



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

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1. Purpose

- 1.1 The Office of the Police and Crime Commissioner seeks to always conduct its business honestly and with integrity. 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, an unlawful act or unethical conduct at work. Officially this is called 'making a disclosure in the public interest' meaning it may affect others e.g., 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'. This policy makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. It is intended to encourage and enable employees to raise serious concerns rather than overlooking a problem.
- 1.4 Personal grievances, e.g. 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 and Aims

- 2.1 This Policy applies to all employees within the OPCC. This Policy does not form part of any employee's contract of employment, and we may amend it at any time.
- 2.2 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, supplier or service provider. In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first, in line with this Policy.
- 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.
- 2.5 This policy aims to:
 - encourage you to feel confident in raising serious concerns within the organisation and to question and act upon concerns about practice.
 - provide avenues for you to raise those concerns and receive feedback on any action taken.
 - ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
 - reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in the public interest.

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 of Staff. 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 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 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 Certain disclosures are prescribed by law as “qualifying disclosures”. A “qualifying disclosure” means a disclosure of information that a staff member genuinely and reasonably believes is in the public interest and shows that the Organisation has committed a “relevant failure” by:
- (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 e.g. 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).
- 4.3 The Employment Rights Act 1996 provides protection for workers who ‘blow the whistle’ where they reasonably believe that some form of illegality, injustice or breach of health and safety has occurred or is likely to occur. The disclosure has to be “in the public interest”. The OPCC encourage you to use the procedure to raise any such concerns.

5. Reporting

To whom should a disclosure be made

- 5.1 We hope that in many cases you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. 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 Head of HR and Business Services. All concerns reported will be treated in the utmost confidence.
- 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 If the disclosure concerns the proper conduct of public business, value for money, fraud or corruption by the PCC, then staff of the OPCC should refer the matter to the Chief of Staff or Chief Finance Officer.
- 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.

How should a disclosure be made?

- 5.6 You can raise your concerns with your line manager orally or in writing. The OPCC encourages open reporting but if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you. 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.
- 5.7 Following receipt of a disclosure made under this policy, an investigation meeting will be held. The purpose of this meeting is to gather as much information as possible from you regarding your concerns, including whether you have any supporting evidence or can identify any witnesses.
- 5.8 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.
- 5.9 We do not encourage staff to make disclosures anonymously, although we will make every effort to investigate anonymous disclosures. You should be aware that proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the DWO or one of the other contact points listed above and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt, you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are
Tel: 020 3117 2520 Website: <https://protect-advice.org.uk>

Investigation of disclosure

- 5.10 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.
- 5.16 The length and scope of the investigation will depend on the subject matter of the disclosure.
- 5.17 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.
- 5.18 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.

- 5.19 The OPCC will normally inform you in writing of the outcome of any investigation and the issues you raise. If you are not happy with the way in which your concern has been handled, you can raise it with the DWO.

6. External Disclosures

- 6.1 The aim of this Policy is to provide an internal mechanism for reporting, investigating, and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.
- 6.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.

7. Protection and Support

- 7.1 Members of staff who raise matters of concern under this policy are protected against detrimental treatment, up to and including dismissal, because they have made a disclosure. If you believe that you have been subjected to a detriment within the workplace because 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. Bullying, harassment or any other detrimental treatment afforded to a colleague who has made a qualifying disclosure is unacceptable. Anyone found to have acted in such a manner 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 OPCC to minimise the risk of the recurrence of any malpractice or impropriety which has been uncovered. The Chief of Staff will be responsible for reviewing and implementing these recommendations in the future and for reporting on any changes required.

- 8.2 Should formal action be required because of any disclosure made under this policy, this action will be carried out in accordance with the applicable internal policy. Any potential sanctions imposed will be fair and reasonable in line with the relevant policy.

Policy Statement Information	
Policy Owner (Job Title)	Chief of Staff
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