

**OFFICE OF THE POLICE & CRIME COMMISSIONER
Whistleblowing Policy**

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1. Purpose

- 1.1 The Office of the Police and Crime Commissioner seeks to conduct its business honestly and with integrity at all times. However, we acknowledge that all organisations face the risk of their activities going wrong from time to time, or of unknowingly harbouring malpractice. The aim of this Policy is to ensure that our employees are confident that they can raise suspected wrongdoing at work without fear of reprisals, in the knowledge that they will be taken seriously and that the matters will be investigated appropriately and regarded as confidential.
- 1.2 'Whistleblowing' is when an employee reports suspected wrongdoing/ unlawful act at work. Officially this is called 'making a disclosure in the public interest' meaning it may affect others eg the general public.
- 1.3 As a whistleblower you are protected by law and you should not be treated unfairly or lose your job because you 'blow the whistle'.
- 1.3 Personal grievances eg if you feel you are being unfairly treated, are covered by the OPCC Grievance Procedure and the Bullying and Harassment policy.

Example of a grievance:

An employee has been offended or harmed by the behaviour of a person they work with

Example of issue where the Bullying and harassment policy would be used:

- *Aggression, including threats, shouting abuse and obscenities*
- *Non-verbal conduct such as the display of inappropriate pictures, objects or written materials, leering, whistling or making gestures or other offensive noises or actions.*

2. Scope

- 2.1 This Policy applies to all employees within the Office of the Police & Crime Commissioner.
- 2.2 If someone from another organisation (Third Party) seeks to make a disclosure, as they are not an OPCC employee the PCC cannot offer protection and it is suggested that they follow their own organisations policy. Third party could include an officer or police staff from the Avon & Somerset Constabulary. The Constabulary has its own policy - Professional Standards Reporting & Whistleblowing – available via the intranet. We recommend employees should make a whistleblowing disclosure via their own employment whistleblowing policy to ensure protection. The OPCC will be willing to listen if whatever reason a third party feels unable to raise with one of the external sources. The DWO will be happy to make an approach to the individuals employer if specifically requested.
- 2.3 People outside the organisation, including stakeholders, suppliers and consumers can also raise concerns.
- 2.4 Disclosures from a third party will be treated confidentially and in accordance with the general principles of this policy.

3. Responsible Personnel

- 3.1 The Police & Crime Commissioner has overall responsibility for this Policy, but has delegated day-to-day responsibility for overseeing and implementing it to the designated whistleblowing officer (**DWO**), who is currently the Chief Executive. Responsibility for monitoring and reviewing the operation of the Policy and any recommendations for change within the organisation resulting from investigations into disclosures under the Policy lies with the DWO.
- 3.2 All employees are responsible for the success of this Policy and should ensure that they take steps to disclose any wrongdoing or malpractice of which they become aware. If you have any questions about the content or application of this Policy, you should contact the DWO to request further information.
- 3.3 The whistleblower rarely has a personal interest in the outcome of any investigation into their concern – they are simply trying to alert others. For this reason, the whistleblower should not be expected to prove the malpractice. He or she is a messenger raising a concern so that others can address it.

4. Types of concern that can be addressed through this policy

- 4.1 This Policy is distinct from our Grievance Procedure and our Bullying and Harassment Policy. If you have a complaint relating to your personal circumstances in the workplace then you should use the Grievance Procedure. Concerns about malpractice within the organisation which fall within the categories outlined below and affects or could affect, for example, customers, service users, members of the public or other workers should be raised using the procedure set out in this Whistleblowing Policy.

