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Policing

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# Reporting concerns

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# Foreword

It is important to establish and maintain an open and honest culture which encourages people to report their concerns. Police regulations and the **Code of Ethics** both emphasise that officers, staff and others working in policing should challenge or report improper behaviour. There is much evidence that this takes place.

If an organisation fails to value and support those who are willing to come forward, it can have serious consequences. For example, the Cullen inquiry found that the Piper Alpha oil rig disaster, in which 167 people lost their lives, could have been averted had workers been able to report their concerns without fear of 'embarrassing management'. Other disasters which could have been averted through effective procedures include the Clapham rail crash and the capsizing of the Zeebrugge ferry. These disasters ultimately led to the passing of the **Public Interest Disclosure Act 1998** which provides protection in employment law for workers who raise a concern either within the workplace or externally, about a danger, risk, malpractice or wrongdoing which affects others (commonly known as whistleblowing).

For something to be a concern it does not have to be dangerous or illegal. It could be that you know someone is over-claiming expenses or that crime recording standards are being regularly misapplied.

This guidance explains how those working in policing can report their concerns, and what they can expect from the process. It also sets out good practice for the benefit of police forces as organisations. This guidance applies to all who work in policing, including police officers, special constables, police staff members, volunteers and contractors.

# 1 Reporting concerns

## For all those working in policing

- 1.1 All those who work in policing are expected to report concerns they may have about wrongdoing or poor practice in their force. If you have something to report, you should do so at the earliest opportunity. Your concerns do not need to be proven correct, nor are you required to be able to prove anything yourself. As a police officer or police staff member, it is your duty to report your concerns. It is the duty of those to whom you report to ensure that those concerns are properly considered and responded to. For police officers, the duty to report wrongdoing is laid out in the **Standards of Professional Behaviour**, and for officers and police staff this is reinforced in the **Code of Ethics**.

### **The Standards of Professional Behaviour and the Code of Ethics**

The Standards of Professional Behaviour are part of the Police (Conduct) Regulations 2012 and are legally binding for police officers. The 10th standard is 'Challenging and reporting improper conduct' and states that 'Police officers report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behaviour.'

This standard is explained in greater detail in the **Code of Ethics**.

- 1.2 The government has amended the Police (Conduct) Regulations 2012 to state that action should not be taken against an individual for raising a concern, provided it is not done falsely or maliciously. Anyone making a reprisal against a person reporting a concern will be liable for disciplinary action.
- 1.3 You may be worried about raising a concern and may think it is best to keep it to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or the force. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.
- 1.4 It is safe and acceptable to speak up and to raise any concern you may have about malpractice at an early stage. This guidance will help you do so in the right way. Rather than wait for proof, you should raise the matter when it is still a concern. This guidance is applicable to all those who work within policing, including police officers, special constables, police staff members, volunteers and contractors.

- 1.5 Provided you are raising a genuine concern, it does not matter if you are mistaken. If you raise a genuine concern using this guidance or your force's policy or procedure, you will not be at risk of losing your job or suffering any form of reprisal as a result. The harassment or victimisation of anyone raising a genuine concern will not be tolerated. It is a disciplinary matter to victimise anyone who has raised a genuine concern. If at any stage you experience reprisal, harassment or victimisation for raising a genuine concern, you should seek advice and report it to the appropriate body (ie, professional standards or human resources) immediately.
- 1.6 Of course this assurance does not extend to someone who maliciously raises a matter they know is untrue. Someone who **maliciously** raises a matter they know is untrue may face disciplinary action.
- 1.7 As a police officer or police staff member, you should always seek to make a report internally. By doing so, you provide your force with the opportunity to investigate your concern and to take corrective action when required. Internal reporting systems are well-established and many forces have a strong record of using them to effectively eliminate wrongdoing and poor practice from within.
- 1.8 In exceptional circumstances, you may feel unable to raise your concerns internally. For example, you could have reason to believe that doing so may lead to evidence being hidden, fear of repercussions or because you have already tried to do so and no action has been taken. Should this be the case, there are several options available for reporting your concerns externally (see **2 How to make a report**).
- 1.9 When you make a report, every effort will be made to check the accuracy and integrity of the information you have provided. In all cases, but especially where the information is provided anonymously, evidence or other intelligence will be sought at the earliest opportunity to corroborate the information you have provided. This will help in understanding the issue. Corroboration will also make it easier to address your concern while protecting your identity.
- 1.10 This guidance does not apply to cases that are suitable to being dealt with through the force's grievance procedure. If something is troubling you which you think someone in authority should know about or look into, please use this guidance. If you wish to make a complaint about your employment, however, or how you have been treated, please use your force's grievance or bullying/harassment policy, which will be available from a manager or personnel officer or on your force intranet. This guidance is primarily for concerns where the public interest is at risk, which includes a risk to the wider public, staff or the organisation itself.
- 1.11 While there cannot be a guarantee that all matters will be responded to in the way that you might wish, they should be handled fairly and properly. By using this guidance and your force's policy, you can help to achieve this.
- 1.12 If you are unsure about raising a concern, you can get independent advice at any stage of the process. Some organisations which may be able to assist you are your staff association or union. The independent whistleblowing charity Public Concern at Work can be contacted for free confidential advice on 020 7404 6609 or by email at [helpline@pcaw.org.uk](mailto:helpline@pcaw.org.uk).

