



Professional Standards

BCH

Professional Standards

Reporting Concerns

(Whistleblowing)

BCH02/005

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1. PROCEDURE AIM

- 1.1 Code of Ethics - The public expects the Police to safeguard the rule of law, act fairly and impartially and provide a professional and selfless service. This procedure is to ensure that all reported concerns are considered and actioned according to the principles and standards of the Code of Ethics.
- 1.2 Wrongdoing in the workplace is unacceptable and the policy of Bedfordshire Police, Cambridgeshire Constabulary and Hertfordshire Constabulary (henceforth referred to as the Strategic Alliance) is that it should be reported appropriately and dealt with in a firm but fair way. All reports of wrongdoing in the work place will be taken seriously and investigated expeditiously and diligently. Where a person has reason to believe that wrongdoing in the work place is being perpetrated by others, the Strategic Alliance and /or the offices of the Police and Crime Commissioners have an expectation that staff will report it. The Strategic Alliance will make provisions for the necessary resources to be in place to ensure reports of wrongdoing are appropriately investigated and that appropriate support is in place for all individuals affected. Forces will ensure that, where possible, all matters are dealt with on a confidential basis.
- 1.3 Notwithstanding the existence of current methods of reporting wrongdoing the Public Interest Disclosure Act 1998 (PIDA) makes provision for those staff members who wish to report wrongdoing within the strategic alliance using the specific protection afforded to them by the Act (previously known as whistleblowing). This procedure is therefore not intended to overwrite or replace any existing methods of referring or raising instances of wrongdoing.
- 1.4 In keeping with the overall policy of Bedfordshire, Cambridgeshire and Hertfordshire Professional Standards Department the specific objectives of this procedure are to:
- Protect individuals who make certain disclosures of information in the public interest and to allow such individuals to bring action in respect of victimisation; and for connected purposes.
 - Create a climate where staff feel a genuine obligation to openness and transparency when reporting wrongdoings.
 - Provide avenues for staff to raise those concerns and receive feedback on any action taken.
 - Ensure a correct response to concerns raised and awareness of how to pursue them if the outcome is unsatisfactory.
 - Create a culture where it is safe and accepted for staff to report on suspect conduct therefore making it less likely to happen.

2. APPLICABILITY

2.1 Inclusions

This procedure applies to Police Officers, Police Staff, contractors or others acting on behalf of Bedfordshire Police, Cambridgeshire Constabulary and Hertfordshire Constabulary, whether full-time or part-time, fixed term and permanent staff, seconded staff, volunteers (including the Special Constabulary), temporary and agency staff, contractors, self-employed consultants and associate tutors.

2.2 Exclusions

Nothing in this procedure should be seen as replacing or supplanting local arrangements for dealing with grievances and/or addressing performance shortfalls through:

- Fairness at work/grievance procedures,
- Unsatisfactory Performance and Attendance Procedures (Police (Performance) Regulations 2012) or Unsatisfactory Performance and Attendance Procedures (Police (Performance) Regulations 2020)
- Performance management through the police staff capability procedures.
- Police Reform Act 2002
- Police (Conduct) Regulations 2012 or Police (Conduct) Regulations 2020
- Police (Complaint and Misconduct) Regulations 2012 or Police (Complaint and Misconduct) Regulations 2020

3. PROCEDURE DETAIL.

3.1 The Strategic Alliance has adopted the National guidance issued by the College of Policing in their paper 'Reporting Concerns' 2016. Please refer to this in appendix A.

3.2 To compliment this guidance, flow charts have been included in the appendices B, C, D detailing local methods of reporting, the procedure and line management responsibilities.

