



**STANDARD OPERATING PROCEDURES:
OFFICE OF THE BEDFORDSHIRE POLICE AND CRIME COMMISSIONER**

Title	Whistle Blowing Policy
Area of Compliance	Human Resources
SRR Ref. No.	PCC - SR8
SOP Ref. No.	007/2015
Version No.	1.0
Senior Lead	Chief Executive
Author	Compliance Officer

Revision History

Date	Revision	Change	Section	Review Date
November 2015	1.0	New Document		November 2016

1. Purpose

1.1 The purpose of this document is to introduce a Whistleblowing Policy. This policy is intended to provide a means for individual employees to raise issues of concern where they reasonably believe, in good faith, that an act or acts of malpractice have occurred in the Office of the Police and Crime Commissioner (OPCC). The OPCC also recognises that it may be applicable to other individuals or groups at any given time. This policy will therefore apply equally and with equal confidentiality to volunteers, agency workers and secondees from other organisations and contractors. It does not however provide a forum for individuals to raise issues of concern about their own employment or appointment, for which there are other procedures, and it should be used only to raise concerns that might be of a wider public interest.

1.2 Concerns may be that malpractice:

- is unlawful; or
- is against the OPCC’s Standing Orders, policies or financial regulations; or
- falls below established standards or practice; or
- amounts to improper conduct or misconduct

Office of the Police and Crime Commissioner for Bedfordshire

Bridgebury House | Woburn Road | Kempston | Bedfordshire | MK43 9AX

Tel: 01234 842 066 | Email: pcc@bedfordshire.pnn.police.uk

Web: bedfordshire.pcc.police.uk | Twitter: [@BedsPCC](https://twitter.com/BedsPCC)

1.3 For the purpose of this policy “malpractice” includes:

- criminal offences
- breach of contract (except an alleged breach of the complainants contract)
- negligence (except an alleged breach of duty towards the complainant)
- miscarriage of justice
- a danger to health, safety and welfare of the employees, the public or the environment
- the abuse of public funds
- any act of discrimination (except an alleged act of discrimination against the complainant.)
- breach of public or administrative law
- an attempt to cover up any of the above

The above lists are not exhaustive, and further advice can be taken from the OPCC’s Monitoring Officer if you are unclear as to whether the policy is appropriate to your particular circumstances.

1.4 By adhering to this document the OPPC will ensure that all staff within the OPPC are protected in certain circumstances under the Public Interest Disclosure Act 1998. This is commonly referred to as 'blowing the whistle'. The law that protects whistle-blowers is for the public interest - so people can speak out if they find malpractice in an organisation. Blowing the whistle is more formally known as 'making a disclosure in the public interest'.

1.5 This policy represents the formal arrangements that exist to deal with concerns, but in the first instance you may wish to raise the matter informally with someone in the OPPC that is sufficiently close to the potential area of concern to understand the issue.

2. Background

2.1 Employees are often the first to realise that there may be something wrong within an organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the company. They may fear harassment or victimisation for speaking out. Some may feel it would be easier to ignore the concern rather than report what may turn out to be a mistaken suspicion of malpractice. But failing to speak up may be equally wrong.

2.2 The OPPC is committed to the highest possible standards of openness, honesty and accountability. We operate a Code of Conduct, in line with this commitment we



encourage employees and others with serious concerns about any aspect of the OPPC's work to come forward and voice them.

2.3 We do recognise that certain cases will need to proceed on a confidential basis. When raising your concern you do not have to give your name but it will help us to investigate the issue, and to let you know the outcome, if you do. The policy and procedure follows the guidance provided by the Public Interest Disclosure Act 1998 (PIDA). PIDA encourages you to raise any concerns internally in the first instance and the OPPC will always respect you being true to yourself and acting fairly, confidently and decisively.

3. Affected persons

3.1 This policy will apply to all staff working in the Office Police & Crime Commissioner (OPCC) whether employed full-time or part-time, fixed term, permanent, seconded or on a temporary basis.

4. Strategic Risk Register

4.1 The Whistleblowing Policy will be monitored within the Strategic Risk Register to ensure full adherence to the policy at all times.

5. Policy

5.1 This policy aims to provide an opportunity for you to raise concerns and receive feedback on any action taken. Allow you to take the matter further if you are dissatisfied with the OPCC's response, reassure you that you will be protected from reprisals or victimisation for confidential reporting where you have a reasonable belief in the accuracy of the allegations, your complaint is made in good faith, and you otherwise follow this code. Put in place relevant support measures for you as an individual during the process.

5.2 This whistleblowing policy is intended to cover concerns that fall outside the scope of other procedures and in some instances to provide a clear and speedy route for investigation of issues that may inform the disciplinary procedure. Advice on the most appropriate procedure to follow can be sought from the Monitoring Officer of the OPCC.

5.3 **Safeguards:**

Harassment or Victimisation

The OPCC recognises that the decision to report a concern can be a difficult one to make, not least because of fear of reprisal from those responsible for the malpractice. The OPCC will not tolerate harassment or victimisation in any form and will take action and put in

place support measures to protect you when you raise a concern. Disciplinary procedures are already in place to address any potential attempts at harassment or victimisation. It is accepted by the OPCC that staff may feel concerned that by raising areas of concern, their future careers may be detrimentally affected. This is **not** the case, and those raising genuine and reasonably held concerns, in good faith, may be assured that concerns will be treated with the utmost respect and play no part in future decisions related to progress or promotion.