## 2 How to make a report

### For all those working in policing

- 2.1 If you wish to report a concern, there are several options available to you. This section details these options and contains contact information.
- 2.2 While the chief constable is responsible for managing their force, if there are specific concerns about the chief constable's conduct these should be raised directly with the police and crime commissioner. In the Metropolitan Police Service, the role of the police and crime commissioner is fulfilled by the Mayor's Office for Policing and Crime. For the City of London Police, the role is carried out by the Police Committee on behalf of the local authority (City of London Corporation).

### Internal reporting

- 2.3 Wherever possible, it is best to report your concern through conventional internal routes. By doing this, you give the force the opportunity to resolve issues quickly and effectively. You will also receive feedback and will be consulted throughout any inquiry the force carries out. It is also easier for your force to conduct an inquiry and act on the information you have provided.
- 2.4 When you raise a concern, the force must treat the information confidentially and ensure it is only shared with those who have a clear and specific need to know.
- 2.5 If you are concerned that your identity as the reporting person will become known, you should inform the person to whom you report at the earliest opportunity, explaining what your concerns are. This will enable the force to take appropriate steps to address your concern while supporting your personal position. If you ask your force not to disclose your identity, ie, raise a concern confidentially, they should not reveal your identity without your consent unless required by law. You should understand that there may be times when it may not be possible to resolve a concern without revealing your identity, for example, where your personal evidence is essential. In such cases your force should discuss with you whether and how the matter can best proceed.

- 2.6 There may be times where, due to the nature of the concern raised, it is evident that you may be the source (eg, where only a small number of people are aware of the issue). If this is the case, the force should still make every effort to maintain your confidentiality and provide necessary support. Once you have made a report, it is important to abide by advice the force provides in order to protect your identity.
- 2.7 There are also various channels through which you can raise concerns anonymously (ie, where you do not provide any identifying personal information), but this may make it more difficult to investigate the matters which you report. Many forces provide two-way anonymous reporting systems, allowing you to establish a line of communication without revealing your identity. Anonymous reporting makes it more difficult to provide feedback on the investigation, however, and may make it difficult for your force to support you throughout the process.

## Reporting directly to your line manager

- 2.8 In the first instance, you should normally make a report to your line manager. This enables an immediate response, and feedback can be given directly, especially if the matter is something your line manager can deal with themselves. Your line manager can also provide support and guidance throughout the reporting process. Should you wish to make a report regarding your line manager, or if for any other reason it is more appropriate to report to another manager, then this is also possible.

## Reporting to professional standards

- 2.9 You may also report to your force's professional standards department (PSD/PSB/DPS) directly. Such a report will be dealt with by officers and staff experienced in dealing with sensitive and confidential matters.
- 2.10 When you make a report to a PSD, they will check whether any similar concerns have been raised and will see if it is possible to corroborate the information by another route. This may enable them to protect your identity. Where possible they will do this without disclosing that a confidential report has been made. If you have provided the information in a manner that allows them to contact you, they will seek to do so at an early stage to ensure that they fully understand the issue.



## External reporting

- 2.11 This guidance, and that issued by your force, has been developed to enable you to report concerns safely and openly using internal reporting routes. There may be times, however, when you may feel that it is necessary to consider external options. This section details the options that are available to you should you wish to report a concern, but do not feel able to do so through the usual internal routes. The organisations named below are regulators and authorities related to policing. Depending on the concern you wish to raise, other regulators may be relevant. When considering making an external report, you should seek advice about how to do so reasonably and safely. Your staff association, union or an independent body such as Public Concern at Work may provide advice on external reporting.
- 2.12 You should consider and make use of all the relevant policing authorities listed below before deciding to take your information to any other organisation, eg, non-governmental organisations (NGOs), campaign groups, the media etc. Reports made outside relevant authorities may result in disproportionate and/or inaccurate reporting, which can undermine the investigation and make it more difficult for your force to take corrective action. It is never acceptable for an officer or staff member to make a disclosure for personal gain, whether that gain be financial or otherwise. Doing so may constitute the offence of police corruption or misconduct in public office.

