

**WEST MIDLANDS POLICE
AND CRIME
COMMISSIONER**

NON-CONFIDENTIAL

NOTICE OF DECISION

040/2013

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Title Confidential Reporting Policy

EXECUTIVE SUMMARY

The opportunity has been taken, following the change in governance arrangements, to revisit and update the Confidential Reporting Policy in line with best practice and current guidance. This policy forms an integral part of the governance landscape of the Office of the Police and Crime Commissioner which is reviewed and assessed by the external auditor.

The Police and Crime Commissioner is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the expectation is that all staff and others that are dealt 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.

This Policy, which is attached at **Appendix A**, makes it clear that any employee reporting reasonably held suspicions should not suffer as a result of the allegations, so long as the allegations are made without malice and in the public interest. This policy makes it clear that employees can voice their concerns without fear of victimisation, subsequent discrimination or disadvantage.

DECISION

That the Confidential Reporting Policy as drafted and appended to this decision is approved and introduced forthwith.

West Midlands Police and Crime Commissioner

I confirm that I do not have any disclosable pecuniary interests in this decision and take the decision in compliance with the Code of Conduct for the West Midlands Office for Policing and Crime. Any interests are indicated below.

Signature.....Bob Jones.....

Date.....6 November 2013.....

NON - CONFIDENTIAL FACTS AND ADVICE TO THE POLICE AND CRIME COMMISSIONER

The report and supporting documentation form the basis of the decision.

INTRODUCTION AND BACKGROUND

The Commissioner is firmly committed to ensuring that employee concerns are taken seriously and investigated, and will make every possible effort to ensure that if concerns are raised reasonably and responsibly, staff will not suffer any disadvantage or recrimination.

The Commissioner aims to encourage a climate of openness, probity and accountability in which its employees feel comfortable about raising serious concerns about any aspect of work, in order to deliver a safe service and protect the interests of the organisation, its employees and the general public.

Any employee reporting reasonably held suspicions should not suffer as a result of the allegations, so long as the allegations are made without malice and in the public interest. This policy attached at **Appendix A** makes it clear that employees can voice their concerns without fear of victimisation, subsequent discrimination or disadvantage. Victimising or deterring staff and police officers from reporting concerns is deemed to be a serious disciplinary matter.

The Policy applies to all staff and police officers, and those contractors and suppliers working on behalf of Commissioner.

The Policy and procedure should be used for concerns in the public interest where the interests of others, including the general public, employees or the organisation itself are at risk. This may include unlawful conduct, financial or professional malpractice. Concerns relating to management decisions or action affecting terms and conditions of employment or the physical conditions in which employees are required to work should be raised through the Grievance Procedure.

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.
- Breach of Standing Orders, Standing Financial Instructions or a Code of Conduct.
- Concealment or destruction of information relating to any of the above.

The aim of the policy is to encourage all employees to feel confident in raising concerns within the organisation and to question and act upon concerns relating to practice. In addition, the policy will provide avenues for employees to raise those concerns, receive a response to those concerns, and to receive feedback on any action taken as a result of investigation of those concerns.

An important aim of the policy is also to provide reassurance to employees that they will be protected from possible reprisals or victimisation, if they have a reasonable belief that they have made any disclosure in the public interest.

FINANCIAL IMPLICATIONS

There are no financial implications directly arising from this report

LEGAL IMPLICATIONS

The policy documents as worded and structured provides sufficient protection and complies with the requirements of the Enterprise and Regulatory Reform Act 2013, which amended the Employment Rights Act 1990 (as amended by the Public Disclosure Act 1998)

EQUALITY IMPLICATIONS

There are no direct equality implications in the making of this decision

Public Access to Information

Information contained in this decision is subject to the Freedom of Information Act 2000 and other legislation. This decision will be made available on the Commissioner's website.