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**Table of Contents**

SECTION 1	VERSION CONTROL .....	2
SECTION 2	BACKGROUND .....	2
SECTION 3	AIMS / OBJECTIVES .....	4
SECTION 4	DETAILS .....	4
SECTION 5	LEGISLATIVE COMPLIANCE .....	7

**SECTION 1 VERSION CONTROL**

Version No.	Date	Post Holder/Author	Post	Reason for Issue
1.0	November 12	Lisa Pearson	Office Manager	
2.0	April 2016	Lisa Gilmour	Business Support Manager	Review
3.0	April 2020	Lisa Gilmour	Business Support Manager	Review

**SECTION 2 BACKGROUND**

The Nottinghamshire Police and Crime Commissioner (“Commissioner”) is committed to the highest possible standards of honesty and openness, probity and accountability. The Nottinghamshire Office of the Police and Crime Commissioner (“the Office”) seeks to conduct its business in a responsible manner, ensuring that all its activities are open and effectively managed and that its integrity is sustained.

In line with that commitment, the Commissioner encourages staff (and other people associated with the Commissioner) who may have serious concerns about any aspect of their work to come forward and voice those concerns.

It is recognised that most concerns will be expressed in confidence. Where possible that confidence will be maintained.

Staff are often the first to realise that there may be something seriously wrong. It is recognised that staff may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Commissioner. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. It is the responsibility of each Member of staff to realise that they not only have the right but also have a moral duty to report any suspected improper actions or omissions.

This policy makes it clear that staff can raise concerns without fear of victimisation subsequent discrimination or disadvantage.

This policy applies to staff within the Nottinghamshire Office of the Police and Crime Commissioner.

<<PROTECTIVE MARKING>>

NOTE: We have a legal responsibility to ensure anonymity where requested.

<<PROTECTIVE MARKING>>

## **SECTION 3 AIMS / OBJECTIVES**

The policy aims to:

- Encourage staff, contractors and suppliers to feel confident in raising serious concerns and to question and act upon concerns about practice
- Provide avenues to raise those concerns and receive feedback on the action taken
- Ensure that staff, contractors and suppliers receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- Reassure staff, contractors and suppliers that they will be protected from possible reprisals or victimisation provided they have a reasonable belief that they have made a disclosure in good faith.

## **SECTION 4 DETAILS**

### **4.1 WHAT THE POLICY COVERS**

The policy is intended to cover major concerns to include:

- Conduct which is an offence or a breach of the law
- Failure to comply with a legal obligation
- Disclosures related to miscarriages of justice
- Health and safety risks including risks to the public as well as other employees
- Damage to the environment
- The unauthorised use of public funds and resources
- Possible fraud and bribery or irregularity
- Sexual, physical or psychological abuse; or
- Other unethical conduct.

### **4.2 SAFEGUARDS FOR STAFF**

It is recognised that the decision to report a concern can be a difficult one to make. If a member of staff reasonably believes that what they are saying is true, they should have nothing to fear because they will be doing their duty to their employer and those for whom they are providing a service.

Any act of harassment or victimisation (including informal pressure) will not be tolerated and appropriate action will be taken to protect staff when they raise a concern, by supporting the Member of staff and considering action under the appropriate procedure against the person or persons responsible for the acts, provided the Member of staff

- Discloses the information in good faith
- Believes the concern to be substantially true
- Does not act maliciously or make false allegations and
- does not seek any personal gain.

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. However it may become necessary to take formal action resulting in the requirement for the whistle blower to provide a witness statement and possibly give evidence.

Staff are encouraged to put their name to an allegation whenever possible. Concerns expressed anonymously are less powerful but will be considered.

#### **4.3 DEFINITION OF FRAUD AND BRIBERY**

**Fraud** - any person who dishonestly makes a false representation to make a gain for himself or another or dishonestly fails to disclose to another person, information which he is under a legal duty to disclose, or commits fraud by abuse of position, including any offence as defined in the Fraud Act 2006.

**Bribery** - Giving (or offering) or receiving (or requesting) a financial or other advantage in connection with the improper performance of a position of trust, or a function that is expected to be performed impartially or in good faith.' (Bribery Act 2010)

#### **4.4 HOW TO RAISE A CONCERN**

As a first step staff should normally raise concerns with their own immediate manager or their line management. However this depends on the seriousness and sensitivity of the issues of concern, and who may be involved. So for example if it is thought that management may be involved an approach should be made to the Monitoring Officer ("Chief Executive").

Any concern regarding the conduct of the Commissioner should be raised with the Chief Executive, or if this is thought not appropriate the Chair of The Nottinghamshire Police and Crime Panel.

