

NOT PROTECTIVELY MARKED

GUIDANCE & PROCEDURE – SUMMARY		
Please note: This is a summary of the force's full Whistleblowing guidance and procedure. A full copy can be obtained via a Freedom of Information request.		
Title:	Whistleblowing	
Practice / Business Area:	Contractual	
Department Responsible:	HR	
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Version Number:	01(summarised)	Chief Constable
SOUTH WALES POLICE PROCEDURE OBJECTIVE:		
<p>This procedure applies to all police officers, police staff and volunteers (thereafter referred to as 'staff').</p> <p>Other individuals performing functions in relation to the organisation, such as agency workers and contractors, are encouraged to use it.</p>		
GENERIC RISK ASSESSMENT:		
No H&S risk assessment required.		
PROCEDURE:		
<p>1. <u>Methods of making a report of wrongdoing</u></p> <p>All those who work in policing have a duty to report concerns, at the earliest opportunity, about wrongdoing or poor practice in their force. Examples of wrongdoing include abuse of power, substance misuse, notifiable associations, excessive use of force, data protection breaches. Your concerns do not need to be proven correct, nor are you required to be able to prove anything yourself.</p> <p>The Code of Ethics 2014 (College of Policing) provides a joint list of expectations for police officers and staff. This includes a section on challenging and reporting improper conduct and which makes the following statement of expectation; <i>"I will report, challenge or take action against the conduct of colleagues which has fallen below the standards of professional behaviour"</i>.</p> <p>1.1 Internal reporting</p> <ul style="list-style-type: none">a) Direct to Line Management:b) Through the Police Federation, Trade Unions:c) Direct to Professional Standards Department: d) Confidential Concerns Line: <p>1.2 External reporting</p>		

- a) Crimestoppers;
- b) Direct to Independent Office for Police Conduct (IOPC) Report Line (formerly the
- c) Independent Police Complaints Commission - IPCC);
- d) The Chartered Institute of Public Finance and Accountancy (CIPFA); Criminal Cases; Review Commission (CCRC);
- e) NSPCC Whistleblowing Advice Line;
- f) Other;

There may be other routes by which information can be brought to the notice of an external authority body that the individual could report the matter to should they wish. The Public Interest Disclosure Act 1998 sets out a number of bodies to which qualifying disclosures may be made:

- HM Revenue & Customs
- the Financial Conduct Authority (formerly the Financial Services Authority)
- the Office of Fair Trading
- the Health & Safety Executive
- the Environment Agency
- the Director of Public Prosecutions
- the Serious Fraud Office

2. Confidentiality

2.1 Confidentially will be given the highest priority. All members of staff should be aware that the legal rules governing "disclosure" will apply to cases under this procedure. When confidential information has been received, this will be handled for disclosure purposes in a similar way to criminal intelligence

2.2 All reasonable efforts will be made to prevent disclosure of the reporters' identity. Where this is not possible arrangements will be made as outlined at **4.** (below).

2.3 Should employees choose to report information anonymously and continue to maintain their anonymity following disclosures, they cannot be provided the full protections and support afforded to 'whistle-blowers' as outlined in this policy, irrespective of whether it is assessed to be a qualifying disclosure. That is, if the informant cannot be identified by those charged to provide them support or determine whether to allow them protection (such as amnesty from discipline/misconduct proceedings), then it is clear that no support or amnesty is possible.

3. Investigation of 'qualifying disclosures'

3.1 All reports of 'qualifying disclosures' must be referred to PSD to assess and investigate, as appropriate.

3.2 The Head of PSD must be notified of such reports as there may be a requirement for a Gold Group (Chief Officer Group meeting).

3.3 People are unlikely to report concerns if they do not believe action will be taken. It is important, therefore, to reassure individuals that their concerns will be taken seriously and they will remain involved in the investigation and informed about its progress.

3.4 There are several stages during an investigation where the reporter should be consulted by the investigation. Although the investigation is responsible for making

decisions during the investigation they must take account of concerns or observations from the report and should explain their rationale for decisions they make. (Staff subject to investigation will be entitled to be accompanied / represented by a colleague or Federation/Trade Union representative at any meeting that they may be required to attend.)

3.5 The reporting person must be consulted in the following circumstances;

- Whether their identity should be protected by the force
- Where there are any individuals, or groups, within the force whose knowledge of the allegation, or the person reporting it could compromise the investigation
- Where the identity of the reporter was protected, but circumstances now mean the protection cannot be guaranteed
- On the findings of an investigation and/or the force's response to the findings.

4. Arrangements for supporting personnel who make reports concerning Professional Standards

4.1 When the identity of the individual and the fact that he or she has made a report is known to colleagues, appropriate support will be given from the outset and will continue for as long as necessary. This will include management support and action, staff association/trade union involvement and advice on access to professional personnel support services.

4.2 Consideration will also be given in all cases to holding a meeting between the senior investigating officer and the senior local line manager. The purpose of this meeting will be to inform managers of the investigation, its scope and seriousness and to formulate an agreed way to proceed that will offer the originating member of staff support. If held, such meetings will be closed and confidential. and will consider protection matters arising from a risk assessment, the information that can be shared outside the meeting and the details of what will be in a support plan including appropriate referrals and appointment of a wellbeing & support officer if required.

4.3 In particularly sensitive cases the meeting is chaired by the head of PSD. In all cases of this type, a National Police Chiefs' Council (NPCC, formerly ACPO) officer is appointed to ensure the appropriate support is given to the person making the report, and their welfare will be a standing agenda item at the Gold group.

4.4 Any victimisation of an individual who has made a report relating to the suspicious behaviour of a fellow worker will be strongly dealt with, as per the **Bullying, Harassment and Victimisation Policy**. Any perpetrator of victimisation of an individual who has made a report relating, to wrong doing or inappropriate behaviour within the organisation, will be subject of a misconduct investigation and this may necessitate re-deployment of that individual whilst this investigation is completed. **Whistleblowers, both police officers and police staff, are provided with additional protection in law.**

4.5 In the most serious of cases, a threat assessment will take place at an early stage and, if appropriate, measures similar to those involved in Witness Protection Schemes will be put into place.

5. Amnesty from Discipline/Misconduct proceedings

5.1 Staff who are themselves guilty of discipline or misconduct offences may be given limited amnesty if they are able and willing to give evidence of criminal activity or serious breaches of discipline. Criteria that will be considered include:

- the evidence being given is essential
- the evidence is needed to support a successful prosecution
- the member of staff concerned has not taken part in the criminal offence, or
- the serious breach of discipline or gained from it

5.2 The arrangements and facilities provided in criminal courts when a defendant has assisted the investigator will also be applied in suitable cases.

6. Malicious Allegations

6.1 Reports of alleged misconduct that are made in good faith, even if subsequently shown to be mistaken, will not result in any repercussion against the member of staff making them. If, however, it is found that reports were made maliciously, the possibility of disciplinary/ misconduct action against the originator will be considered.

LEGISLATION & REGULATION:

- Employment Rights Act 1996
- Public Interest Disclosure Act 1998
- Police Reform Act 2002, Section 29
- Standards of Professional Behaviour for Police Officers 2008
- Police Staff Standards of Professional Behaviour 2008
- Police (Performance) Regulations 2012
- Equality Act 2010
- Enterprise and Regulatory Reform Act 2013