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 a manager 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.
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Roles and responsibilities

If a worker contacts you with a whistleblowing concern, as the manager you are 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 another employee
- 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 you 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 them and advising of any support available
- conducting the investigation as appropriate
- 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 yourself in an appropriate manner.

The employee is responsible for:

- outlining their concerns and deciding on how to raise them and who to approach
- being available to participate in an internal investigation, if necessary
- conducting themselves in an acceptable manner and complying with the policy.

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, temporary member of staff, agency staff, contractor and suppliers of services.

If a worker raises a genuine concern under the policy, they will not be at risk of losing their job or suffering any detriment, such as a reprisal or victimisation. They will not be asked to prove their claim, and it does not matter if they were mistaken, or if there turns out to be an innocent explanation. Workers who raise a claim maliciously may face disciplinary action.

A whistleblower is protected from dismissal or detrimental treatment by their employer or by another employee by the **Public Interest Disclosure Act 1998 (PIDA)**, provided that it is a genuine concern. Officially this is called, ‘making a disclosure in the public interest’. The worker is eligible for PIDA protection if they:

- honestly think that what they are reporting is true
- genuinely believe that they are telling the right person
- truly believe that the disclosure is in the public interest.

The worker 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 cover up any of the above.
How you must respond to a concern

Once you have heard or read the worker’s concerns you must:

- arrange an initial meeting with the person raising the concern
- advise them that, whilst not a statutory right, they may wish to be accompanied by a colleague or a trade union representative to that meeting provided this does cause a delay
- assess the concern and consider what action may be appropriate: a review, or a more formal investigation.
- write to the worker summarising their concern, advising how you propose to handle it, and providing a timeframe for feedback
- provide feedback on the progress and outcome to the worker whilst protecting any duty of confidence to other persons involved
- conduct the investigation in a fair and impartial manner
- conclude the investigation without unreasonable delay and communicate timescales to all parties.

Where there are concerns of ill treatment of vulnerable adults or children you refer this by using the Multi Agency system for complainants of concern.

What happens after your investigation

Where there is a case to answer and the whistleblowing concern involves an employee’s misconduct or underperformance, you must inform the relevant manager so that they can consider any formal action under the relevant policy.

Where there is no case to answer you must ensure that the employee is protected.

If a false allegation is made maliciously by an employee, disciplinary action may be taken.

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.

**Toolkit**

- [Complaints, Misconduct and Appeals Policy](#)
- [College of Policing Code of Ethics](#)
- [Vulnerable Adult Referral form outside agencies](#)

**Support**

Advice on remaining queries can be directed to HR Operations at [hradvice@hants.gov.uk](mailto:hradvice@hants.gov.uk) or on 01962 813915.

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](http://www3.hants.gov.uk/employee-support)

**How to guide**

**Governance**

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