LINCOLNSHIRE POLICE
Policy Document

1. POLICY IDENTIFICATION PAGE

POLICY TITLE:	PROFESSIONAL STANDARDS REPORTING (WHISTLEBLOWING)
POLICY REFERENCE NO:	PD 48(8)

POLICY OWNERSHIP:	
ACPO Commissioning Officer:	DEPUTY CHIEF CONSTABLE
Portfolio / Business-area Owner:	DEPUTY CHIEF CONSTABLE
Department Responsible:	PROFESSIONAL STANDARDS
Senior Owner:	HEAD OF PROFESSIONAL STANDARDS

Links or overlaps with other policies/strategies:

PD 1 – Alcohol, drug and other substance misuse
PD27 (2) Health and Safety
PD 21(1) – Complaints and Conduct
PD 26 (3) – Gifts and Hospitality
Service Confidence Procedure
Fairness at Work Procedure
Professional Standards Strategy

POLICY EFFECTIVE DATE:	JULY 2014
POLICY REVIEW DATE:	JULY 2015

VERSION:	DATE:	REASON FOR ISSUE:
(4)	May-11	Review of policy due – updated to align to new force structure effective from 31st May 2011
(5)	May-12	Reflects changes to Force Structure and an inclusion of Independent Safeguarding reporting
(6)	Mar-13	Annual review. No changes made.
(7)	Oct - 13	Reflects changes to legislation, and full review.
(8)	July -14	Reflects changes to legislation and full review.

2. Legislative Compliance

This document has been drafted to comply with the principles of the Human Rights Act.

Public disclosure is approved unless otherwise indicated or justified.

Adherence to this policy will ensure compliance with all relevant legislation and internal policies.

3. POLICY STATEMENTS/INTENTIONS

3.1 *The principles and scope of the policy*

Lincolnshire Police is committed to achieving and maintaining the highest professional standards

The standards of professional behaviour provide specific standards that police officers (including special constables) are required and expected to achieve. The standards specifically detail the requirement for officers to report wrongdoing when they become aware of it. Likewise the police staff disciplinary code outlines the standards and behaviour required to be displayed by all police staff members.

This policy provides a framework and guidance for any member of Lincolnshire Police to raise concerns about the behaviour/conduct of a member of the Force and provides a confidential route where individuals do not consider that overt reporting is appropriate. The conduct alleged may be of a criminal or misconduct nature.

The policy is designed to provide a system where individuals are confident to report such concerns and confident also that a clear and transparent process will be followed.

The policy does not cover the reporting of Fairness at Work matters for which there is a well established procedure.

3.2 *The aim of the policy*

The aim of this policy is to reach the highest standards of honesty and integrity for Lincolnshire Police, where colleagues and the public can be confident that any concerns affecting those standards are investigated thoroughly and openly, and that lessons are learnt from any investigation.
The policy will be monitored routinely.

The aims of this policy are –

- To increase confidence in officers, police staff and the public that the force is committed to maintaining high professional standards. Without such procedures in place there is a risk that malpractice will go undiscovered.
- Protect Lincolnshire Police from organised groups or individuals who would benefit from corrupting our staff.
- Improve the trust and confidence among our staff by creating a culture of honesty and openness thereby giving individuals the confidence to come forward with any concerns.
- Establish fair, objective and proportionate procedures for dealing with matters reported and a secure system for reporting such issues.

- Provide a mechanism to enable conduct involving children to be referred to the Independent Safeguarding Authority.

The purpose of this policy is to set out ways in which individuals within Lincolnshire Police can engage in Professional Standards Reporting in a supportive and confidential environment.

4. INTRODUCTION/LEGAL BASIS

4.1 *The origins/background information*

In the past, cultural pressures within the police service have actively discouraged individuals from reporting breaches of professional standards. These cultural pressures arise from the excessive demands of 'comradeship' that inherently exist within the police service. Loyalty to colleagues above any other competing loyalty is a feature of this culture. Essentially, this has meant that, on occasions, staff have presented a united 'wall of silence' and therefore, have not reported wrongdoing.

As a result of these cultural pressures, there have been cases when an individual has openly made a report, where this has been seen by peers as an act of disloyalty. This, combined with inadequate organisational support, frequently leaves the individual who made the report feeling victimised by the process.

Whilst in recent times there has been a greater willingness to report breaches of professional standards, and to support those who do so, this process of change must continue. The challenge is to build upon this progress and implement a clear and comprehensive reporting procedure.

All staff have a clear responsibility to report suspected breaches of professional standards by others in Lincolnshire Police.

The aim of the Public Interest Disclosure Act, which came into effect on 2 July 1999, is to ensure that information in the public interest is brought to the attention of the appropriate person in order that wrongdoing can be dealt with speedily. It encourages disclosure of information by giving statutory protection against victimisation and unfair dismissal to individuals who make 'protected' disclosures in the public interest about certain acts of wrongdoing, or dangers in the workplace. It does so primarily by inserting new provisions into the Employment Rights Act 1996.

The act applies to 'workers' who are defined as persons working under a contract of employment'. This includes members of support staff .

Section 37 of the Police Reform Act 2002 extends the provisions of the Employment

Act 1996 (as amended by the Public Interest Disclosure Act 1998) to police officers

from April 2004.

The types of disclosures which individuals are encouraged to report under this Act

includes information relating to:

- a criminal offence;
- the breach of a legal obligation;
- a miscarriage of justice;

- a danger to the health and safety of an individual;
- damage to the environment;
- deliberate covering up of information in respect of any of the above matters;
- allegations relating to Children and Vulnerable Adults;
- unauthorised use of public funds;
- suspected fraud or corruption;
- sexual, physical or verbal abuse of employees, clients or customers;
- improper or other unethical behaviour.

