



**POLICE & CRIME
COMMISSIONER**
for Leicester,
Leicestershire & Rutland

Your Communities - Your Commissioner

Whistle Blowing Policy

For Publication

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Policy Owner:	Chief Executive
Role Responsible:	Policy and Compliance Officer
Senior Manager Review	Director of Governance and Performance
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Review log

Date	Minor / Major / No change	Section	Author
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Important

Once you have completed the document, please delete the comment boxes on the right, as these are for guidance in completing the fields above.

1. Introduction

- 1.1 The Police & Crime Commissioner has overall responsibility for this Policy, but has delegated day-to-day responsibility for overseeing and implementing the policy to the Chief Executive to the Police and Crime Commissioner. 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 Designated Officers.
- 1.2 The Police and Crime Commissioner is committed to the highest standards of openness, probity and accountability. In line with that commitment, we recognise that an important aspect of accountability and transparency is a mechanism to enable our people to voice concerns about breaches or failures in a reasonable and effective manner.
- 1.3 This procedure is intended to help people who suspect they have discovered malpractice or impropriety and to protect them from victimisation and reprisal should they raise concerns in the public interest or 'blow the whistle'.
- 1.4 The word whistleblowing in this policy refers to the disclosure internally or externally by Officers and Staff, of malpractice, as well as illegal acts or omissions at work. For the purpose of this procedure, both Officers and Staff will be referred to as Staff or individuals.
- 1.5 Staff are often the first to realise that there may be something seriously wrong within an organisation. However, they can express their concerns through fear or harassment or victimisation or they may feel that their concerns may be ignored and not acted on.
- 1.6 The Office of the Police and Crime Commissioner has an open and honest culture, where Staff are encouraged to raise concerns at the earliest opportunity. We are committed to creating an open and transparent workplace culture where concerns can be raised with management, and where staff who raise concerns are supported and treated fairly.
- 1.7 We encourage staff to use internal mechanisms for reporting malpractice or illegal acts or omissions by Staff. Individuals will be listened to and serious concerns will be investigated and acted on. Confidentiality will be maintained as far as is possible. Confidentiality is guaranteed at the point of making a protected disclosure and will be maintained throughout the investigation and hearings, other than when a disclosure of identity is required due to cross examination of the staff member as a witness to any subsequent procedure.
- 1.8 The Office of the Police and Crime Commissioner recognises the duty some staff have under their statutory professional code of conduct to raise concerns.
- 1.9 This procedure is to enable and encourage individuals to raise concerns within The Office of the Police and Crime Commissioner.
- 1.10 It does not override workers' legal rights to make a protected disclosure to certain prescribed persons or bodies under the Public Interest Disclosure Act 1998, as incorporated into the Employment Rights Act 1996.

2. Aims and Scope

- 2.1 This procedure aims to provide OPCC staff with a means to raise concerns internally and receive feedback on any action taken. It allows staff to take the matter further if they are dissatisfied with the management response and reassures them that they will be protected from harassment or victimisation from co-workers for raising concerns.
- 2.2 This procedure is intended to cover concerns which fall outside of the scope of the grievance procedure. The Office of the Police and Crime Commissioner has a range of policies that deal with standards of professional behaviour; they cover disciplinary, grievance, bullying and harassment issues. Staff are encouraged to use the provisions in these procedures if appropriate.
- 2.3 In addition to permanent staff, this procedure applies to temporary, casual and agency staff, work experience, trainees, Specials and volunteers.
- 2.4 Concerns **must** be raised if an individual reasonably suspect that one or more of the following has occurred:
- a criminal offence has been committed, is being committed, or is likely to be committed; or
 - a person has failed, is failing, or is likely to fail to comply with their legal obligations; or
 - a miscarriage of justice has occurred, is occurring, or is likely to occur; or
 - Improper unauthorised use of public funds or other funds; or
 - a breach of the Standards of Professional Behaviour; or
 - abuse of position for sexual purpose; or
 - bribery, corruption (including abuse of authority) or other forms of dishonesty; or
 - the health and safety of any individual has been, is being, or is likely to be endangered; or
 - the environment has been, is being, or is likely to be damaged; or
 - any of the above matters are being deliberately concealed or are likely to be deliberately concealed (you believe someone is covering up wrongdoing). concealment of any of the above
- 2.5 It is not necessary for individuals to suspect that the breach or failure they are alleging has occurred or is likely to occur. They may simply raise reasonable suspicion.
- 2.6 If the disclosure is not included in the list, advice may be sought from the Human Resource Department or from a Trade Union/Staff Association Representative on the use of the appropriate procedure.
- 2.7 We recognise staff may wish to seek advice and be represented by their Trade Union/Staff Association when using the provisions in this procedure.

