



Confidential Reporting & Whistleblowing Procedure

This procedure is part of North Yorkshire Police policy to which all Chief Constable personnel and the functions provided by the Deputy Mayor for Policing as part of the York & North Yorkshire Combined Authority are required to adhere.

Procedure Statement

The purpose of this procedure is to set out the ways in which individuals within North Yorkshire Police can report breaches of Professional Standards in a supportive and confidential environment. North Yorkshire Police is committed to ensuring that concerns raised are investigated in an appropriate and timely manner.

This procedure applies to North Yorkshire Police Officers, Police Staff Employees, Volunteers, Partners and any other approved individuals working for or with the Police.

Breaches of Professional Standards may include:

- A criminal offence
- A miscarriage of justice
- Breaches of a legal obligation
- Malpractice
- Dishonesty
- Unethical behaviour
- Sexual Misconduct
- Breaches of the Police Officer / Police Staff codes of conduct
- Deliberate concealment of information in respect of any of the above

Police Officers and Staff have a clear responsibility to report suspected breaches of Professional Standards by others in North Yorkshire Police and should feel that they can report such breaches openly and with the support of their colleagues and managers.

This procedure may be used by individuals to make Professional Standards Reports but does not replace the following:

Overarching Policies:

Procedures:

Grievance Procedure
Staff Discipline Procedure
Gifts, Gratuities and Hospitality Procedure
Health and Safety Policy
Business Interest Procedure
Code of Ethics

**Other Documents:**

Police (Conduct) Regulations 2020
Police (Complaint and Misconduct) Regulations 2020
Police (Performance) Regulations 2020
Performance Management Framework

Process**GUIDING PRINCIPLES****Confidentiality**

Colleagues and working partners are often the first to recognise that there may be something suspicious or out of character in another person's behaviour, lifestyle or actions. It is acknowledged that some may be uncomfortable in raising their concerns and may feel such action would be disloyal. The individual's decision to voice their concerns is a difficult one and will ultimately rely on the trust they have in the system and processes to protect them. The Code of Ethics emphasises however that everyone involved in policing has a responsibility to challenge and report improper behaviour; failure to report such activity may even constitute a disciplinary offence in certain circumstances.

This procedure makes it clear that individuals can speak out without fear of victimisation, discrimination or disadvantage. With respect to criminal investigations, North Yorkshire Police will protect the identity of the provider of any information in line with Criminal Procedure Investigations Act 1996. Professional Standards Reports may be made confidentially, however individuals should be aware that the legal rules governing disclosure apply to misconduct proceedings. Where confidential information has been received, this will be handled for disclosure purposes in the same way as criminal intelligence.

When a Professional Standards Report is made, all documentation relating to it will carry the relevant protective marking, limiting access only to those who have a legitimate need to see it. In the case of particularly sensitive reports, knowledge of the identity of the person who has made the report will be kept to a minimum based upon strict need to know criteria and upon the terms and extent of the consent given.

However, it should be noted that Individuals who make Professional Standards Reports may be required to give evidence and support a criminal prosecution and / or misconduct proceedings where appropriate.

What to Consider Before Making a Report

It may not always be apparent as to whether a particular activity should be or is worthy of being reported. It is always preferable to report too much than too little and no matter how irrelevant it may seem at the time, the smallest piece of information may be of significant value.



Disclosures made anonymously are sometimes less powerful and as a rule more difficult to investigate and substantiate. The confidential reporting facilities available (Anonymous Messenger, the internal Confidential Reporting Hotline and the Crimestoppers Integrity Line) do not prevent the providers of information from making themselves known if they wish. As the identity of anonymous reportees isn't known to PSD, these aren't covered by whistleblowing protections. Should reportees come forward and make their identity known at a later point this can be reviewed.

The sooner a concern is raised, the easier it is to establish the facts and capture any evidence. Although no-one is expected to prove the truth of an allegation themselves, there must be some demonstrable basis for believing it to be true and those reasons should be provided together with any information, no matter how tenuous. Accuracy and detail of information is crucial to the effective and timely investigation of any suspicion or allegation. If the person making the submission is not the originator of the information, it is recommended that some level of provenance is provided.

