'disclosure' will apply to cases under this procedure as they apply to all others. Where confidential information has been received this will be handled for disclosure purposes in a similar way to criminal intelligence.

When an 'open' Professional Standards Report is made all documentation relating to it will carry protective marking, limiting access to those who have a legitimate need to see it. In confidential cases, knowledge of the identity of the person who has made the report will be kept to a minimum based upon strict need to know criteria and upon the terms and extent of the consent given.

Individuals who make Professional Standards Reports may be required to give evidence and support a criminal prosecution and/or misconduct proceedings where appropriate.

REPORTING PROCEDURES

What to Consider Before Making a Report

It may not always be apparent as to whether a particular activity should be or is worthy of being reported. It is always preferable to report too much than too little and no matter how irrelevant it may seem at the time, the smallest piece of information may be of significant value.

Disclosures made anonymously are sometimes less powerful and as a rule more difficult to investigate and substantiate. The confidential reporting facility does not prevent the providers of information from making themselves known if they wish.

The sooner a concern is raised, the easier it is to establish the facts and capture any evidence.

Although no one is expected to prove the truth of an allegation beyond doubt themselves, there must be some demonstrable basis for believing it to be true and those reasons should be provided with any information, no matter how tenuous.

Accuracy and detail of information is crucial to the effective and timely investigation of any suspicion or allegation.

If the person making the submission is not the originator of the information, it is recommended that some level of provenance is provided.

Types of Activity/Conduct to Report

These procedures are intended to cover any serious concerns an individual may have that falls outside the scope of existing internal procedures or they feel is more appropriately dealt with by the Professional Standards Department (PSD). These concerns may be broadly referred to as suspected corrupt activity or wrongdoing and include:

- Criminal association / inappropriate relationships
- Criminal offences and other dishonesty
- Miscarriages of justice
- Unmanageable debt
- Drug related matters
- Recruitment and vetting issues
- Disclosure of information
- Misuse of force systems
- Breaches of security
- Business interests
- Abuse of trust / Exploitation of position or role
- Sexual or physical abuse
- Malpractice or ill treatment towards any Nottinghamshire Police employee or member of public
- Disregard for legislation, including health and safety at work
- Breach of financial or contract procedure rules
- Any activity amounting to improper or unethical conduct
- Any activity likely to bring the Force into disrepute
- That information of any of the above has been, or is likely to be, concealed

MECHANISMS FOR REPORTING WRONGDOING

Where a member of staff has reason to believe they have information relating to a breach of Professional Standards, it should be reported as soon as possible.

There are a number of ways in which staff can make such reports:

1. Confidential Telephone Line

A confidential phone reporting system is available to all staff:

Ext 800 2755 or Direct Dial number 0115 9672755

2. Confidential IT Reporting Facility 'Integrity Messenger'

Integrity Messenger is confidential and available through the force intranet. It affords individuals the opportunity to raise concerns or provide information or intelligence anonymously regarding the Professional conduct of other members of Nottinghamshire Police.

No attempts will be made to identify the anonymous providers of information.

Information generated by the confidential reporting system may be used as grounds for further enquiries and form the basis for consideration to investigate.

The information received via the confidential reporting facility will be stored and controlled by the PSD Counter Corruption Unit (CCU).

Any information used to progress an investigation will be suitably protected and sanitised to protect the identity of the source, if given.

3. Reporting Direct to Line Management

Disclosure of information, either verbally or in written form, to the Line Manager has the advantage of enabling an immediate response and direct feedback to the individual. The Line Manager will request a written report as soon as possible and in all cases within twenty-four hours of a verbal report.

Where the breach of Professional Standards is believed to involve the person's line manager, or where for any reason it is felt more appropriate to report it to another manager, this may be done.

• Role of Line Management

All members of staff and in particular line managers will be required to ensure that:

- An environment where members of staff are confident in coming forward to make such reports is developed and maintained;
- Such reports are responded to promptly, genuinely and with sensitivity;
- The individuals actions are acknowledged as right and their approach to them is both supportive and positive;
- Protection from victimisation or harassment is provided;
- Positive and robust action is taken in cases of victimisation or harassment;
- Action is taken to prevent any other adverse repercussions;

4. Concerns raised through Staff Associations

The Police Federation, Superintendents' Association, Unison and other Support Associations can act as an agent through which members can relay their concerns in a confidential way.

The Staff Associations and other support associations in this process offer independent advice. They are bound by their own internal rules regarding confidentiality and the need for a members consent prior to the forwarding of information.

• Role of Staff Associations and Unison

The Police Federation, Superintendents' Association and Unison are experienced in providing support for their members in these circumstances. In addition to offering advice and guidance on an individual basis, they can also act on behalf of their members to highlight perceived organisational shortcomings.

