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JOINT INDEPENDENT AUDIT COMMITTEE

SUBJECT	Counter Corruption and Whistleblowing
REPORT BY	DCC Cooper & Chief Finance Officers
CONTACT OFFICER	T/Supt A Reynolds
SUMMARY AND PURPOSE OF REPORT	
RECOMMENDATION	<i>That the progress update be noted.</i>

A. SUPPORTING INFORMATION

- i. Report on complaints and vetting.
- ii. Report on counter-corruption and whistleblowing.
- iii. Professional Standards Reporting Procedure.

B. FINANCIAL CONSIDERATIONS

None.

C. LEGAL AND HUMAN RIGHTS CONSIDERATIONS

None.

D. PERSONNEL, EQUAL OPPORTUNITIES AND DIVERSITY ISSUES

(including any impact or issues relating to Children and Young People)

None.

E. REVIEW ARRANGEMENTS

None.

F. RISK MANAGEMENT

None.

G. PUBLIC ACCESS TO INFORMATION

None.

JIAC Report

Anti-Corruption and Whistleblowing

1. Counter-corruption unit

The counter-corruption unit (CCU) has recently been restructured. A further Detective Sergeant (DS) post has been created and the team has been split into two; an intelligence cell and an investigation team, each headed by a DS. There is now also a dedicated detective Inspector overseeing the whole team, who reports to the deputy head of department. A prevent officer has been recruited, whose role is to engage with groups inside and outside Nottinghamshire Police and inform on the warning signs of possible corruption and reporting methods.

The CCU's role is to proactively investigate corruption in line with the National Police Chiefs' Council strategy of engagement, prevention, enforcement and prevention. The CCU's priorities are contained in the annual strategic threat assessment. These are:

1. Vulnerability.
2. Disclosure of information.
3. Inappropriate associations.

The CCU deploys a number of covert and over tactics to proactively search for evidence of corruption and has the resources to investigate corruption cases.

2. Whistleblowing

Officers and staff who wish to report matters have a number of options for doing so. They can make an overt report to their supervisor or someone in their chain of command; making an overt approach to PSD; or using the anonymous Integrity Messenger to make a report. The Integrity Messenger system allows two-way contact between the person reporting and the Professional Standards Department (PSD).

The exact details are recorded in the Professional Standards Reporting Procedure (attached), which was updated in June 2023.

Appendix 1: Professional Standards Reporting Procedure.

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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	Dec 2014	Pat Stocker DI Reynolds	ISM	Reviewed and Amended
3.0	July 2021	DI Claire Gould	HQ (PSD)	Reviewed and amended
4.0	June 2023	DI Gareth Harding	HQ (PSD)	Reviewed and amended

Policy Statement and Aims.

NOT PROTECTIVELY MARKED

Nottinghamshire Police is committed to maintaining the highest standards of integrity, accountability and transparency. It is through these core values that we can build trust and confidence with the communities we serve. We recognise that, as in any organisation, there may be times when the actions of our staff may be negligent, improper or illegal. It is important that as individuals working in policing, we ensure that we challenge and report wrongdoing and have a duty to do so, in line with the Code of Ethics and the Standards of Professional Behaviour.

The overwhelming majority of our staff are dedicated, hardworking and deliver policing services with a high degree of integrity. Regrettably, there are a small minority who are guilty of, and/or vulnerable to, unethical behaviour, dishonesty and corruption. A culture of openness and accountability is essential within the force to ensure that wrongdoing is reported, via the correct channels, in a timely manner. This allows for them to be addressed and any malpractice identified and dealt with.

This procedure details the broad range of options available to staff for reporting breaches of standards and how Nottinghamshire Police will protect and support those who make these disclosures.

Aims

- Ensure you feel able to raise genuine concerns of potential wrongdoing, without fear of reprisal or retribution, even if these concerns turn out to be mistaken
- Give you confidence that you will be treated with dignity and respect
- Assure you that you will be listened to and your concerns taken seriously and investigated properly
- To detail the mechanisms for reporting wrongdoing
- Explain the processes that follow when a genuine concern of wrongdoing has been raised
- To protect our staff and the organisation from individuals or organised crime groups who would benefit from corrupting our staff and volunteers.