NB – this list is not exhaustive.

Individuals who are protected by the provisions of the Act can complain to an Employment Tribunal if they have been subjected to a detriment as a result of making a protected disclosure. The remedies available to a tribunal include reinstatement, re-employment, and compensation.

The Enterprise and Regulatory Reform Act 2013 (section 17-20) provides new provisions on whistleblowing legislation:-

- the introduction of a new requirement that a person blowing the whistle reasonable believes that the disclosure is made in the public interest (section 17)
- the removal of the requirement that disclosures must be made in good faith (section 18)
- the introduction of vicarious liability for the detrimental acts of a co-worker or agent towards a whistleblower (section 19)
- extension of the meaning of “worker” for whistleblowing purposes (section 20)

The procedure outlined in this policy should not interfere with other working practices contained within the Complaints and Misconduct Procedures, unsatisfactory performance and managing attendance procedures (UPP), Fairness at Work, harassment and bullying.

4.2 ***Motivators/Driving Forces***

Lincolnshire Police is an organisation that seeks to maintain the highest standards of honesty and integrity. However it is recognised that there is the potential for corrupt and/or improper behaviour by individuals. There is a robust Professional Standards Strategy which seeks to prevent and detect this type of wrongdoing. Individuals will be dealt with rigorously.

Individuals who indulge in such behaviour damage the reputation of Lincolnshire Police and greatly affect the confidence of its officers, police staff and its community.

Reporting systems are often referred to as “whistle-blowing” however it is recognised that this may be regarded as an emotive term, which unfortunately tends to stigmatise those who have the courage to report and give evidence of wrongdoing. Therefore the term “Professional Standards Reporting” has been adopted.

Every employee of Lincolnshire Police has a responsibility for ensuring that professional standards are maintained. Managers and supervisors must be aware of the need to monitor individual performance and integrity issues.

Safeguarding Children and Vulnerable Adults

The Safeguarding Vulnerable Groups Act 2006 sets a legal duty for organisations to refer information to the Independent Safeguarding Authority (ISA). Lincolnshire Police have a duty to refer all allegations of abuse or misconduct towards a child or vulnerable adult made against a member of our workforce. When allegations are made against police officers and/or a members of staff in which abuse or misconduct towards a child or vulnerable adult is a feature this should be immediately referred to the Head of Professional Standards, who is the single point of contact for referrals to the ISA.

4.3 ***General Principles of the Policy***

Any member of staff or officer, who has a concern about the behaviour or integrity of a colleague can raise this for investigation, through the following:

- their line manager
- the “Bad Apple” reporting facility
- Staff Associations
- Crime Stoppers
- Or direct to the Professional Standards Department.

See Appendix A for Guidance.

4.4 ***Legal Basis***

Employment Rights Act 1996
Public Interest Disclosure Act 1998
Police Reform Act 2002
Police (Conduct) Regulations 2012
Enterprise and Regulatory Reform Act 2013 (section 17-20 new provisions relating to whistleblowing)

4.5 ***Human Rights Considerations/Articles Engaged***

Application of this policy has the potential to engage various Articles of the European Convention of Human Rights / Human Rights Act 1998
Article 3 Prohibition of degrading treatment or punishment
Article 8 Respect for private and family life
Article 14 Prohibition of discrimination

Such interference must have a legitimate aim, which in this case is :

a) The prevention of crime and disorder.
b) The protection of the rights and freedom of others.

Where there is a potential interference with the rights of an individual there must always be sufficient reason and the interference must be justified, proportionate and least intrusive.

Application of this policy is justified.

5. APPENDICES

Appendix A – Guidance on professional standards reporting
Appendix B – Statement of expectations
Appendix C – Notice to staff who undertake professional standards reporting

6. IMPLICATIONS OF THE POLICY

It is recognised that the guidance contained under this heading may not be directly applicable to all policies. Where it is relevant however, the following areas should be considered:

6.1 *Financial Implications/Best Value*

No additional financial implications arise from this policy

6.2 *Human Resources/Training*

No specific training is required. An awareness of the policy and its procedures will be cascaded by the Professional Standards Department.

6.3 *Strategic/Business Plan*

N/A

6.4 *Risk Management*

N/A

6.5 *Health and Safety*

N/A

6.6 *Diversity*

Equality impact assessments have been completed and are attached with this policy document.

6.7 *Children and Young People*

Children Act 2004
Section 10 – Co-operation to improve well-being
Section 11 – Arrangements to safeguard and promote welfare
ISA referral guidelines

6.8 *Crime and Disorder Act*

No specific issues arise

6.9 *Internal Policy/Strategy Links*

Identified earlier

6.10 ***Consultation***

COG, Heads of Departments, Staff Associations and Special Constabulary

6.11 ***Publication***

This policy document can be disclosed to the public via the internet but not the appendices.

7. PROMOTION/DISTRIBUTION

The policy document and appendices will appear on the force intranet and be promoted via the Professional Standards Department and website.

8. MONITORING/REVIEW

The policy will be reviewed annually.

There will be constant monitoring of this policy by the Head of Professional Standards, to ensure compliance and to monitor specifically the use of Bad Apple.

At the conclusion of all Professional Standards investigations a Lesson Learnt form/report is completed and relevant information will be used to feedback into the organisation.

The debriefing of individuals involved in Professional Standards reporting will be an essential part of the overall monitoring and will occur at the end of all investigations where the original reporting person is identifiable.

All reports received under the Professional Standards reporting policy will be recorded and the details of individuals recorded. In particular to monitor equality issues and possible discrimination issues.