5. Concerns brought to the attention of the Professional Standards Directorate

Contact may be made verbally, in writing, by E-mail, fax or by a personal face-to-face meeting with a member of the Professional Standards Directorate.

Reports can be made anonymously. However, such information will be treated with caution and corroboration sought at the earliest opportunity. When made in person, the information will be treated in confidence on a 'need to know' basis, and the person's identity protected as far as possible.

Where a report is made to the PSD via a third party, it may necessitate a meeting between the person reporting and a PSD officer.

• **Role of the Professional Standards Directorate**

The PSD will have the following responsibilities:

- Provide a secure system for recording and monitoring Professional Standard Reports
- Provide support, guidance and advice at every stage of the process
- Monitor the progress of each case from beginning to conclusion
- Collate, analyse and disseminate intelligence where appropriate
- Ensure confidentiality issues are properly managed
- Ensure ongoing assessment of case papers identifying criminal and misconduct issues
- Identify and allocate a 'Supporter' as appropriate
- Ensure that the person reporting is updated
- Facilitate structured debriefs as required and support organisational learning by identifying good practice.

6. Other Reporting Mechanisms

It is recognised that there are a number of other routes through which Professional Standards Reports might informally come to notice for e.g. the Regional Occupational Health Unit and Human Resources

When reports are brought to notice in this way, the role of receiving staff will be to provide support, and ensure confidentiality is respected as far as possible. They should then help the individual concerned to identify the most suitable way of formally reporting the breach of Professional Standards.

• **Role of the Regional Occupational Health Unit**

The Occupational Health Unit can provide information, advice and support to managers and individuals on a range of health, safety and welfare matters. Support in this context may be offered to the individual member of staff, their partner and Division/Department.

SUPPORTING PERSONNEL

Irrespective of which reporting option is selected, it is vital that the initial response is positive, robust and supportive.

In many cases the person making the Professional Standards Report may be a confidential source or a witness and/or a victim of crime. Where it is clear that the person making the report is a victim of a crime then the principles of the code of practice for victims will be applied.

1. Support of the Individual

Where open reports have been made i.e. the identity of the individual and the fact of the report is known to his or her colleagues, appropriate support will be given to the individual from the outset of the case and will continue until the issue is fully resolved. This includes pro-active management support and action, staff association involvement and advice on access to support services.

When confidential reports have been made knowledge of the identity of the person who has made the report will be kept to a minimum based upon strict need to know criteria and upon the terms and extent of the consent given.

When appropriate, selected and trained members of staff will be assigned to work with a person who makes a Professional Standards Report on a 'one to one' basis to act as a 'Supporter'.

2. Supporters and their Role

Selected and trained members of staff are available to be assigned, as appropriate, to work with a person who makes a Professional Standards Report on a 'one to one' basis to act and to act as a Supporter.

A Supporter, who will not be a member of the PSD, can provide the reporting staff member with an increased level of independent support and confidence, providing information and understanding regarding both generic processes and relevant case specific issues whilst not being directly involved in the matters subject of investigation. The Supporter will act as the contact between the individual and the organisation.

The Supporter will help develop an ongoing assessment concerning the person reporting breaches of Professional Standards and where appropriate facilitate the introduction of other support services where necessary, for example Occupational Health. Senior local line managers should ensure that sufficient time outside core duties is made available, both to the individual reporting and their Supporter, to meet the individual needs of each case.

The PSD will maintain a register of qualified Supporters so that a suitable Supporter can be easily identified and contacted.

The role of the Supporter has been introduced to allow the person reporting an opportunity to benefit from independent support, over and above that provided by traditional means.

The overarching responsibility of the Supporter will be to provide continuous support and to monitor the person's general well being.

The Supporter shall:

- Support the person reporting breaches of Professional Standards.
- Consider and, where necessary, offer advice to the person reporting breaches of Professional Standards.
- Help ensure that the procedure is being adhered to.
- Help develop a support assessment concerning the person reporting breaches of Professional Standards.
- Facilitate the introduction of other support services where necessary, for example Regional Occupational Health and Confidential Care (CIC).

The Supporter is to be given time to help the person reporting breaches of Professional Standards and attend key meetings.

THE REPORTING PROCESS

In every case reported that falls within the terms of this procedure a confidential written report, outlining the circumstances and initial action taken, will be forwarded immediately to the Head of the PSD. In serious cases the person receiving the report must inform the Head of PSD immediately by telephone or in person.

Initial action will remain the responsibility of the Line Manager and may include preservation of the scene/evidence. In all cases of doubt, PSD should be contacted.

The Head of PSD will be responsible for assessing the nature of the report and will decide upon the appropriate course of action to be undertaken.