These procedures apply to police officers, police staff and other approved persons working for or within Nottinghamshire Police

Qualifying Disclosures

The aim of the Public Interest Disclosure Act 1998 is to ensure that information in the public interest is brought to the attention of the appropriate person/ department in order that it can be dealt with effectively and quickly. It encourages reporting by the creation of a statutory framework that protects against victimisation and unfair dismissal to those who make protected disclosures of wrongdoing, in the public interest. Primarily this is achieved by inserting new provisions into the Employment Rights Act 1996.

The Employment Rights Act 1996 provides that a worker has the right not to be subject to any detriment by any act, or deliberate failure to act, by his or her employer done on the grounds that the individual has made a protected disclosure.

The types of disclosures that are eligible from protection are known as qualifying disclosures which are explained in detail in this procedure. These can be reported openly or confidentially.

Section 37 of the Police Reform Act 2002 extends the provisions of the Employment Act 1996 (as amended by the Public Interest Disclosure Act 1998) to police officers. There are six categories of disclosures where an individual will qualify for protection. In all circumstances, the person reporting must reasonably believe that the disclosure of information tends to show one, or more, of the following;

- that a criminal offence has been committed, is being committed or is likely to be committed
- that a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are a subject,
- that a miscarriage of justice has occurred, is occurring or is likely to occur,
- that the health or safety of any individual has been, is being or is likely to be endangered,
- that the environment has been, is being or is likely to be damaged, or
- that information tending to show any matter falling within and one of the above has been, is being or is likely to be deliberately concealed.

There is no requirement that a protected disclosure is ultimately be shown to be true in order for the person sharing the information to claim the protection. They must however meet defined *general criteria* when disclosing, which are;

- That they reasonably believe their disclosure is substantially true,
- They are not disclosing information for personal gain
- If in all the circumstances, it is reasonable to disclose, and
- They make the disclosure in good faith.

The disclosure is not a qualifying disclosure if, either, by making this disclosure they commit an offence under the Official Secrets Act 1989 or the information should be protected from disclosure by means of legal professional privilege.

It is recognised that the decision to report is a difficult one but if this meets the criteria detailed above, the protections will support this individual throughout the process. Certain disclosures may not meet the threshold for a 'protected disclosure' however it is imperative that these are still reported. All disclosures are intended to create a productive and happy workforce and are therefore important in the creation of a more transparent and accountable organisation.

If you make a disclosure that is both made in the public interest and in good faith, nothing will be held against you if this is not ultimately shown to be true.

If, however, a person makes an allegation frivolously, maliciously or for personal gain then disciplinary action may be considered.

Dispute Resolution

It is important to differentiate between whistleblowing and the separate processes which exist to deal with workplace disputes. A dispute tends to be a complaint about an issue specific to an individual and his/her working conditions; for example allocation of an unreasonable workload or bullying. The dispute resolution policy can be found via this link: [Dispute Resolution Policy](#)

Anonymous Disclosures

You are encouraged to be open regarding any expression of concern about possible wrongdoing whenever possible. Concerns expressed anonymously are harder to substantiate and are

inherently more difficult to investigate. Factors that are taken into consideration for determining the extent of any investigation include;

- The seriousness of the issues raised,
- The credibility of the concern, and
- The likelihood of confirming the allegations from attributable sources.

Mechanisms for reporting Professional Standards Issues

There are a number of ways in which an individual can make such reports. These are set out below. They should be reported as soon as practicable.

Reporting directly to line management.

Wherever possible the initial report should be made to the relevant line manager and can be done either verbally or in writing. This enables an immediate response to the concerns raised. The line manager should request or make a written report on behalf of the individual reporting and this should be escalated either to senior management or PSD as appropriate within 24 hours of the initial report.

If the breach is suspected to involve the line manager then this can be reported to an alternate manager. If there is doubt as to who is appropriate, then advice can be sought from the DI responsible for the Professional Standards Department (PSD) or alternate means of reporting can be taken. The various contact details from the PSD are outlined below. You can raise any concerns via these platforms and a member of the PSD can speak to you confidentially about your concerns.