- 2.8 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 Leicestershire Police Force. Leicestershire Police Force 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 designated officer will be happy to make an approach to the individuals' employer if specifically requested.
- 2.9 Disclosures from a third party will be treated confidentially and in accordance with the general principles of this policy.
- 2.10 The member of staff has no responsibility for investigating the wrongdoing. It is the organisation's responsibility to ensure that an investigation takes place.

3. How to Raise a Concern

- 3.1 An individual's concerns should be raised in the first instance with their line manager either formally or informally. The line manager should consider the report and if appropriate, deal with it locally or refer it to the designated officer. The designated officer should always be informed. Staff can approach the designated officer directly if they prefer, or that a protected disclosure relates to the line manager. The designated officer will then confirm how the matter will be investigated.
- 3.2 Concerns should be raised in writing. It is advisable to take careful specialist advice prior to submitting a complaint. This can be provided by a Trade Union or Staff Association or by contacting Protect (an independent whistleblowing charity). The letter should set out the background and history of the suspicion, giving names, dates and places where possible, and the reason why the individual is making the disclosure. If the individual does not feel able to make the disclosure in writing an interview will be arranged.
- 3.3 Individuals are entitled to be accompanied by a Trade Union or any Individual Staff Association representative.
- 3.4 The individual raising suspicions does not have to prove the allegation but they must demonstrate that there are sufficient grounds to suspect that this has occurred.
- 3.5 A member of staff who makes a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

4. Designated Officers

- 4.1 The following people have been nominated and agreed by The Office of the Police and Crime Commissioner as designated officers for concerns under this procedure:
Chief Executive & Monitoring Officer (or someone to whom the Chief Executive & Monitoring Officer delegates this responsibility, such as the OPCC Chief Finance Officer).

If the disclosure involves or implicates the Chief Executive Officer, then it should be made directly to the Police and Crime Commissioner.

If the disclosure involves or implicates the Police and Crime Commissioner, then such matters go to the Chief Executive unless they constitute, involve, or appear to constitute or involve, the commission of a criminal offence, in which case they should be referred to the Independent Office of Police Conduct.

- 4.2 As set out in the Financial Regulations, investigation of internal financial irregularities within the OPCC the Police and Crime Commissioner, OPCC Chief Finance Officer and Force Chief Finance Officer should be notified. Investigations will be carried out by the Professional Standards Department, who shall consult with Internal Audit as appropriate and keep them informed of progress. At the conclusion of the investigation Internal Audit shall review the case to identify any internal control weaknesses that allowed the financial irregularity to happen and shall make recommendations to ensure that the risk of recurrence is minimised.

5. How the Office of the Police and Crime Commissioner will respond.

- 5.1 The Chief Executive & Monitoring Officer 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.
- 5.2 Where appropriate, matters raised will be investigated by the Chief Executive & Monitoring Officer (or someone to whom the Chief Executive & Monitoring Officer delegates this responsibility). Where a concern alleges financial impropriety, the Chief Finance Officer and internal audit will be advised
- 5.3 Depending on the results of the investigation and at the discretion of the Chief Executive & Monitoring Officer, the matter may be:
- Referred to Internal Audit.
 - Referred to The External Auditor.
 - Form the Subject of an Independent Enquiry.
 - Referred to the Police.
 - Referred to the Police and Crime Panel or Independent Office of Police Conduct.
- (All complaints against the Police and Crime Commissioner will go to the Chief Executive unless they constitute, involve, or appear to constitute or involve, the commission of a criminal offence, in which case they should be referred to the IOPC. These must also be referred to the Police and Crime Panel's monitoring officer: monitoring.officer@leicester.gov.uk)
- 5.4 In order to protect staff that raise concerns, a designated officer will decide if an investigation is appropriate. Any investigation must be led by the Designated Officer.
- 5.3 All concerns will be dealt with on their own merit.