Types of Activity/Conduct to Report

This procedure is intended to cover any serious concerns an individual may have that falls outside the scope of existing internal procedures or they feel is more appropriately dealt with by the Professional Standards Directorate (PSD). These concerns may be broadly referred to as suspected corrupt activity or wrongdoing and include:

- Corruption
- Notifiable associations, including relationships with criminals, journalists / media, former officers and private investigators
- Abuse of Position for a Sexual Purpose
- Criminal offences and other dishonesty
- Theft / Fraud
- Miscarriages of justice
- Unmanageable debt
- Drug and alcohol misuse, including both controlled and non-controlled substances
- Recruitment and vetting issues
- Disclosure of information
- Misuse of force systems
- Breaches of security
- Breaches of Business Interests and Gifts, Gratuities & Hospitality procedures.
- Abuse of trust / Exploitation of position or role
- Sexual or physical abuse / misconduct
- Malpractice or ill treatment towards any North Yorkshire Police employee or member of public
- Disregard for legislation, including health and safety at work
- Breach of financial or contract procedure rules
- Any activity amounting to improper or unethical conduct
- Any activity likely to bring the Force into disrepute
- That information of any of the above has been, or is likely to be, concealed



Whistleblowing

Whistleblowing is the term used when an individual passes on information concerning wrongdoing. In legislation this is known as “making a protected disclosure”.

The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

To be covered by whistleblowing law, an individual who makes a disclosure must reasonably believe two things:

1. They are acting in the public interest. This means in particular that personal grievances and complaints are not usually covered by whistleblowing law. Existing North Yorkshire Police procedures and this Professional Standards Confidential Reporting & Whistleblowing Procedure should be considered first.
2. The disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
 - Criminal offences (this may include, for example, types of financial impropriety such as fraud)
 - Failure to comply with an obligation set out in law
 - Miscarriages of justice
 - Endangering of someone’s health and safety
 - Damage to the environment
 - Covering up wrongdoing in the above categories
 - Sexual Harassment

Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have ‘blown the whistle’. This is intended to be a brief summary of a detailed area of law, and is not in any way the provision of legal advice.

The charity PROTECT provides free confidential advice to workers who have concerns about wrongdoing in the workplace. The charity can be contacted by telephone on 0203 117 2520 or on their website <https://protect-advice.org.uk/>.

Complaints that do not count as whistleblowing

Personal grievances are unlikely to be covered by whistleblowing law, unless the individual’s particular case is in the public interest. Report these under NYP’s Grievance Procedure.



HOW TO REPORT WRONGDOING

Where an individual has reason to believe they have information relating to a breach of Professional Standards, it should be reported as soon as possible. There are a number of ways in which individuals can make such reports:

1. Telephone Hotline

An internal reporting hotline is available to all Officers, Staff and volunteers. This number is 08000121227 and is located with the Anti-Corruption Unit.

2. Crimestoppers Integrity Line

An external reporting hotline is available for people wishing to report matters through Crimestoppers. This number is 0800 111 4444. Reports can also be made electronically via their website

3. Anonymous Messenger

Anonymous Messenger is available via the front page of 'The Source' It is completely confidential and affords individuals the opportunity to raise concerns or provide information or intelligence anonymously directly to the Anti-Corruption Unit (ACU).

It allows for the exchange of messages between the reportee and the ACU, whilst maintaining confidentiality. Anonymous Messenger activity **IS NOT** recorded by any auditing tools.

Information received via Anonymous Messenger may be used as grounds for further enquiries and form the basis for consideration to investigate. All contacts using the system are recorded securely and are only available to members of the ACU.

4. Reporting Direct to Line Management

Disclosure of information, either verbally or in written form, to the Line Manager has the advantage of enabling an immediate response and direct feedback to the individual. The Line Manager will request a written (hard copy or electronic) report as soon as possible and in all cases within twenty-four hours of a verbal report.

Where the breach of Professional Standards is believed to involve the person's line manager, or where for any reason it is felt more appropriate to report it to another manager, this may be done.