Anonymous reporting via Integrity Messenger.

The force has a confidential reporting system - Integrity Messenger. This facility is available for reporting suspected wrongdoing. It is accessible to all officers, staff and volunteers.

It is publicised on the force intranet site and staff are encouraged to raise concerns via this platform where they do not feel able to report directly to a manager. It can be accessed via the first page of the force intranet or through the Professional Standards page.

This is a fully encrypted system and can be used anonymously if an individual feels unable to report openly. Only staff within the Counter Corruption Unit (CCU) receive the reports. The facility does not provide any details that could identify the maker of the report. Additionally, the facility allows a confidential two-way e-conversation which allows staff to contact the reporting persons so the matter can be discussed. This allows the CCU to obtain further information or clear up any ambiguities if required. It also provides a facility for updates. This facility is confidential and safeguards the anonymity of the sender even when requests for further information are made by CCU staff.

Information received from Integrity Messenger or Confidential Telephone Line (see below) will be handled in line with the physical and protective security measures required for OFFICIAL - SENSITIVE material and further protected by ensuring that access levels and individuals involved are tightly controlled.

In compliance with the Management of Police Information (MoPI) Guidance and the Data Protection Act, the Nottinghamshire Professional Standards Department will share information received via the confidential reporting facilities with Professional Standards

Departments of other forces and law enforcement agencies where appropriate in respect of the disclosures made.

Confidential communications to CCU via telephone and email.

Individuals can disclose information vis the confidential telephone line by internally calling **318 9618** or, from externally, by dialing **101 ext 318 9618**.

The email address for the CCU is HQPSUAntiCorruptionUnit@notts.police.uk

Please note that these are not continually monitored and therefore, for matters which require an immediate response, contact should be made with staff within the PSD. There is a sergeant responsible for the CCU and they can be contacted personally on the above email address.

Concerns brought through staff associations.

The Police Federation, Superintendents' Association, Unison, GMB and other support associations can, and do play, a key role in acting as a conduit through which members can relay their concerns of wrongdoing. They offer independent advice on whether cases merit reporting. They are bound by their own internal rules regarding confidentiality and the need for members to consent prior to the forwarding of any information.

Concerns brought to the direct attention of the Professional Standards Department (PSD).

Contact may be made verbally or in writing. Face to face meetings are available if this is preferable and will be conducted as soon as practicable. All reports will be handled by an officer or staff member experienced in dealing with cases involving allegations of wrongdoing. When direct reporting is chosen, an agreement on the status of the report and any degree of confidentiality necessary will be made between all parties. This will be recorded in writing.

The PSD can be emailed on psd@Notts.Police.uk . This will be received into the main office and is **not** confidential.

All reports will be responded to in a timely matter. All reports will be dealt with within the department and the information managed accordingly. This method of reporting provides an element of independence and an objective assessment of the information at the earliest stage. This can be beneficial to the individual and the Force.

Where a report is made to the PSD via a third party, it may necessitate a meeting between PSD and the person making this third-party report. Corroboration from the individual involved will potentially be required.

External Reporting

We always encourage you to raise any concerns through our internal processes first. However, in circumstances where you believe you cannot raise your concern directly to us, you may report the matter directly to an external prescribed person or regulatory body. These include:

The office of the Police and Crime Commissioner (OPCC).

The OPCC should be considered as the primary external reporting mechanism. They can be reached on 0115 8445998 or at the following address:

Nottinghamshire Police and Crime Commissioner,
Arnot Hill House,
Arnot Hill Park,
Arnold,
Nottingham,
NG5 6LU.

Independent Office for Police Conduct (IOPC).

The IOPC report line is a dedicated and secure phone line and email address which take reports of wrongdoing which can constitute a criminal offence or behaving in a way that would justify disciplinary action. You can contact the report line on [0300 0200096](tel:03000200096) between the hours of 1000 and 1700. You can also use the email address which is enquiries@policeconduct.gov.uk

Further information can be found on their website <https://www.policeconduct.gov.uk/>

Concerns raised via Crimestoppers.