Any concern relating to financial irregularity or potential fraud and bribery should be reported immediately to the Chief Finance Officer for the Commissioner.

Although staff are not expected to prove the truth of an allegation, it will need to be demonstrated to the person contacted that there are reasonable grounds for concern.

Staff are encouraged to express any concern at an early stage when it is easier to take action. Members of staff will be encouraged to put in writing the background and details of their concern, to aid investigation.

#### **4.5 WHAT NOT TO DO**

In the context of this policy those wishing to raise a matter should not do the following.

- Contact the person or persons who are the subject of reporting, for example to ascertain facts;
- Particularly if you are a Member of staff, discuss the case facts, allegations, or suspicions with anyone outside the organisation (including the media).
- Discuss the case with anyone within the organisation other than any person assigned to investigate your concerns.

- Attempt to personally conduct investigations or interviews or question anyone, unless specifically directed to do so by any person assigned to investigate your concerns, the Chief Executive.

#### **4.6 HELP FOR STAFF**

Members of staff are entitled to contact Chief Executive or the Commissioner for advice.

Members of staff may be accompanied by a colleague or a trade union representative or a friend when raising their concern or in any subsequent interviews.

#### **4.7 RESPONDING TO CONCERNS RAISED**

The Chief Executive or the person to whom the concern is raised will respond to all concerns raised by staff, giving an initial response within ten working days. All concerns will be treated seriously and considered fully and objectively. Requests for confidentiality will be respected where possible.

Where appropriate, matters raised will be investigated by the Chief Executive (or someone to whom the Chief Executive delegates this responsibility). Where a concern alleges financial impropriety, the Chief Finance Officer and internal audit will be advised.

Depending on results of the investigation and at the discretion of the Chief Executive, the matter may be:

- Referred To The Audit and Scrutiny Panel
- Referred To The External Auditor
- Form The Subject Of An Independent Enquiry
- Referred To The Police
- Referred to the Police and Crime Panel

In making decisions about the appropriate action, the overriding principle which the Chief Executive will have in mind is the public interest.

Within 10 working days of the concern being raised, the Chief Executive will respond in writing;

- Acknowledging that the concern has been received
- Indicating how the matter will be dealt with
- Advising whether any initial enquiries have been made
- Supplying information on support for staff and
- advising whether further investigations will take place and if not, why not.

#### **4.8 HOW THE MATTER CAN BE TAKEN FURTHER**

The policy is intended to provide members of staff with the opportunity to raise concerns and to have them addressed. If a member of staff feels it is right to go beyond the Office, the following are possible contacts:

- The internal auditor
- The external auditor

- A recognised trade union / federation
- Local Citizens Advice Bureau
- Crimestoppers
- Relevant professional bodies or regulatory organisation
- Relevant voluntary or independent organisation
- Police
- The Local Government Ombudsman
- The Nottinghamshire Police and Crime Panel (for concerns about the Commissioner)

If the matter is taken outside of the Office, staff should ensure that they do not disclose confidential information which is not in the public domain.

#### **4.9 MONITORING THE OPERATION OF THE POLICY**

The Chief Executive has responsibility for the maintenance and operation of this policy, and should maintain a record of concerns raised and the outcomes in a form which does not endanger confidentiality. An annual report should be submitted to the Audit and Scrutiny Panel which will include the following:

- Whether the policy is being used appropriately.
- Whether there is any pattern of concern
- Whether the policy is effective in identifying and deterring malpractice
- Any proposed revisions to agreed arrangements.

#### **Contact Details for Referrals**

Nottinghamshire Office of the Police and Crime Commissioner  
Arnot Hill House, Arnot Hill Park  
Arnold  
Nottingham  
NG5 6LU

Chief Executive Tel: 0115 8445998  
[Kevin.dennis@nottinghamshire.pnn.police.uk](mailto:Kevin.dennis@nottinghamshire.pnn.police.uk)

Chief Finance Officer for the Commissioner Tel: 0115 8445998  
[Charlotte.radford@nottinghamshire.pnn.police.uk](mailto:Charlotte.radford@nottinghamshire.pnn.police.uk)

The Nottinghamshire Police and Crime Panel  
County Hall  
West Bridgford  
Nottingham  
NG2 7QP

#### **SECTION 5 LEGISLATIVE COMPLIANCE**

This document has been drafted to comply with the general and specific duties in the Race Relations (Amendment) Act 2000, Data Protection, Freedom of Information Act, European Convention of Human Rights and other legislation relevant to the area of policing such as, Employment Act 2002, Equality Act 2010, Sex Discrimination Act 1975 and Employment Relations Act 1999.