## Associations and trade unions

- 2.13 The Police Federation, the Police Superintendents' Association, Chief Police Officers' Staff Association, police staff trade unions and other staff associations can and do play a key role in acting as an agent through which members can relay their concerns in a non-threatening environment. They are used to dealing with issues in a confidential way.
- 2.14 They are able to offer independent advice on whether a particular case merits formal reporting and, if you feel unable to make a report internally, they can also provide advice on how best to proceed. These organisations are bound by their own internal rules regarding confidentiality and the need for a member's consent prior to forwarding information.

## The Independent Police Complaints Commission

- 2.15 As a police officer or member of police staff, you can report concerns directly to the Independent Police Complaints Commission (IPCC) in any circumstances. The statutory limitations on the circumstances in which you can make a complaint under **section 29** of the Police Reform Act 2002 do not prevent you from reporting a concern to the IPCC.

- 2.16 Concerns can be reported by writing a letter or via the IPCC report line. This is a dedicated phone line and email address for police officers and police staff to report concerns of wrongdoing in their workplace. This facility is for use in cases where wrongdoing reveals or suggests a criminal offence has been committed or where there is evidence of conduct that would justify bringing disciplinary proceedings. It is not for cases that can be dealt with appropriately through the force grievance process.
- 2.17 Currently the IPCC cannot investigate a matter without a referral from the relevant force. This means that, although you can register your concern with the IPCC (who are a 'prescribed person' for the purposes of PIDA – see 4 below), they would need to contact the force before beginning an investigation. When this happens, the IPCC will consider the circumstances and sensitivities of the case when deciding who in the force to contact.

<b>Postal address:</b>	<b>Dedicated IPCC report line:</b>
Independent Police Complaints Commission PO Box 473 Sale M33 0BW	<b><a href="mailto:enquiries@ipccreportline.gsi.gov.uk">enquiries@ipccreportline.gsi.gov.uk</a></b> 08458 770 061
Clearly mark any correspondence inside the envelope 'Report Line'. Do not mark the envelope itself.	

## Crimestoppers

- 2.18 Crimestoppers provide a service which allows all members of the public to report information about suspected crime. If you provide information about criminal behaviour in the police to Crimestoppers, it will be passed to the relevant force's professional standards department for investigation.
- 2.19 Crimestoppers accept anonymous referrals and will not ask you for your identity, nor do they trace or record telephone calls. The telephone line is available 24 hours a day, 7 days a week and an operator will answer the call. You can also provide information through this service via an online form.
- 2.20 Crimestoppers also provide a confidential reporting line for some forces.

<b>Phone</b>	<b>Online</b>
0800 555 111	<b><a href="https://crimestoppers-uk.org/">https://crimestoppers-uk.org/</a></b>

## The Criminal Case Review Commission

- 2.21 The Criminal Case Review Commission (CCRC) is an independent organisation whose remit is to investigate suspected miscarriages of justice. They are primarily tasked with investigating cases where there is a reason to believe that someone has been wrongly convicted of a criminal offence or wrongly sentenced.
- 2.22 You can make a report to the CCRC by letter to the chairman, by phone or by email.

<b>Postal address:</b>	<b>Phone:</b>
The Chairman	0121 233 1473
Criminal Cases Review Commission	<b>Email:</b>
5 St Philip's Place	<a href="mailto:complaints@ccrc.x.gsi.gov.uk">complaints@ccrc.x.gsi.gov.uk</a>
Birmingham	
B3 2PW	

## The Office of the Police and Crime Commissioner

- 2.23 The police and crime commissioner is the appropriate authority in respect of complaints made against (or alleged misconduct by) the chief constable, so specific concerns about the chief constable's conduct can be raised directly with the police and crime commissioner. Likewise, if the concern relates to suspected financial impropriety in the force, the matter can be raised with the police and crime commissioner.
- 2.24 In the Metropolitan Police Service, the role of the police and crime commissioner is fulfilled by the Mayor's Office for Policing and Crime, and for the City of London Police the role is carried out by the Police Committee on behalf of the local authority (City of London Corporation).

## Ethics committees

- 2.25 Ethics committees now exist in most force areas. Some are led by forces while others are led by the police and crime commissioner. Depending on the nature of the concern and the terms of reference of the relevant committee, this may provide an alternative route. Before considering this route you should check the terms of reference of the relevant committee.