Crimestoppers provides a medium for providing information anonymously. They have launched an anonymous police integrity line which takes reports from Police employees. They can be contacted on [0800 1114444](tel:08001114444) or via the website <https://forms.theiline.co.uk/the-police-integrity-line>

Similarly the standard Crimestoppers reporting methods are also available for reporting matters.

It is therefore considered a valid reporting option in appropriate circumstances. All Crimestoppers reports that related to issues of professional standards are referred to the Counter Corruption Unit. Again, it is reiterated that anonymous reporting is substantially more difficult to investigate and open reporting remains the preferred mechanism to ensure we can fully investigate any disclosures made.

Criminal Case Review Commission (CCRC).

The Public Interest Disclosure Act 1998 and 2004 amendment identifies the CCRC as the body to which police officers and staff can report allegations of a miscarriage of justice without fear or recrimination of retribution. Individuals can raise concerns with the CCRC in accordance with this procedure via email to Chairman@ccrc.gov.uk

Irrespective of which reporting option is selected, it is vital that the initial response is positive robust and supportive. The ensuing investigation could be undertaken by either:

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

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.

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

Confidentiality

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 be a priority for every 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.

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

Protections following a disclosure

In all cases that fall within the terms of this policy, the Head of the PSD will be contacted with regard to the particular circumstances and any initial action that has been taken. The Head of PSD will decide upon appropriate resources where an investigation is required. The Deputy Chief Constable may be consulted. An investigating officer will be appointed, in almost all cases, from within the PSD.

The investigating officer will assume responsibility for the ongoing investigation once they have been formally appointed as the investigator. Where actions are time critical, line managers may be contacted to complete some initial actions. These can include scene or other evidence preservation. Where this is required the Investigating Officer will contact this person and give clear instruction and guidance as to what is required.

Once a report has been made and, after relevant consultations with the person reporting (if known), the matter will be recorded and given a reference number. All documentation will carry the relevant protective marking.

Due regard will be taken of the circumstances of the person reporting and a risk assessment will be carried out to consider the welfare of the individual. This will encompass their current post, levels of protection and other sensitive issues.

The investigating officer will ensure that every effort is made to corroborate the accuracy of the information. Where the report is made openly, the investigating officer will ensure updates are given where appropriate and practicable.

Following the conclusion of an investigation, an important part of the process will be for the investigating officer to hold a de-brief meeting with the person reporting. This can often be helpful to the individual but may also serve as an opportunity to identify lessons learned from the investigation. At all times disclosure issues will dictate the content of the de-brief where criminal proceedings are pending.

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 proactive management support and action, staff association involvement and access to support services.

Where 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.

Statement of Expectations

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

An agreed statement of expectations, based on the risk assessment, will be completed and determined between the individual reporting and the appointed PSD representative. It will outline what each person can expect from the other and outline the minimum level of support to be given to staff and volunteers who make professional standards reports.

It will detail the frequency of contact that is to be established and also a clear indication of how the investigation will progress, subject to the Harm Test and Disclosure rules. 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.

This document will be reviewed and updated as appropriate.

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 senior local line manager. The purpose of this meeting will be to inform managers of the investigation, its scope, the seriousness of the allegation and to agree a way forward. This is called an 'Inclusion Meeting'.

In difficult or sensitive cases, the Head of the PSD will be responsible for calling the Inclusion meetings. In all other cases it will be investigating officer. These meetings will be closed and confidential and may require those attending to undergo indoctrination procedures.

A record of decisions made will be kept in a policy log by the PSD representative. It will ordinarily be chaired by the Head, or Deputy Head of the PSD.

Amnesty and Immunity

Limited and defined immunity from discipline or misconduct proceedings may be given to an individual if they are able to give evidence of criminal activity or serious breaches of discipline.

The Head of PSD will base the decision on whether:

- The evidence being given is essential
- The evidence is needed to support a successful prosecution
- If the individual has taken part in the criminal offence or serious breach of discipline or have gained from it.

Confidentiality will be maintained wherever possible, but no absolute guarantee can be given. It is strongly emphasised that Nottinghamshire Police cannot provide amnesty to any person who has been involved in criminal activity. Such circumstances will be reported to the Crown Prosecution Service (CPS) in the usual way.