- 5.4 Within ten working days of a concern being raised, the relevant designated officer or line manager with whom the Individual first raised the matter with will write to the individual setting out:
- Acknowledgement the concern has been received
 - Indicating how the matter will be dealt with
 - Give an estimate of how long it will take to get a final response
 - 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.
- 5.5 When any meetings are arranged with the individual who has made a protected disclosure, they have a right to be accompanied by a Union/Staff Association representative. The meeting can be off site if requested or via MS Teams/Skype.

6. Safeguards – Harassment and Victimisation

- 6.1 The Police and Crime Commissioner understands that raising a concern can be difficult for staff, especially if they fear reprisal from those responsible for the malpractice. 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 Designated Officer immediately. If the matter is not remedied you may raise a grievance formally under the Grievance Procedure. Staff who victimise or retaliate against whistleblowers under this Policy will be subject to disciplinary action.
- 6.2 The Police and Crime Commissioner will not tolerate harassment and victimisation and will protect staff when a concern has been raised in good faith.
- 6.3 This procedure encourages the individual to put their name to their concerns. Concerns expressed anonymously are harder to follow up and have a less effective outcome.
- 6.4 If an individual makes an allegation in good faith, but the allegation is not confirmed by the investigation, no action will be taken against them.
- 6.5 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.

7. Retention of Records

- 7.1 All concerns raised, and actions taken in response to disclosure will be recorded, and reports on all disclosures and Investigations will be retained by the designated person for 6 years.

7.2 Official written record will be kept of each stage of the procedure

8. How the matter can be taken Further

8.1 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
- Protect (independent whistleblowing charity)
- 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 Police and Crime Panel or Independent Office of Police Conduct (for concerns about the Commissioner)

8.2 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

9. Monitoring the Operation of the Policy

9.1 The Chief Executive & Monitoring Officer 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 Committee which will include the following:

- Whether the policy is being used appropriately.
- Whether there is any pattern of concern across the OPCC.
- Whether the policy is effective in identifying and deterring malpractice.
- Any proposed revisions to agreed arrangements in consultation with the Trade Unions and Staff Associations.

Appendix

1. Reporting a concern to an external body

- 1.1 This policy is intended to provide a route by which members of staff can raise concerns internally. However, if an employee is unhappy with the outcome of an investigation or if, for any reason they do not feel comfortable raising their concern internally, they are free to take the matter outside of the organisation to a prescribed person or body or to their Member of Parliament (MP).
- 1.2 The full list of prescribed persons and bodies can be found on the UK government website at www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies. They include
- HM Revenue & Customs
 - the Comptroller and Auditor General
 - the Director of the Serious Fraud Office
 - the Charity Commission for England and Wales
 - the Information Commissioner
 - the Equality and Human Rights Commission
 - the Health and Safety Executive
 - the Care Quality Commission
 - the Environment Agency.

2. More information and support

- 2.1 Protect is the UK's whistleblowing charity that aims to stop harm by encouraging safe whistleblowing. They provide a legal advice service we offering free expert and confidential advice on how best to raise a concern and protection as whistleblower.
<https://protect-advice.org.uk>
Protect Advice Line: whistle@protect-advice.org.uk
Protect Advice Line: 020 3117 2520 (* option 1)
- 2.2 UK government advice on 'Whistleblowing for employees'
www.gov.uk/whistleblowing
- 2.3 ACAS guidance on 'Whistle-blowing – Public Interest Disclosure'
<https://archive.acas.org.uk/index.aspx?articleid=1919>
- 2.4 Confidential support is available for individual staff from the employee assistance programme and this may include counselling if appropriate, in addition to practical information and advice [Home | Health Assured \(healthassuredeap.co.uk\)](http://Home | Health Assured (healthassuredeap.co.uk))