



west midlands
office for policing
and crime

CONFIDENTIAL REPORTING POLICY

November 2013

INTRODUCTION

1. Employees are often the first to realise that there may be something seriously wrong within the West Midlands Office of Policing and Crime. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Police and Crime Commissioner. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
2. The Police and Crime Commissioner is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees and others that we deal with, who have serious concerns about any aspect of the work of the Police and Crime Commissioner, to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
3. This Policy makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. *This Confidential Reporting Policy is intended to encourage and enable employees to raise serious concerns rather than overlooking a problem or "blowing the whistle" outside.* The Employment Rights Act 1996 provides protections to employees in respect of "qualifying disclosures". You are strongly advised to take advice if you are proposing to make disclosures outside the organisation as you will only be protected in certain circumstances.
4. This Policy applies to the Commissioner's staff (i.e. the Chief Executive's staff) but it may be invoked by any person who has a major concern falling within paragraph 7 below. This Policy also applies to those contractors working for the Police and Crime Commissioner on premises of the Police and Crime Commissioner, for example, consultants. The Chief Executive is also the Monitoring Officer for the Commissioner.
5. This Policy adopts the wording for the Policy used by the former West Midlands Police Authority which had been discussed with the relevant trade unions and has their support.

AIMS AND SCOPE OF THIS POLICY

6. This Policy aims to:
 - encourage you to feel confident in raising concerns within the organisation and to question and act upon concerns about practice
 - provide avenues for you to raise those concerns and receive feedback on any action taken
 - ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
 - reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in the public interest.

7. There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:-
 - conduct which is an offence or a breach of law, including data protection
 - disclosures related to miscarriages of justice
 - significant health and safety risks, including risks to the public as well as other employees
 - the unauthorised use of public funds
 - possible fraud and corruption

8. Thus, any serious concerns that you have about any aspect of service provision or the conduct of the Police and Crime Commissioner, Deputy Police and Crime Commissioner, or others acting on behalf of the Police and Crime Commissioner, can be reported under the Confidential Reporting Policy. This may be about something that:
 - makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Police and Crime Commissioner subscribes to; or
 - is against the Police and Crime Commissioner's Standing Orders, Financial Regulations and policies; or
 - falls below established standards of practice; or
 - amounts to improper conduct.

SAFEGUARDS

Harassment or Victimisation

9. The Police and Crime Commissioner is committed to good practice and high standards and wants to be supportive of employees.

10. The Police and Crime Commissioner recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, or if you have reasonable grounds for believing that it is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

11. The Police and Crime Commissioner will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

12. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

CONFIDENTIALITY

13. All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may be asked to come forward as a witness.

ANONYMOUS ALLEGATIONS

14. This Policy encourages you to put your name to your allegation whenever possible.
15. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Police and Crime Commissioner.
16. In exercising this discretion, the factors to be taken into account would include:
 - the seriousness of the issues raised
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources.

UNTRUE ALLEGATIONS

17. If you make an allegation in the public interest, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation in bad faith frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

HOW TO RAISE A CONCERN

18. As a first step you should normally raise concerns with your immediate manager, their superior or the Chief Executive. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach the Head of Internal Audit.
19. Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:
 - the background and history of the concern (giving relevant dates), and
 - the reason why you are particularly concerned about the situation.
20. The earlier you express the concern the easier it is to take action.
21. Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
22. Advice or guidance on how to pursue matters of concern may be obtained internally from:-

Jacky Courtney, Chief Executive

Tel: 0121 626 5396

j.courtney@west-midlands.pnn.police.uk

Legal Adviser

Tel: 0121 626 6060

David Giles, Head of Internal Audit d.giles@west-midlands.pnn.police.uk

Tel: 0121 626 5380

If you are unsure whether or how to use this Policy, you may seek free confidential help from the independent charity, **Public Concern at Work**

Tel: 0207-404-6609

whistle@pcaw.co.uk

Public Concern at Work will also be able to help if you feel that it would be inappropriate to speak to any of the officers referred to above.

23. You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
24. You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

HOW WEST MIDLANDS OFFICE FOR POLICING AND CRIME WILL RESPOND

25. Those to whom you report will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
26. Where appropriate, the matters raised may:
 - be investigated by management, internal audit or through the disciplinary process
 - be referred to the police for investigation
 - be referred to the external auditor
 - form the subject of an independent inquiry.
27. In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Police and Crime Commissioner will have in mind is the public interest.
28. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

29. Within ten working days of a concern being raised, the responsible person (the Chief Executive or the Head of Internal Audit or the Legal Adviser or a person nominated by any of those persons) will write to you:
- acknowledging that the concern has been received
 - indicating how we propose to deal with the matter
 - giving an estimate of how long it will take to provide a final response
 - telling you whether any initial enquiries have been made
 - supplying you with information on staff support mechanisms, and
 - telling you whether further investigations will take place and, if not, why not.
30. The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Commissioner will seek further information from you.
31. Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.
32. The Chief Executive will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Chief Executive will arrange for you to receive advice about the procedure.
33. The Police and Crime Commissioner and Chief Executive accept that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

THE RESPONSIBLE OFFICER

34. The Chief Executive, (or in her absence the Head of Internal Audit) has overall responsibility for the maintenance and operation of this Policy. The Head of Internal Audit maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report to the Chief Executive.

HOW THE MATTER CAN BE TAKEN FURTHER

35. This Policy is intended to provide you with an avenue to raise concerns. It is hoped you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the West Midlands Office of Policing and Crime, the following are possible contact points:
- the external auditor
 - your trade union
 - relevant professional bodies or regulatory organisations
 - a relevant voluntary organisation
 - the police
 - Public Concern at Work (see paragraph 22 above).

36. If you do take the matter outside the West Midlands Office for Policing and Crime, you should ensure that you do not disclose confidential information. The Employment Rights Act 1996 provides statutory protection where you believe disclosure is in the public interest. Check with the contact point about that.

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Jacky Courtney Chief Executive West Midlands Office for Policing and Crime

David Giles Head of Internal Audit West Midlands Office for Policing and Crime