Where it is decided that the matter should be investigated an Investigating Officer (IO) will be appointed within PSD. The investigation could be undertaken by either:

- The Independent Police Complaints Commission either Independently, Managed or supervised as appropriate.
- By an external police force
- Nottinghamshire Police

1. Statement of Expectation

The Statement of Expectation is a living agreement between the Investigating Officer from the PSD and the reporting staff member and will apply in both open and confidential cases.

The agreement is a summary of what the staff member can expect from Nottinghamshire Police and what Nottinghamshire Police can expect from the staff member. The aim is to ensure that all parties are clear about the agreed course of action and any help and

assistance that can be offered. Any matter causing concern can also be discussed and recorded.

The Statement of Expectation will include:

- How the two parties will contact each other, the frequency etc,
- Updates
- Other points of contact if required, line manager, Supporter etc.
- A support discussion/assessment
- Confidentiality
- The requirement for a debrief
- How the investigation will be progressed, subject to the Harm test

This document will be reviewed and updated as appropriate.

The Statement of Expectations will form a key informative document within the debriefing process and should evidence changes in direction or policy throughout the investigation from both the investigators and reporting staff member's perspective.

2. Investigation Updates

The person making the report will be kept updated every 28 days unless agreed otherwise by the investigating officer. These may be more frequent where significant or frequent developments occur in the investigation.

Where confidential reporting has taken place the wishes of the staff member making the report should be established at the outset. If they wish to be kept informed, this should be facilitated as far as it is practicable without compromising confidentiality or imposing undue burdens on the investigation.

3. Inclusion Meeting

When an investigation into an open report under this procedure is initiated, consideration will be given to holding a meeting between the Investigating Officer and a local line manager nominated by the Divisional/Departmental Disciplinary Single Point of Contact (SPOC). The purpose of this meeting will be to inform managers of the investigation and discuss any matters arising. This is called an 'Inclusion Meeting'.

In complex or sensitive investigations the Head of the PSD will call the Inclusion Meeting with the SPOC.

A log of decisions made will be recorded by the PSD.

4. Amnesty from Misconduct Proceedings

Limited and defined amnesty for misconduct offences may be given for staff who are able to give evidence of criminal activity, and serious breaches of discipline. Criteria to be considered include:

- The evidence being given is essential
- The evidence is needed to support a successful prosecution
- The member of staff concerned has not taken part in the criminal offence or the serious breach of discipline or gained from it.

5. Witness Protection Issues

It is anticipated that issues of witness protection will only rarely arise and only in the most serious cases. A threat assessment will be undertaken at an early stage and the appropriate facilities and tactical options will be made available and tailored to meet the requirements of the individual, commensurate with the threat assessment. Trained officers specifically tasked with managing witness protection issues would deal with these cases.

6. Debriefing of Persons Involved

Debriefing is a fundamental part of the Professional Standards Reporting process. This provides an opportunity to identify both good and bad practice, enabling the individual to raise outstanding issues and concerns.

Reviews of the Statement of Expectations will be will take place throughout the course of an investigation by the Investigating Officer with the reporting staff member.

At the end of the case a full debrief must be undertaken which will include making reference to the Statement of Expectations.

SECURITY / DATA MANAGEMENT

Although the providers of information may be asked if they are prepared to have their identity disclosed, the presumption will always be that they wish to remain anonymous.

The subsequent use and/or dissemination of intelligence based upon information received in confidence will be suitably protected with the application of the appropriate handling instructions.

Any information entered into Integrity Messenger is encrypted.

Information received from Integrity Messenger or Confidential Telephone Line will be afforded the physical and protective security measures required for RESTRICTED material enhanced by ensuring that access levels and individuals involved are tightly controlled and small in number.

In compliance with the Management of Police Information (MoPI) Guidance and the Data Protection Act, the Professional Standards Department undertakes to share information

received via the confidential reporting facilities with Professional Standards Departments of other forces and law enforcement agencies where appropriate.

In providing such a mechanism Nottinghamshire Police is subject to the provisions within the Public Interest Disclosure Act 1998 which affords workers protection from reprisals if they disclose information. To ensure the protection from the Act the person providing the information must act in good faith (reasonably believing that what they disclose is true and that the disclosure is in the public interest) and must not themselves benefit or profit from it.

DATA PROTECTION

The Data Protection Act 1998 provides for the regulation of the processing of information relating to individuals, including the obtaining, holding, use and disclosure of such information.

Any information relating to an individual or their actions generated by the confidential reporting system will be subject to relevant legislation and treated accordingly.

It is the responsibility of the system owner to ensure that all aspects of the Data Protection Act are complied with.

The usual conditions of data retention and disposal will apply.

SECTION 5 LEGISLATIVE COMPLIANCE

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; European Convention of Human Rights; Employment Act 2002; Employment Relations Act 1999, and other legislation relevant to policing.