## 3 Operating procedures

- 3.1 It is important to ensure there are minimum standards that should be followed whenever an officer or member of police staff reports a concern. Although people are expected to raise concerns as part of their role, this will not always be easy. As such, forces should consider additional ways in which they can develop an open reporting culture.

### Supporting those who come forward

- 3.2 Reporting a concern can be a stressful process, and it is essential that support mechanisms are in place for those who decide to come forward. The relevant force is responsible for ensuring appropriate support is provided to those who come forward. Where someone comes forward, the organisation should value their action.
- 3.3 The force should consider appointing a support (or welfare) officer. This should be discussed with the reporting person. A support officer will not be appropriate or wanted in all cases and, in some, the line manager may be able to adequately fulfil the role. However in other cases – particularly where the individual reports concerns about senior officers, criminal activity or serious misconduct – it may be appropriate (and more reassuring for the reporter) if support is provided external to the force.

### Safeguarding measures

- 3.4 Some officers or staff members may be reluctant to come forward and report wrongdoing, believing that doing so could lead to unfair treatment by their force or colleagues. The government have amended the Police (Conduct) Regulations 2012 to state that action should not be taken against an individual for raising a concern (provided it is not done maliciously or is knowingly false). Anyone making a reprisal against a person reporting concerns will be liable for disciplinary action.

### Handling information and confidentiality

- 3.5 When a concern is raised, all reports should carry an appropriate protective marking which limits access to it to those people who have a legitimate need to see it.

- 3.6 There should be confidential reporting systems available to officers and staff members and these should be well-publicised and effective in practice. Systems may be provided by forces or independently through suitable external providers. In either case the arrangements to provide a system may be made collaboratively between forces.
- 3.7 Whether a report is made internally or externally, the person receiving the report (or the person identified to investigate the concerns, if this is different) should make early contact with the reporting person. This will enable the investigator to ascertain full details about the concern. It is also important to be honest with the reporter about the extent to which their identity can be protected. This may depend on the nature of the evidence and who may already be aware of issues involved. The assurances given to the individual in this guidance provide a high level of protection but where in practice their identity may be discovered or guessed (eg, where they have already raised the issue with others involved), it is a matter to be carefully discussed with the reporting person.
- 3.8 Where the reporting person has requested that their identity not be disclosed, the organisation should not do this without their consent unless required by law. The investigator should explain there may be times when they are unable to resolve a concern without revealing the reporting person's identity, for example, where their personal evidence is essential. In such cases, the investigator must discuss with the reporter whether and how the matter can best proceed.
- 3.9 In exceptional circumstances, concerned officers and staff members may feel unable to report a concern unless they are able to do so anonymously. It is important that anonymous reporting systems are made available and that they are well-trusted. Where available, the force should not attempt to trace the reporter through the system. Doing so undermines confidence in the system's integrity, thereby discouraging people from using it.
- 3.10 Uncorroborated anonymous reports may be of very limited value, however, as the force's options to act are limited. Where a person reports a concern anonymously, it is less likely that they would be able to rely on it as a defence to an allegation they had failed to challenge or report improper behaviour.

## Consultation and feedback

- 3.11 People are unlikely to report concerns if they do not believe action will be taken. It is important to be able to reassure individuals that their concerns will be taken seriously and that they will remain involved in the investigation and informed about its progress. Where it would not compromise the security or integrity of that or any other investigations, and would not pose a risk to any individual, the emphasis should be on providing information to the reporting person.

- 3.12 There are several stages during an investigation where the investigator should consult the reporter. Although the investigator is responsible for making decisions during the investigation, they must take account of concerns or observations from the reporter and should explain their rationale for decisions they make.
- 3.13 The reporting person should be consulted in the following circumstances:
- to discuss whether their identity can be kept confidential by the force (consultation should take place before taking action that might reveal their identity)
  - if there are any individuals, or groups, in the force whose knowledge of the allegation or the person reporting it could compromise the investigation
  - where the investigator is unable to resolve the concern without revealing their identity
  - on the findings of an investigation and/or the force's response to the findings.
- 3.14 In addition to consultation at key stages, forces must also keep a reporting person updated with the progress of an investigation triggered by their report. Updates may include information about the stage reached in the investigation, what has been done, what remains to be done, together with timescales and, where it cannot compromise the investigation, a summary of any significant evidence obtained.
- 3.15 At the beginning of an investigation, the investigator should agree with the reporting person by what means they wish to be updated, and with what frequency. Updates should be provided at significant stages of an investigation and in any case at least every 28 calendar days.

