



Whistleblowing policy - Making a Disclosure in the Public Interest

Introduction

The Commissioner and the Office of the Police and Crime Commissioner (OPCC) are committed to the highest possible standards of openness, probity and accountability. In line with that commitment, staff with reasonably held concerns about malpractice within the OPCC are encouraged to come forward and voice those concerns.

Where an individual discovers information which they believe shows malpractice or wrongdoing, this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management.

However, where an individual feels the concern has either not been dealt with effectively, or is too serious to disclose internally, then the Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing concerns.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the OPCC nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures.

This policy applies to all staff working in the OPCC (temporary, permanent, part time and full time), and also includes consultants undertaking work on its behalf.

Aims and scope of this policy

This policy aims to:

- Encourage staff to question and act upon reasonably held concerns and feel confident raising them;
- Provide avenues for staff to raise concerns and receive feedback on any action taken;
- Allow concerns to be taken further if an individual is dissatisfied with the response;
- Provide reassurance that staff will be protected from reprisals or victimisation for raising concerns in good faith.

Some areas where staff may have concerns include (but are not limited to):

- Financial malpractice, impropriety or fraud
- Discriminatory behaviour or actions
- Breaches of Health & Safety legislation or damage to the environment
- Criminal activity (concerns about criminal behaviour by the Commissioner should be reported through the proper channels - please see 'Complaints against the Commissioner' policy)
- Inappropriate disclosure of information
- Attempts to conceal any of these

Avenues to raise issues internally

If possible, the concern should be raised with the individual's line manager in the first instance. However, it is understood that it may be this person that the individual has concerns about.

In those instances, the individual should raise the issue directly with either the Chief Executive as Monitoring Officer, or the Chief Finance Officer.

If the individual believes that any or all of these are involved, the concern should be raised directly with the Commissioner: see 'Avenues to raise issues externally' below.

Individuals are encouraged to put their name to any concerns raised. Those expressed anonymously are much less powerful and far more difficult to investigate and prove. However, they will be considered at the discretion of the Monitoring Officer. In doing so, factors that will be taken into account 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.

Concerns should be expressed in writing, and it is expected that they will be supported by evidence of any alleged malpractice. Staff are asked to include how and when they would prefer to be contacted.

OPCC response to staff concerns

Within ten working days of a concern being received, the individual will be contacted by their preferred method to:

- Acknowledge that the concern has been received;
- Indicate how the person considering the issue proposes to deal with the matter;
- Give an estimate of how long it will take to provide a final response;
- Inform them whether any initial enquiries have been made; and
- Indicate whether further investigations will take place, and if not, why not.

The amount of contact between the person considering the issue and the individual will depend on the nature of the concern raised, potential difficulties involved and clarity of information provided initially.

When any meeting is arranged, staff have the right to be accompanied by a Trade Union or professional association representative or a workplace colleague who is not involved in the area of work to which the concern relates.

Where it is deemed appropriate, in the interests of natural justice, the individual who is the subject of the concern will be informed of the investigation. However, if it is felt that this might hinder or prevent the initial investigation, then this will be delayed.

Where appropriate, an investigation will be carried out by an appropriate person, who will, if it is deemed necessary, involve an outside independent body (e.g. Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services or the Police and Crime Commissioner's Auditors). They will present their findings and make recommendations based upon them. This will be detailed in a written report. The report will be passed to the Chief Executive or Police and Crime Commissioner as appropriate.

Avenues to raise issues externally

If the individual feels the concern they have raised has not been taken seriously, or that it cannot be raised internally, there are a number of other individuals and organisations they can approach:

- The Police and Crime Commissioner
- The Chair of the Audit Committee
- The Internal Auditors
- The External Auditors
- Kent Police
- Any other relevant professional or regulatory bodies, such as Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services or the Independent Office for Police Conduct.

It should be noted that this does not include media organisations.

Safeguards

Harassment or Victimisation

The OPCC recognises that the decision to report a concern can be difficult to make, not least because of the fear of reprisal from those responsible for the malpractice, or from a feeling of loyalty towards an individual or the organisation. The OPCC will not tolerate the harassment or victimisation of anyone raising a genuine concern. In consultation with the individual, appropriate arrangements will be made to ensure they are supported and protected; including issues around their health and well-being. This does not mean that if they are already subject of disciplinary or redundancy procedures, they will be halted as a result. Anyone responsible for harassment or victimisation will be subject to disciplinary action.

It is accepted that staff may feel concerned that by raising a concern, their future career may be detrimentally affected. This is not the case. Those raising genuine and reasonably held concerns, in good faith, are assured that they will play no part in future decisions related to progress or promotion.

Confidentiality

The OPCC will do its best to protect the identity of staff in these circumstances. However, confidentiality cannot be guaranteed, especially in cases where it appears that there is evidence of criminal behaviour. Staff must appreciate that the investigation process may reveal the source of the information and a statement may be required as part of the evidence.

Untrue Allegations

If an individual raises a concern in good faith, which is based on evidence, observation or a series of unexplainable events, but it is not confirmed by the investigation, no action will be taken. If, however, an individual makes a malicious or vexatious allegation in order to cause anger, irritation or distress, or persists in such behaviour, disciplinary action may be considered. Equally those subject to malicious or vexatious allegations will be fully supported by the OPCC.

The responsible officer

The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. They will maintain a record of concerns raised and the outcomes (but in a form which maintains confidentiality) and will report as necessary to the Police and Crime Commissioner.

This policy is subject to revision by the Monitoring Officer; it was last reviewed in April 2018