- 4.2 You should make a disclosure under this Policy if you have a genuine belief based on reasonable grounds that:
- (a) a criminal offence has been committed, is being committed, or is likely to be committed; or
 - (b) a person has failed, is failing, or is likely to fail to comply with their legal obligations; or
 - (c) a miscarriage of justice has occurred, is occurring, or is likely to occur; or
 - (d) the health and safety of any individual has been, is being, or is likely to be endangered; or
 - (e) the environment has been, is being, or is likely to be damaged; or
 - (f) the unauthorised use of public funds; or
 - (g) possible fraud and corruption; or
 - (h) The organisation is breaking the law eg doesn't have the right insurance; or
 - (i) any of the above matters are being deliberately concealed or are likely to be deliberately concealed (you believe someone is covering up wrongdoing).

5. Reporting

To whom should a disclosure be made

- 5.1 For the purposes of this policy you are asked, in the first instance, to raise concerns about any form of malpractice falling within the categories outlined above with your line manager. However if you do not feel comfortable discussing concerns with your direct line manager then you can raise concerns with the DWO, Chief Finance Officer or Office & HR Manager.
- 5.2 If the disclosure is extremely serious or in any way involves the DWO, you should report it directly to the Police & Crime Commissioner.
- 5.3 We envisage that disclosure will be most likely to relate to the actions of our employees or officers but they may also relate to the actions of a third party. It may be appropriate for you to raise your concerns directly with the third party where you believe that the malpractice identified relates solely or mainly to their conduct or a matter which is their legal responsibility. However, we would ask that you consult the DWO before speaking to any third party, such as the A&S Constabulary.
- 5.4 The aim of this Policy is to provide a mechanism in which employees have the confidence to disclose any workplace wrongdoing and that they will be taken seriously and that action will be taken.

External organisations

- 5.5 The Criminal Case Review Commission (CCRC) is the body to which any member of police staff can bring to notice any allegation of a miscarriage of justice.

Criminal Cases Review Commission, 5, St Philip's Place, Birmingham. B3 2PW

Tel: 0121 233 1473 Fax: 0121 232 0899

Email: complaints@ccrc.x.gsi.gov.uk Website: www.justice.gov.uk

- 5.6 The Independent Police Complaints Commission (IPCC) is an independent body whose purpose is to deal with a complaint about a member of staff's conduct by a member of the public.

Independent Police Complaints Commission, PO Box 473, Sale. M33 0BW

By phone: 0300 020 0096 By Email: enquiries@ipcc.gsi.gov.uk

Website: WWW.IPCC.Gov.uk

- 5.7 Matters relating to corrupt individuals or companies offering or receiving bribes to secure a benefit for themselves or others can be raised with the Serious Fraud Office or the National Crime Agency.

The Director of the Serious Fraud Office, 204 Cockspur Street, London. SW1Y 5BS

Tel: 0207 239 7272 Email: confidential@sfo.gsi.gov.uk

Website: www.sfo.gov.uk

National Crime Agency, PO Box 58396, London. NW1W 9SB

Tel: 0207 238 2626 email: public.complaints@nca.x.gsi.gov.uk

- 5.8 If the matter is not criminal or a serious complaint the matter can be raised with the Police & Crime Panel (PCP).

Email: pcpanel@bristol.gov.uk Website: <https://www.bristol.gov.uk/council-meetings/avon-and-somerset-police-and-crime-panel>

- 5.9 Concerns over financial matters can be raised with the External Auditors – Grant Thornton.

Hartwell House, 55-61 Victoria St, Bristol BS1 6FT Tel: 117 305 7600

How should a disclosure be made?

- 5.10 You can raise your concerns with your line manager orally or in writing. The OPCC encourages open reporting but confidentiality, when requested, will be given the highest priority. We will discuss with you whether you require your identity to be kept confidential. Your line manager will ask you to formalise your concerns in writing either before or after the first meeting. Your line manager will acknowledge receipt of your formal written disclosure and keep a record of further action taken.

- 5.11 You are entitled to be accompanied by a workplace colleague or union representative at any meeting with your line manager (or, the DWO if your line manager is unavailable) under this Policy. Your companion will be asked to respect the confidentiality of your disclosure and any subsequent investigation.