3.3 ROLES AND RESPONSIBILITIES WITHIN THE STRATEGIC ALLIANCE

BCH Professional Standards Department	Investigate referrals as directed by Head of PSD. Manage case from reporting through investigation to prosecution stage, either criminal or disciplinary. Collation, analysis and dissemination of intelligence (where appropriate). Ensure compliance with policy. Ensure confidentiality issues are handled sensitively and professionally. Provide support, guidance and advice at every stage; and Monitor progress. Gather and present performance data.
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PSD Anti-Corruption Unit (ACU)	ACU staff are experienced in dealing with cases involving allegations of criminal behaviour both on and off duty. Information about the team and other members of PSD can be found on their website.
Line Manager	See flowchart at Appendix D.
Police and Crime Commissioners.	Police and Crime Commissioners are independent bodies who oversee the work of their local force. They have a range of financial and legal powers but their principal responsibility is to maintain an efficient and effective police service in their respective counties.
Criminal Case Review Commission (CCRC)	The Public Interest Disclosure Act identifies the CCRC as the body to which any police officer or member of police staff can bring to notice any allegation of a miscarriage of justice without fear of recrimination or retribution. Any member of the police service can raise concerns with the CCRC.
Independent Office For Police Conduct (IOPC)	The IOPC is an independent body whose purpose is to see that whenever a complaint is made about a member of staff's conduct, it is dealt with thoroughly and fairly. All members of the police service can raise concerns with the IOPC. Note though that in broad terms a member of a police service cannot make a <u>complaint</u> (as defined by the Police Reform Act 2002) about another person serving in the same force.
Human Resources	They will provide professional advice to all employees on all methods of reporting wrongdoing, including guidance on the grievance procedure and fairness at work policy.
Occupational Health	Support will be offered to individuals and their partner (if appropriate); Support will be offered to all other members of the strategic alliance who may be affected; Provide information, advice and support to managers and individuals on health and welfare matters; Counsellors and OH Advisors will adhere to Professional Codes of Conduct; Address referrals for provision of counselling service; To provide confidential services; To accept formal referrals by line managers/Head of PSD; and lead or support others in providing group work at request of management, where impact is causing problems in workplace.
Role of Staff Associations	Provide guidance, advice and support to staff. Empower individual members to self-report under this procedure. Act on behalf of their members to highlight perceived organisational shortcomings. The Police Federation, Superintendents Association, UNISON and other staff associations can play a key role in acting as an agent and provide support through which members can relay their concerns in a non-threatening environment. All of the above offer independent advice on whether a particular case merits formal reporting. These organisations are bound by their own internal rules regarding confidentiality and the need for a member's consent prior to the forwarding of information.

3.4 DEFINITIONS

Open reporting	Reports which have been made where the identity of the individual and the fact of the report <u>is known</u> to his/her colleagues. Appropriate support must be given to the individual throughout the process.
Confidential Reporting	Reports which have been made where the identity of the individual and the fact of the report is not known to his/her colleagues. Appropriate welfare support will be offered either by the manager taking the report or the Head of PSD.
Investigating Officer (IO)	The Investigating Officer will normally be from the Professional Standards Department or a Supervisor from another area of the Strategic Alliance who is suitably qualified to undertake the investigation. However in certain cases it may be necessary to appoint an IO from another force or from the IOPC. It will be the responsibility of the Investigating Officer to identify and where appropriate recommend lessons to be learned.
Confidential E-mail	This facility is available for staff to use and can only be read by PSD Intelligence staff.
Crimestoppers UK	All calls that are made are received on a secure answer phone system which is only accessible by Anti-Corruption Unit staff.

4. TRAINING AND ACCREDITATION REQUIREMENTS

4.1 There are no perceived training requirements required to implement this procedure

5. Legislation/ National Guidance

Though not exhaustive the below list gives an indication of the relevant legislation and guidance likely to be associated with this procedure:

- Public Interest Disclosure Act 1998
- British Standards (Publicly Available Specifications) Codes Of Practice 1998-2008
- Police Reform Act 2002
- Police (Conduct) Regulations 2012/ Police (Conduct) Regulations 2020
- Police (Complaint and Misconduct) Regulations 2012 / Police (Complaint and Misconduct) Regulations 2020
- Police (Performance) Regulations 2012 / Police (Performance) Regulations 2020
- Police Staff Council Joint Circular No 54
- IOPC statutory guidance 2013/IOPC statutory guidance 2020
- Home Office Guidance ref 023/2012 (Police officer misconduct) / Home Office Guidance 2020
- CPS code for crown prosecutors 2013
- College of Policing Code of Ethics.

