



## Leicestershire Police

### Treatment of Whistle Blowers

This procedure supports the following policy:  
Anti-Corruption Policy

Procedure Owner	Chief Constable
Department Responsible:	Professional Standards
Chief Officer Approval:	Deputy Chief Constable
Protective Marking:	Not Protectively Marked
Date of Next Review:	Oct 2017

**This procedure has been reviewed against APP.**

Moved to APP:

Not moved over to APP

Rationale:

APP does not have the information required

**This document has been produced in conjunction with the Leicestershire Police Legislative Compliance Pack**

Review log

Date	Minor / Major / No change	Section	Author
Oct 2015	New Procedure		Steph Pandit

## 1. Introduction

- 1.1 Leicestershire Police 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.
- 1.2 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'.
- 1.3 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.
- 1.4 Staff are often the first to realise that there may be something seriously wrong within an organisation. However they may not feel 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.
- 1.5 Leicestershire Police has an open and honest culture, where Staff are encouraged to raise concerns at the earliest opportunity. We encourage staff to use internal mechanisms for reporting malpractice or illegal acts or omissions by Staff or ex-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.
- 1.6 Leicestershire Police recognises the duty some staff have under their statutory professional code of conduct to raise concerns.
- 1.7 This procedure is to enable and encourage individuals to raise concerns within Leicestershire Police.
- 1.8 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 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. Leicestershire Police 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 suspects that one or more of the following has occurred:
- A criminal offence
  - A failure to comply with a legal obligation
  - Improper unauthorised use of public funds or other funds
  - A miscarriage of justice
  - A breach of the Standards of Professional Behaviour
  - Maladministration, misconduct or malpractice
  - Bribery, corruption (including abuse of authority) or other forms of dishonesty;
  - Endangering of an individual's health and safety or welfare
  - Damage to the environment
  - Deliberate 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, Professional Standards 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.

### **3. How to Raise a Concern**

- 3.1 An individual's concerns should be raised with their line manager, who should consider the report and if appropriate, deal with it locally or refer it to the designated officer. Staff can approach the designated officer directly if a protected disclosure relates to the line manager. The designated officer will then confirm how the matter will be investigated. All such reports should be entered into the whistle Blowers data base
- 3.2 As an alternative the anonymous confidential report can be raised using the "Bad Apple" reporting feature within the Integrity pages on the internal website
- 3.3 Concerns should be raised in writing. 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.
- 3.4 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.

### **4. Designated Officers**

- 4.1 The following people have been nominated and agreed by Leicestershire Police as designated officers for concerns under this procedure:
- The Head of Professional Standards
  - The Head of Corporate Services
  - The Head of Human Resources
  - The Deputy Chief Constable
  - The Chief Constable

### **5. How Leicestershire Police will Respond.**

- 5.1 Each case will depend on the nature of the disclosure. The matters raised may be investigated internally. More serious disclosures may be referred to an external prescribed person or body and may form the subject of an independent inquiry.
- 5.2 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 and must include at least one other member of the Professional Standards team or other senior staff member if the case involves Professional Standards

- 5.3 Some concerns may be resolved without the need for an investigation.
- 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
  - Tell the employee if an investigation has been started.
- 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.

## **6. Safeguards – Harassment and Victimisation**

- 6.1 Leicestershire Police understands that raising a concern can be difficult for staff, especially if they fear reprisal from those responsible for the malpractice.
- 6.2 Leicestershire Police will not tolerate harassment and victimisation and will protect staff when a concern has been made 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 employee makes a malicious allegation, disciplinary action may be taken against them.

## **7. How the matter can be taken Further**

- 7.1 This procedure is intended to provide a route by which staff can raise concerns internally, however if an individual is unhappy with the outcome of an investigation, they are free to take the matter outside of the organisation to a prescribed person or body