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| <b>For Information</b>    |   |
| <b>Public/Non Public*</b> | <b>Public</b>   |
| <b>Report to:</b>         | <b>Audit and Scrutiny Panel</b>                                   |
| <b>Date of Meeting:</b>   | <b>28 September 2017</b>  |
| <b>Report of:</b>         | <b>Detective Supt Leona Scurr, Head of Professional Standards</b> |
| <b>Report Author:</b>     | <b>DI 2108 Michael Allen</b>                                      |
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| <b>Other Contacts:</b>    |   |
| <b>Agenda Item:</b>       | <b>9</b>  |

## **Report on the Whistle Blowing Policy and Review of Compliance (process of Grievances and Appeals)**

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

- 1.1 To inform the Police and Crime Commissioner (PCC) regarding the above procedure and outline how the organisation in general and the Professional Standards Directorate (PSD) 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 confidential reporting 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 (a) breaches in standards of professional behaviour and (b) refer any matter that may amount to an allegation of criminal conduct.

### **4. Summary of Key Points (this should include background information and options appraisal if applicable)**

- 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' (PD462) 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 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.

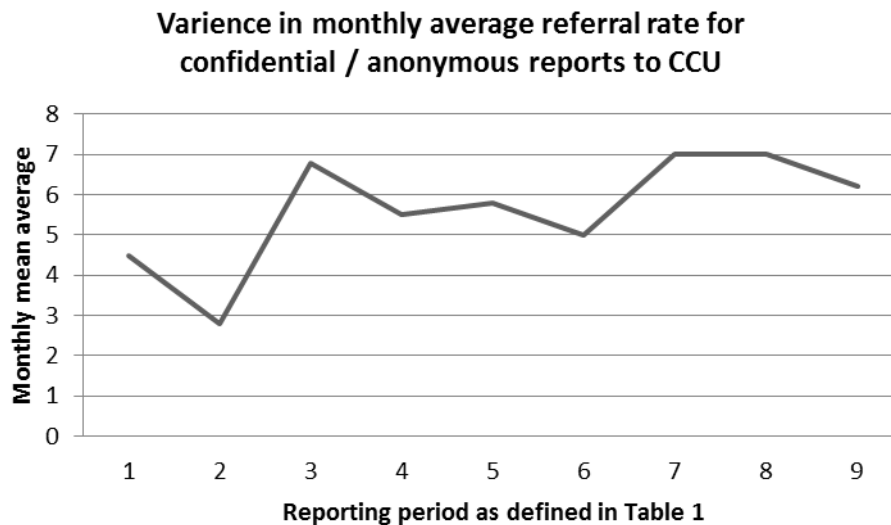
- 4.10 In the relevant period (1<sup>st</sup> November 2016 to 31<sup>st</sup> July 2017) 56 referrals were made to the CCU through Integrity Messenger and the confidential reporting telephone line. No anonymous letters were received during the same reporting period. The average monthly referral rate was therefore 6.2 referrals, this being a slight reduction in the rate seen during the previous reporting period, which stood at an average of 7 referrals a month.
- 4.11 As per paragraph 4.16 below, it is submitted that the slight reduction in the number of such referrals is not statistically significant and should not be considered a concern. No information exists within the Force to suggest that there has been a reduction in the confidence of the confidential / anonymous reporting gateways provided to police officers, police staff and volunteers.
- 4.12 The slight reduction documented at paragraph 4.10 may be attributable to formal PSD engagement, over the last 15 months, with front line supervisors across the Force in the thematic areas of Response, Criminal Investigation Departments (CIDs) and Public Protection (PP). Similar engagement has occurred with new starters in roles that have direct contact with the public. Within that engagement, the reporting of corruption concerns through Integrity Messenger has been actively encouraged, whilst at the same time highlighting the investigative limitations of anonymous report based inquiries, as echoed within the Professional Standards Reporting Procedure (PD462).
- 4.13 If one were to consider the slight increase in the number of referrals made to the CCU during this reporting period, where the reporting individual has been content for their identity to be known from the outset, such referrals close that 0.8 average monthly referral deficit (detailed in paragraph 4.10). This *may* indicate a greater confidence in the PSD handling such reports confidentially (wherever possible) and at all times providing a supportive environment. Likewise, it *may* demonstrate that the workforce has greater confidence that they will be protected from any victimisation and harassment, whilst being assured that they will be protected from any adverse repercussions. The slight increase in such cases is however not statistically significant (see paragraph 4.18).
- 4.14 The number of confidential / anonymous referrals made to the CCU since 1<sup>st</sup> October 2012 is shown within table 1 (on the following page). As result of previous recording methods, figures are not available before this date.

|             |                   |                   |                    |                   |                   |
|-------------|-------------------|-------------------|--------------------|-------------------|-------------------|
| <b>Date</b> | <b>01/10/2012</b> | <b>01/04/2013</b> | <b>01/10/2013-</b> | <b>01/04/2014</b> | <b>01/10/2014</b> |
|             | -                 | -                 | <b>31/03/2014</b>  | -                 | -                 |
|             | <b>31/03/2013</b> | <b>31/09/2013</b> |                    | <b>31/09/2014</b> | <b>31/03/2015</b> |

| Period          | 1                             | 2                             | 3                             | 4                             | 5   |
|-----------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-----|
| Referrals       | 27                            | 17                            | 41                            | 33                            | 35  |
| Monthly average | 4.5                           | 2.8                           | 6.8                           | 5.5                           | 5.8 |
|                 |                               |                               |                               |                               |     |
| Date            | 01/04/2015<br>-<br>31/09/2015 | 01/10/2015<br>-<br>31/03/2016 | 01/04/2016<br>-<br>31/10/2016 | 01/11/2016<br>-<br>31/07/2017 |     |
| Period          | 6                             | 7                             | 8                             | 9                             |     |
| Referrals       | 30                            | 42                            | 49                            | 56                            |     |
| Monthly average | 5                             | 7                             | 7                             | 6.2                           |     |

Table 1: Number of anonymous / confidential referrals made to the CCU.