5.1 Strategy/ Plans

- PCC crime and policing plans

5.2 Policies

- Professional Standards Policy

5.3 Procedures

Reference is made to the reporting criteria- many of which will have guidance already provided by nationally Approved Professional Practice as well as local manuals of guidance and standards.

5.4 Forms (National/ Local)

Reporting mechanisms already exist nationally and locally with the associated referral procedures and documentation.

6. WHO TO CONTACT ABOUT THIS PROCEDURE

6.1 Beds, Cambs and Herts Professional Standards Department.

7. APPENDICES

A – College of Policing Guidance	 ReportingConcerns.pdf
B – Methods of Reporting	 Updated Appendix B BCH 005 Jan 2019.doc
C – The Procedure	 Reporting Wrong-doing - Appen
D – Role of the Line Manager	 Reporting Wrong-doing - Appen

8. EQUALITY ANALYSIS

Name of Sponsor	Head of Beds, Cambs and Herts Professional Standards Department.
Name of Author	DCI Neville Hanks (BCH PSD)
Description of proposal being analysed	Introduction of a process which allows staff working within the strategic alliance to report concerns under the protection afforded by the Public Interest Disclosure Act 1998.
Date EIA started	April 2016
Date EIA finished	
<p>This Equality Impact Assessment is being undertaken as a result of: <i>Delete as appropriate</i></p> <ul style="list-style-type: none"> • A new or updated policy or procedure. • Any business process including operational and managerial decisions • A result of organisational change • Part of a project proposal • Procurement • Other (please state) <p>Note – For ease of use of this document , we will refer to all of the above as “proposal”</p>	

STEP 1 – Relevance

The general duty is set out in section 149 of the Equality Act 2010. In summary, those subject to the Equality Duty must have **DUE REGARD** to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and
- Foster good relations between different groups.

Authors have a statutory requirement to have **DUE REGARD** to the relevant protected characteristics shown below, whilst taking a common sense approach

- age
- disability
- gender reassignment
- marriage & civil partnership*
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

*marriage and civil partnership – the analysis applies only to the elimination of unlawful discrimination, harassment and victimisation.

Section 23 of the Equality Act 2006 allows the Equality and Human Rights Commission (EHRC) to enter into a formal agreement with an organisation if it believes the organisation has committed an unlawful act.

Under section 31 of the Equality Act 2006, the EHRC can carry out a formal assessment to establish to what extent, or the manner, in which a public authority has complied with the duty.

Additional guidance can be found by accessing the EHRC website:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

Does this proposal have a direct impact on people who:	a) are any part of the Police workforce (including volunteers)?	YES
	b) reside in any part of England and Wales	YES
If NO to both questions	<i>Explain why and give rational</i>	
		No Further Action and Return to Sponsor for Authorisation
If Yes to either question	Continue through to Step 2	

STEP 2 – Consultation / Engagement

You should engage with those people who have an interest in how you carry out your work generally, or in a particular proposal. This may include former, current and potential service users, staff, staff equality groups, trade unions, equality organisations and the wider community. In deciding who to engage, you should consider the nature of the proposal and the groups who are most likely to be affected by it.

The proposal owner (Sponsor/Author) must be satisfied that consultation / engagement will take place with the relevant business lead and stakeholders.

This **MUST** include engagement with the following relevant groups:

- Equality and Diversity Specialist
- Staff Associations
- Staff Support Groups
- Relevant community groups and members of the public

In addition, consider who else should you consult with internally and externally?

Who might be affected?

Does what you are considering further the aims of the general duty, to

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and
- foster good relations between different groups.

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Identify the risks and benefits where applicable, according to the different characteristics.

