**Policy statement**

The Office of the Police and Crime Commissioner (OPCC) is committed to the highest standards of openness and accountability and takes malpractice seriously. All workers have a right and a duty to report concerns of malpractice that are in the public interest. The policy defines the framework for reporting and investigating whistleblowing concerns.

**Scope**

All employees of the OPCC

This policy also applies to all workers including agency staff, contractors and suppliers of services.

**How to use this document**

This document is not part of the formal policy. Instead it provides additional information to help you as an employee in the practical day to day application of the policy.

It is expected that you will have an understanding of the Whistleblowing policy prior to using this guide.
Content

Roles and responsibilities............................................................................................................. 3
Guidance on policy detail.............................................................................................................. 4
How to raise a concern internally................................................................................................. 5
Some points to keep in mind before raising a concern................................................................. 5
Can I raise a concern anonymously?............................................................................................ 5
How the Council will respond........................................................................................................ 5
How to raise a concern externally ................................................................................................ 6
Record keeping............................................................................................................................... 6
Support........................................................................................................................................ 7
Roles and responsibilities

As the **employee** you are responsible for:
- outlining any concern you believe to be in the public interest and deciding who to approach
- being available to participate in an internal investigation, if necessary
- conducting yourself in an acceptable manner and complying with the policy.

The **manager** is responsible for:
- creating an open and safe working environment
- checking that the worker has a reasonable belief that malpractice has occurred and some evidence to back it up
- reassuring the worker that they will be protected from possible detrimental treatment from other employees
- asking the worker if they want confidentiality and, if they do, reassuring them that you will only disclose their identity without their consent if you are required to do so by law
- referring the worker to the Whistleblowing policy and to the Employee How to Guide - Whistleblowing for advice on their rights and responsibilities
- telling the worker whether their concerns fall within the scope of another policy and, if so, advising them which policy
- liaising with colleagues to establish whether they are responsible for investigating the whistleblowing concern or whether another manager will be appointed
- telling the worker who will be handling the matter how they can contact the manager, and advising them of any support needed
- ensuring that any attempt to harass or victimise the whistleblower is dealt with under the Managing Misconduct policy
- complying with the Whistleblowing policy and conducting themselves in an appropriate manner.

The **HR person** supporting the manager is responsible for:
- advising on policy application
- supporting with case management
- advising and supporting the completion of letters, reports and relevant documentation
- attending meetings in an advisory capacity

HR does not perform a decision-making role.
The OPCC work colleague or trade union representative is responsible for:
- supporting their member/colleague
- attending meetings or ensuring meetings are covered and not delayed.

They may make representations, submit papers, ask questions and address a meeting on behalf of the employee. They may not answer questions on behalf of the employee.

**Guidance on policy detail**

Whistleblowing is ‘making a disclosure in the public interest’ and occurs when a worker raises a concern about a danger, illegality or malpractice that affects others, for example members of the public.

For the purposes of the policy a **worker** is defined as an employee, agency staff, contractor and suppliers of services.

Whistleblowers are protected from detrimental treatment by their employer or by another employee by the **Public Interest Disclosure Act 1998 (PIDA) and the Employment Rights Act 1996)**, provided that they raise the concern with the responsible person.

You have to show three things to claim PIDA protection:
- that you made a disclosure
- that you followed the correct procedure
- that you were dismissed or suffered a detriment as a result of making the disclosure.

If you wish to make a protected disclosure, you must ensure that you:
- honestly think that what you are reporting is true
- genuinely believe that you are telling the right person
- truly believe that the disclosure is in the public interest.

You can report suspected risk, malpractice or wrongdoing such as:
- 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
- a deliberate attempt to conceal any of the above.
### How to raise a concern internally

If you become aware of malpractice you should tell your line manager immediately.

If the allegation is about the actions of your line manager, you should report your concern to a more senior manager, such as a head of department or a head of service.

### Some points to keep in mind before raising a concern

- stay calm
- remember that you are a witness, and not a complainant
- think about the risks and outcomes before you act
- let the facts speak for themselves – don’t try to interpret them, or make ill-considered allegations
- remember that you may be mistaken, or that there may be an innocent or good explanation
- do not try to investigate yourself
- recognise that you may not be thanked

### Can I raise a concern anonymously?

If you raise a concern confidentially your name is not revealed without your consent. If you raise a concern anonymously you do not give your name at all. Usually, the best way to raise a concern is to do so openly as there are risks associated with raising a concern anonymously such as:

- it is harder for the manager to investigate the concern if they cannot ask follow-up questions
- it is easier to get protection under the PIDA if the concerns are raised openly
- it can lead people to focus on the whistleblower, perhaps suspecting that they raised the concern maliciously
- being anonymous does not necessarily stop others from successfully guessing who raised the concern.

In some cases, it will be impossible for your manager to take action based on an anonymous concern.

### How the OPCC will respond

Depending on the circumstances, the matter raised may be:

- internally investigated by the manager, possibly resulting in other formal action
- referred to the Police
- referred to internal audit or a statutory officer
- referred using the Multi Agency system for complainants of concern.

Where the concern raised is sufficiently serious, an inquiry may be held.

Following completion of the internal investigation, the manager
will give you a summary of how the concern is being dealt with.

### How to raise a concern externally

The OPCC recognises that if you are not satisfied with the outcome or you remain concerned following the investigation or actions taken, you may choose to raise your concern externally with a prescribed person or body.

In these situations, and after the internal process has been exhausted, you may wish to raise the concern externally to contacts such as:

- the Commissioner
- Public Concern at Work
- relevant professional bodies or regulatory organisations (known as ‘prescribed bodies’)
- those listed on the Department for Business Innovation & Skills list of prescribed persons and bodies
- the Police

### Record keeping

Details of all concerns raised and the subsequent investigations will be retained for 6 years plus the current year from the close of the case, except where separate retention rules apply, e.g. child protection records. Written records should be treated as confidential and kept in accordance with the **Data Protection Act 1998** and may include:

- the nature of the concern
- a copy of the worker’s written concern
- the worker’s response
- action taken
- reasons for action taken
- subsequent developments
- letters, investigation records, formal meeting minutes (if taken) and relevant correspondence relating to the concern.
Support

Employees:

Queries relating to this policy should be directed to your line manager.

A confidential Employee Support service is available on freephone 0800 030 5182 (or 0161 836 9498 if calling from a mobile) at any time. Further information is available at http://www3.hants.gov.uk/employee-support

Public Concern at Work are a registered charity whose services are free and confidential, they may be contacted on 020 7404 6609 or via www.pcaw.org.uk

How to guide
Governance

<table>
<thead>
<tr>
<th>Hantsfile reference:</th>
<th>12467269</th>
</tr>
</thead>
</table>
| Date of publication: | V1 – November 2014  
V1.1 – April 2016 |
| Planned review date: | 3 years or sooner if required |
| Owner:               | HR Operations |