4.15 The graph below shows the change in the monthly average referral rate for anonymous reports made to the CCU since 1<sup>st</sup> October 2012. Whilst there is a degree variance, since the 1<sup>st</sup> October 2013 the average referral rate has been in the range of 5 to 7 reports a month. It is for that reason that the slight drop in the average monthly referral rate i.e. 7 reports in the last reporting period to 6.2 reports within this reporting period, is not considered statistically significant.



Graph 1: Variance in monthly average referral rate for confidential / anonymous reports to CCU

4.16 The number of referrals made to the CCU since 1<sup>st</sup> October 2012, where the reporting individual has been content for their identity to be known from the outset, is shown within table 2 (on the following page).

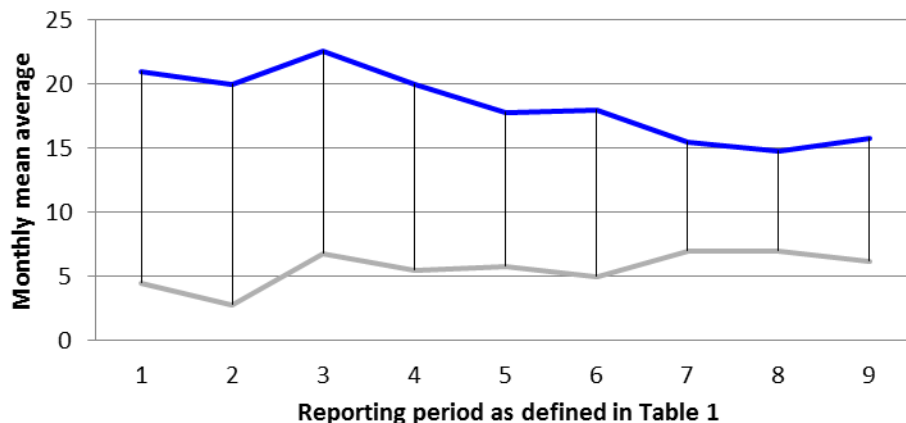
| Date      | 01/10/2012<br>-<br>31/03/2013 | 01/04/2013<br>-<br>31/09/2013 | 01/10/2013-<br>31/03/2014 | 01/04/2014<br>-<br>31/09/2014 | 01/10/2014<br>-<br>31/03/2015 |
|-----------|-------------------------------|-------------------------------|---------------------------|-------------------------------|-------------------------------|
| Period    | 1                             | 2                             | 3                         | 4                             | 5                             |
| Referrals | 128                           | 121                           | 136                       | 120                           | 107                           |

|                        |   |   |   |   |      |
|------------------------|---|---|---|---|------|
| <b>Monthly average</b> | 21  | 20  | 22.6  | 20  | 17.8 |
| <b>Date</b>            | <b>01/04/2015</b><br>-<br><b>31/09/2015</b> | <b>01/10/2015</b><br>-<br><b>31/03/2016</b> | <b>01/04/2016</b><br>-<br><b>31/10/2016</b> | <b>01/11/2016</b><br>-<br><b>31/07/2017</b> |      |
| <b>Period</b>          | <b>6</b>                                    | <b>7</b>                                    | <b>8</b>                                    | <b>9</b>                                    |      |
| <b>Referrals</b>       | 108   | 93  | 89  | 95  |      |
| <b>Monthly average</b> | 18  | 15.5  | 14.8  | 15.8  |      |

Table 2: Number of referrals made to the CCU where the informant was known.

4.17 The graph below shows the change in the monthly average referral rate for cases reported / passed to the CCU since 1<sup>st</sup> October 2012 where the identity of the person referring has not been withheld. The trend has generally been for a reduction in such cases with an occasional and brief uplift during this overall trajectory. Uplift has occurred within this reporting period, but this would not be considered statistically significant since the average monthly referral rate has increased by 1.

**Comparison of monthly average referral rates for confidential/anonymous referrals to CCU (grey) and non confidential referrals (blue)**



Graph 2: Variance in monthly average referral rate for cases reported to the CCU where the informant was known.

4.18 In respect of the 56 anonymous / confidential referrals as detailed in paragraph 4.10, 77% fell outside the corruption categories as defined by the National Crime Agency (NCA) and were therefore not criminal. The majority of these referrals comprised allegations of breaches in standards of professional behaviour or Force policy / procedure, followed thereafter by attendance and / or sickness management and then finally performance concerns. All referrals have been subject of investigation and / or immediate intervention. Except for two anonymous reports that remain under

investigation, all other referrals have been finalised and it has not been necessary to implement formal misconduct proceedings.

4.19 With regard to those referrals tallying with NCA corruption categories, the majority were allegations of 'Other' criminal offences. None of the referrals within this category, except for one, were proven i.e. the investigations triggered were unable to acquire sufficient evidence to prove or disprove the each allegation. Insofar as that exception was concerned, the anonymous report provided information on a matter that failed to meet an evidential threshold for a criminal case, but was dealt with through formal misconduct proceedings.

4.20 Behind the majority category of 'Other' criminal offences (as detailed in paragraph 4.20 above), were referrals that if proven would constitute 'Abuse of Authority for a Sexual Purpose' and these cases remain under active investigation.

## **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, 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.

## **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', ensuring 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 None