If you are personally already the subject of disciplinary or redundancy procedures for other reasons, confidential reporting will not halt these procedures but every effort will be made on the part of the investigating officer to ensure that the issues are not inter-related or connected in any way.

Confidentiality

The OPCC will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. However, it must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence, especially if the next step is a police investigation and prosecution.

Anonymous Allegations

The OPCC accepts that employees will raise genuine concerns that are based on factual evidence or direct observation. With this in mind you are encouraged to put your name to your allegation. Concerns expressed anonymously are much less powerful and far more difficult to investigate and prove. However, they will be considered at the discretion of the OPCC.

In exercising the discretion, the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from other sources in the face of a flat denial from the accused person.

Untrue Allegations

If you make an allegation in good faith, which is based on evidence, observation or a series of unexplainable instances, but it is not confirmed by the investigation, no action will be taken against you and you will be fully supported after the event. If however, you make malicious or vexatious allegations, disciplinary action may be taken against you. Equally, if malicious or vexatious allegations are made against you, the OPCC will ensure that you are fully supported and that appropriate disciplinary action is taken against the person making such allegations.

5.4 Procedure - How to raise your concern

- 5.4.1 As a first step, you should normally raise concerns with your immediate manager, or their manager if you feel uncomfortable in discussing the issue with someone working in close proximity to you.
- 5.4.2 Additionally, where you do not feel able to raise the concern with the relevant manager, you should approach the Chief Executive/Monitoring Officer of the OPCC directly.
- 5.4.3 As a first step, you should normally raise concerns with your immediate manager or their manager if you feel uncomfortable in discussing the issue with someone working in close proximity to you.
- 5.4.4 Additionally, where you do not feel able to raise the concern with the relevant manager, you should approach the Chief Executive/Monitoring Officer of the OPCC directly.
- 5.4.5 You may choose to raise the concern in writing, but it is helpful to all concerned if an initial and informal discussion can take place in the first instance. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that any member(s) of senior management is involved, you should approach the Chief Executive/Monitoring Officer of the OPCC.
- 5.4.6 Once initial concerns have been raised, it will be important to translate these into writing. You will be invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation.
- 5.4.7 The earlier you express the concern the easier it is to take action.
- 5.4.8 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern and that you have acted in good faith (for example, that you are not pursuing a grudge.)
- 5.4.9 You may invite your trade union or professional association to raise a matter, on your behalf and they can be invited to participate in any future discussions between yourself and the investigating officer.
- 5.5 Procedure – How the OPCC will respond
- 5.5.1 The action taken by the OPCC will depend on the nature of the concern. The matters raised may:
- be referred to the Internal Auditor (in the cases of financial impropriety)

- be referred to the Police immediately where allegations of criminal conduct such as fraud or child abuse are apparent
 - be referred to the External Auditor
 - be referred to the Monitoring Officer
 - form the subject of an independent inquiry by a nominated body outside of the OPCC
- 5.5.2 In order to protect individuals and the OPCC, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures will normally be referred for consideration under those procedures.
- 5.5.3 Some concerns may be resolved by agreed action without the need for investigation.
- 5.5.4 Within ten working days of a concern being received, the OPCC will write to you:
- acknowledging that the concern has been received
 - indicating how it proposes to deal with the matter and where possible who the investigating officer(s) will be
 - giving an estimate of how long it will take to provide a final response
 - telling you whether any initial enquiries have been made and
 - telling you whether further investigations will take place and, if not, why not
- 5.5.5 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.
- 5.5.6 When any meeting is arranged with you, you have the right if you so wish to be accompanied by a representative from your trade union or professional association, or a workplace colleague.
- 5.5.7 The OPCC will take steps to minimise any difficulties which you may experience as a result of raising a reasonably held concern in good faith. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the OPCC will advise you about the procedure to be followed and make arrangements for you to be released from your normal duties.
- 5.5.8 The OPCC will take steps to minimise any difficulties which you may experience as a result of raising a reasonably held concern in good faith. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the OPCC will

advise you about the procedure to be followed and make arrangements for you to be released from your normal duties.

5.6 Procedure – **How the matter can be taken further**

5.6.1 The policy is intended to provide you with an opportunity to raise concerns within the OPCC. The OPCC hopes you will be satisfied. If you are not, and if you feel it is right to take the matter outside the OPCC, the following are possible contact points. However, all previous internal steps must already have been exhausted.

- the external Auditor
- relevant professional bodies or regulatory organisations
- your solicitor
- the Police

5.6.2 If you do take the matter outside the OPCC, you need to ensure that you do not disclose information which is either confidential or exempt from disclosure. This means that you must not, for example, disclose confidential committee reports, other confidential documents or confidential information that relates to clients and customers. If you are not sure whether information is considered to be confidential, you should check with the OPCC's Monitoring Officer.

6. Responsibilities

6.1 The Monitoring Officer of the OPCC has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the OPCC.