	Positive Impact or Benefits	Negative Impact or Risks
Age (<i>Consider elderly or young people</i>)	N/A	It is not anticipated there will be a differential or adverse impact due to the age of the individual.
Disability Groups (<i>Consider physical, sensory, cognitive, mental health issues or learning difficulties</i>)	If applicable senior managers should consider reasonable adjustments if a meeting with an officer is required	If an individual does not disclose their disability, the manager is unable to consider this. If appropriate, individuals should feel comfortable in disclosing information and understand the support available to assist them.
Gender Reassignment (<i>Consider transgender, Transsexual, Intersex</i>)	N/A	It is not anticipated there will be an adverse impact due to the protected characteristic of Gender reassignment
Marriage & Civil Partnership	N/A	It is not anticipated there will be a differential or adverse impact due to marriage or civil partnership status..
Pregnancy and Maternity	If applicable consideration should be given to those who are pregnant or on maternity leave when arranging meetings.	It is not anticipated that there will be a differential or adverse impact due to pregnancy or maternity, however consideration should be given to the individual when arranging meetings.
Race and Ethnic origin – includes gypsies and travellers. (<i>Consider language and cultural factors</i>)	N/A	It is not anticipated there will be a differential or adverse impact due to race or ethnic origin.
Religious / Faith groups or Philosophical belief (<i>Consider practices of worship, religious or cultural observance including non belief</i>)	Consideration will be given when meetings are being scheduled to take place regarding religious observances	Whilst it is not anticipated there will be any specific differential impact due to religion and belief or non-belief there may be an adverse impact where a

		member of staff is required to attend a meeting on a day that is of significant religious importance. When arranging meetings, managers must be aware that individuals from certain religious groups may be unavailable at certain times for religious acts such as prayer. .
Sex (<i>Male, Female</i>)	N/A	It is not anticipated there will be a differential or adverse impact due to gender. There are no foreseen negative impacts or risks.
Sexual orientation (<i>Consider known or perceived orientation, lesbian, gay or bisexual</i>)	N/A	It is not anticipated there will be a differential or adverse impact due to sexual orientation.

	Positive Impact or Benefits	Negative Impact or Risks
Have you considered how this decision might affect work life balance? (<i>Consider caring issues re: childcare & disability, safeguarding issues, environmental issues, socio economic disadvantage, and low income families.</i>)	If applicable managers should consider working patterns of the individual when arranging meetings to ensure they can attend.	There are no foreseen negative impacts or risks.

STEP 3 – Assessment

Complete the EIA by analysing the effect of your proposal and detail the outcomes.

What were the main findings from any consultation carried out?

What feedback has been received?

Using the information you have gathered and consultation that you have undertaken answer the following questions. This will help you to understand the effect on equality your proposal might have.

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Has the feedback indicated any problems that need to be addressed?	Initial feedback raised concerns related to officers and staff being authorised to attend court by senior officers rather than this being a personal choice and the person being aware of the potential consequences.
Describe and evidence any part of the proposal which could discriminate	There is no part of this procedure that has been identified that could discriminate
Can the adverse impact identified be justified as being appropriate and necessary? If so, state what the business case is:	No adverse impact has been identified
Where impact and feedback identified, what, if anything can be done?	No feedback received that required action.
What outcome will be achieved that demonstrates a positive impact on people?	This will provide guidance to ensure officers and staff act ethically.

STEP 4 - Monitoring and Review

Equality analysis is an ongoing process that does not end once a document has been produced.

What monitoring mechanisms do you have in place to assess the actual impact of your proposal?	This procedure will be monitored for compliance when the first review takes place, or if regulation or national guidance changes. Managers will be trained where possible in Equality legislation
Review Date: First review must be no later than one year.	Reviewed by DI Tim Nasta May 2018 Reviewed by DCI Tim Nasta March 2020 Reviewed by DCI Tim Nasta – January 2021

STEP 5 - Sign Off

Once the Equality Impact Assessment is complete it should be signed off by the Proposal Sponsor. This sign off is confirmation that the analysis is accurate, proportionate and relevant and actions will be delivered as required.	
Approved by Senior Officer / Proposal lead	Having considered the potential or actual effect of this proposal on equality, our assessment demonstrates that the proposal is robust and the evidence of our screening shows no potential for unlawful discrimination. We have taken all appropriate opportunities to advance equality and foster good relations between groups. Date: 23/05/16 Name: DCC Baldwin

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