Witness Protection

It is anticipated that issues of witness protection will only arise in the most serious of 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.

Support Arrangements

The investigating officer or any other individual to whom alleged wrongdoing is disclosed shall:

- Provide acknowledgement, support and positive reinforcement of the individual's actions
- Provide protection from victimisation and harassment
- Maintain an environment where persons feel confident in reporting wrongdoing
- Respond promptly, genuinely and with sensitivity to the persons needs

- Take full account of the wishes of the person reporting
- Provide appropriate welfare including OHU referrals where necessary.

This support will be available from the outset until the matter is fully resolved.

Feedback on the progress of the investigation.

The person reporting will be kept updated, at least every 28 days. This is particularly important when open reporting has occurred. If a confidential report has been made it is up to the individual reporting as to whether they wish to be kept informed. This should be facilitated as far as practicable without compromising the confidentiality or imposing undue burdens on the investigation.

Rewards and Recognition.

There may be occasions where the force wishes to recognise the actions of an individual who has made a professional standards report. This might include a letter of appreciation or private ceremony with a senior member of staff. In some circumstances, consideration may be given to awarding a formal commendation in public or private.

It remains important to consider each case on its merits and be guided by the wishes of the individual concerned. The final decision regarding rewards or recognition will be made by the Head of Professional Standards and/or the Deputy Chief Constable.

Key Individual Responsibilities.

Line managers.

- Developing and maintaining an environment where members of staff are confident in coming forward with make such reports
- Visibly demonstrating active leadership when dealing with the person
- Responding to reports promptly and with sensitivity
- Acknowledging that the person has done the right thing and will be supported
- Immediately forwards a report outlining the circumstances and the initial action taken to PSD
- Taking initial actions which may be required to secure and preserve information/evidence
- Providing protection and taking robust action against victimisation or harassment and to act to prevent any adverse repercussions
- In cases of doubt contact the PSD for advice.

The Professional Standards Department.

- Ensuring compliance with this procedure
- Ensure that the investigation is conducted by them (If appropriate)
- Referring the matter to the IOPC on a voluntary or mandatory basis (if necessary)
- Provide support, guidance and advice at every stage of the process
- Ensuring confidentiality issues are properly handled
- Keep the relevant persons updated on a regular basis
- Monitor the progress of the investigation throughout
- Identify good practice and any lessons learned

Head of Professional Standards.

- Receiving and reviewing the allegation to determine the appropriate course of action
- Appointing the investigator (If necessary)
- Notifying the Chief Constable (or Deputy) and Head of Corporate Communications so that any media attention into the investigation be allayed or managed
- Considering if the alleged offender should be suspended from duties or placed on restricted duties.
- Receiving recommendations and authorise the implementation of actions arising from the investigation, and,
- Deciding if the alleged conduct requires referral to the IOPC, CPS or via internal regulatory provisions.

The Investigating Officer.

- Take every reasonable step to maintain confidentiality unless it impacts on the ability to investigate the matter comprehensively and fairly
- Report on the progress of the investigation, verbally or via email, every 28 calendar days
- Assessing whether there has been any wrongdoing on the part of the reportee and report any such issues to the Head of PSD forthwith.
- Attempting to complete the investigation within 70 days
- Conducting actions in a timely manner
- Filing all the case papers with the PSD after the actions from the investigation have been completed.

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.

Legislative Compliance.

This policy complies with the following legislation, policy and guidance;

- Data Protection Act 2018
- Police Reform Act 2002
- Public Interest Disclosure Act 1998
- Police (Conduct) Regulations 2020
- Police (Complaint and Misconduct) Regulations 2020
- Police (Performance) Regulations 2020
- College of Policing's Code of Ethics
- HMI Thematic Inspection: Securing and Maintaining Public Confidence
- HMI Thematic Inspection: Good Practice Guide
- Dispute Resolution Policy
- Freedom of Information Act
- Equality Act 2010

NOT PROTECTIVELY MARKED

- European Convention of Human Rights
- Employment Act 2002
- Employment Relations Act 1999

NOT PROTECTIVELY MARKED