- 5.12 We recognise that disclosures made under the Policy may involve highly confidential and sensitive matters and that you may prefer to make an anonymous disclosure, however we cannot guarantee confidentiality if this would prejudice our investigation. However, we regret that we cannot guarantee to investigate all anonymous allegations. Proper investigation may prove impossible if the investigator cannot obtain further information from you, give you feedback,

or ascertain whether your disclosure is in the public interest. We recommend that you disclose your identity to ensure we are able to protect and investigate fully.

Investigation of disclosure

- 5.13 We are committed to investigating disclosures fully, fairly, promptly and confidentially where circumstances permit. Following your formal written disclosure, your line manager or DWO (or another individual acting in their place) will acknowledge receipt and make appropriate arrangements for investigation. You may be required to attend an initial meeting in order to give the DWO further information.
- 5.14 The length and scope of the investigation will depend on the subject matter of the disclosure.
- 5.15 So far as the DWO considers it appropriate and practicable, you will be kept informed of the progress of the investigation. However, the need for confidentiality may prevent us giving you specific details of the investigation or actions taken.
- 5.16 It is not normally appropriate to set a specific timeframe for completion of investigations in advance, as the diverse nature of disclosures contemplated makes this unworkable. We will, however, aim to deal with all disclosures in a timely manner and with due regard to the rights of all individuals involved.
- 5.17 The Office of the Police & Crime Commissioner will normally inform you in writing of the outcome of any investigation and the issues you raise and of your right to appeal against its findings. You should refer to the Appeals procedure for further details.

6. Open Reporting

- 6.1 The OPCC encourages open reporting but as stated in 5.9. confidentiality when requested will be given the highest priority. All reasonable efforts will be made to keep the identity of an individual who makes a disclosure under this Policy confidential, at least until any formal investigation is under way. In order not to jeopardise the investigation into the alleged malpractice, you will also be expected to keep the fact that you have raised a concern, the nature of the concern and the identity of those involved confidential.
- 6.2 There may be circumstances in which, because of the nature of the investigation or disclosure, it will be necessary to disclose your identity. This may occur in connection with associated disciplinary or legal investigations or proceedings. If in our view such circumstances exist, we will make efforts to inform you that your identity is likely to be disclosed. If it is necessary for you to participate in an investigation, the fact that you make the original disclosure will, so far as is reasonably practicable, be kept confidential and all reasonable steps will be taken to protect you from any victimisation or detriment as a result of having made a disclosure. It is likely, however, that your role as the whistleblower could still become apparent to third parties during the course of an investigation.

7. Protection and Support

- 7.1 Members of staff who make disclosures in the 'reasonable belief' that it is in the public interest under this Policy should not be dismissed or subjected to any detriment as a result of their disclosure. If you believe that you have been subjected to a detriment within the workplace as a result of raising concerns under this Policy, you should inform the DWO immediately. If the matter is not remedied you may raise a grievance formally under the Grievance Procedure. Workers who victimise or retaliate against whistleblowers under this Policy will be subject to disciplinary action.
- 7.2 If an investigation under this procedure concludes that a disclosure has been made maliciously, vexatiously or with a view to personal gain, the whistleblower will normally be subject to disciplinary action. Those who make disclosures anonymously or without following the guidelines in this Policy may not receive protection if request.
- 7.3 The OPCC will support the member of staff through the Whistleblowing process. Occupational Health can provide information, advice and support on a range of health, safety and welfare matters.

8. Corrective Action and Compliance

- 8.1 As part of the investigation into disclosures made under this Policy, recommendations for change will be invited from the investigative team to enable the Office of the Police & Crime Commissioner to minimise the risk of the recurrence of any malpractice or impropriety which has been uncovered. The Chief Executive will be responsible for reviewing and implementing these recommendations in the future and for reporting on any changes required.
- 8.2 The policy is compliant with the Enterprise and Regulatory Reform Act 2013.

Policy Statement Information	
Policy Owner (Job Title)	Chief Executive
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