## Consideration regarding misconduct proceedings

- 3.16 If an individual has been involved in behaviour that merits criminal or misconduct proceedings against them, reporting concerns about the behaviour of others will not allow them to evade disciplinary action.
- 3.17 An investigating body (for a police force, the appropriate authority) or a misconduct panel may take into account the individual's exposure of **more serious** misconduct or criminal behaviour and either decide no action should be taken, or reduce the level of sanction they would otherwise have delivered. The circumstances where this may happen are limited and it will **not** apply where the individual's operational honesty or integrity has been found to be compromised, nor where the officer or member of staff concerned took part in a criminal offence, or a serious breach of discipline, or gained from either of these actions.

3.18 This type of case will be exceptional and the appropriate authority or panel will need to consider various issues, including:

- Is the individual's evidence essential?
- Is the evidence needed to support a successful prosecution/ gross misconduct hearing?
- Was the individual's misconduct minor?
- Has the individual been frank and co-operated with the investigation throughout?
- At what stage did the individual raise concerns?

## Governance

3.19 If officers and staff are to be able to effectively report their concerns in forces, they must have confidence in local systems. Chief constables and police and crime commissioners will also want to be reassured that reports are managed and investigated properly and that reporters are treated with fairness and respect. While professional standards departments will invariably administer, oversee and investigate relevant reports, an additional level of independent scrutiny of the process may provide all parties with confidence that concerns are taken seriously and that confidentiality is maintained. Independent ethics committees may be able to carry out this role in some forces, while in others it may be appropriate to identify a senior officer or member of staff who can act as a champion.

**The government intends to introduce additional measures to support those who report concerns in the Policing and Crime Bill. Once the Bill receives Royal Assent, this guidance will be reviewed.**

## Appendix 1

# The Public Interest Disclosure Act

## The legal basis for reporting concerns

If you fear you will suffer detriment or have already suffered detriment because of the information you share, please explain this when you raise your concern. You should also seek advice at the earliest opportunity, eg, from an independent adviser, union or human resources in your organisation. Please remember that if no one knows who you are, they cannot offer you protection and this may affect your rights.

The **Public Interest Disclosure Act 1998 (PIDA)** is a piece of employment legislation that enables you to take a claim to an employment tribunal if you suffer detriment from co-workers or your employer, or if you have been dismissed for having raised a concern about wrongdoing. PIDA has a broad definition of wrongdoing including a breach of a legal obligation, miscarriage of justice, danger to health and safety, danger to the environment, criminal acts or an attempt to conceal any of the above.

**Q:** Are police officers covered by PIDA?

**A:** For the purposes of this act, police officers and special constables are included under the definition of ‘worker’, as are all members of police staff.

PIDA protection applies when you raise a concern internally. At this stage the law states you need only have a reasonable suspicion of the wrongdoing and believe the information is in the public interest. PIDA protection also applies if you raise a concern with a person prescribed under PIDA – these are mainly regulators such as the chief executive of the Criminal Cases Review Commission and the IPCC. They also include Members of Parliament. For a full list see **Blowing the whistle to a prescribed person**.

In certain circumstances, the law protects you if you raise a concern more widely, eg, with an NGO or the media. This may apply if you have already raised a concern with your employer or prescribed person or if the issue is very serious. To be protected in these circumstances is more complex. For more information about your rights under PIDA you can speak to Public Concern at Work or visit [www.pcaw.org.uk/](http://www.pcaw.org.uk/)



## Reporting to a legal adviser

A qualifying disclosure automatically becomes a protected disclosure when it is made to a legal adviser, such as a solicitor, in the course of obtaining legal advice.

## Further protection for whistleblowers who make a disclosure under PIDA

Given the duty on police officers and police staff members to report wrongdoing, the Police (Conduct) Regulations 2012 have recently been amended to clarify that, where reasonable in order to make a protected disclosure, your actions should not be considered as bringing the force into disrepute or as any other breach of the Standards of Professional Behaviour.

## Further information

This guidance is intended to outline the principles of PIDA and should not be considered to be a definitive guide. For further information, you may wish to seek legal advice, or to contact an independent organisation such as Public Concern at Work or visit [www.pcaw.org.uk/](http://www.pcaw.org.uk/)

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## Protecting the public Supporting the fight against crime

As the professional body for policing, the College of Policing sets high professional standards to help forces cut crime and protect the public. We are here to give everyone in policing the tools, skills and knowledge they need to succeed. We will provide practical and common-sense approaches based on evidence of what works.

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