- Role of Line Management



Everyone, and in particular line managers, will be required to ensure that:

- An environment where individuals are confident in coming forward to make such reports is developed and maintained.
- Such reports are responded to promptly, genuinely and with sensitivity.
- The individual's actions are acknowledged as right and their approach to them is both supportive and positive.
- Protection from victimisation or harassment is provided.
- Positive and robust action is taken in cases of victimisation or harassment.
- Action is taken to prevent any other adverse repercussions.

5. Concerns raised through Staff Associations

The Police Federation, Superintendent's Association, Unison and other Support Associations can act as an agent through which members can relay their concerns in a confidential way.

The Staff Associations and other support associations in this process offer independent advice. They are bound by their own internal rules regarding confidentiality and the need for a members consent prior to the forwarding of information.

- Role of Staff Associations and Trade Unions

The Police Federation, Superintendent's Association, Unison etc. are experienced in providing support for their members in these circumstances. In addition to offering advice and guidance on an individual basis, they can also act on behalf of their members to highlight perceived organisational shortcomings.

6. Concerns brought to the attention of the Professional Standards Department

Contact may be made verbally, in writing, by e-mail or by a personal face-to-face meeting with a member of the Professional Standards Department (PSD).

Reports can be made anonymously. However, such information will be treated with caution and corroboration sought at the earliest opportunity.

Where a report is made to the PSD via a third party, it may necessitate a meeting between the person reporting and a representative of PSD.

- Role of the Professional Standards Directorate

The PSD will have the following responsibilities:

- Provide a secure system for recording and monitoring Professional Standard reports
- Provide support, guidance and advice at every stage of the process
- Monitor the progress of each case from beginning to conclusion



- Collate, analyse and disseminate intelligence where appropriate
- Ensure confidentiality issues are properly managed
- Ensure ongoing assessment of case papers identifying criminal and misconduct issues
- Identify and allocate a 'Mentor' as appropriate
- Where appropriate, ensure that the person reporting is updated
- Facilitate structured debriefs as required and support organisational learning by identifying good practice.

7. Other ways of reporting wrongdoing

It is recognised that there are a number of other routes through which Professional Standards Reports may be made. These include:

Independent Officer for Police Conduct (IOPC)

Telephone: 0300 020 0096

Website: <http://policeconduct.gov.uk>

Criminal Cases Review Commission

Telephone: 0121 232 1473

Website: <https://ccrc.gov.uk/>

Information Commissioners Office (ICO)

Telephone: 0303 123 1113

Website: www.ico.org.uk

Investigatory Powers Commissioners Office (IPCO)

Telephone: 0207 389 8920

Website: <https://www.ipco.org.uk/>

SUPPORT AVAILABLE

Irrespective of which reporting option is selected, NYP is committed to ensuring that the initial response is positive, robust and supportive. In many cases the person making the Professional Standards Report may be a confidential source or a witness and/or a victim of crime. Where it is clear that the person making the report is a victim of a crime, then the principles of the code of practice for victims will be applied.

Where open reports have been made i.e. the identity of the individual and the fact of the report is known to his or her colleagues, appropriate support will be given to the individual from the outset of the case and will continue until the issue is fully resolved. This includes pro-active management support and action, staff association involvement and advice on access to support services.



When confidential reports have been made, knowledge of the identity of the person who has made the report will be kept to a minimum based upon strict need to know criteria and upon the terms and extent of the consent given.

1. Confidential Contact

When appropriate, an Officer/Staff member (external to PSD) will be assigned to work with a person who makes a Professional Standards Report on a 'one to one' basis to act as a Confidential Contact. This is intended to provide the reporting staff member with a greater measure of support and confidence.

An essential and important consideration in the appointment of a Confidential Contact is that the person selected must have excellent interpersonal skills and a determination and ability to see through a difficult process. Only appropriately skilled staff will fulfil this role. The Confidential Contact will act as a bridge between the individual and the force. Commanders / Departmental Managers or representative of the Chief Executive to the OPFCC will ensure that sufficient time outside of core duties is made available, both to the individual reporting and the Confidential Contact, to fulfil the requirements of this procedure.

2. Health and Wellbeing

Health & Wellbeing will provide information, advice and support to managers and individuals on a range of wellbeing matters. Support in this context will be offered to the individual member of staff and the Department, and includes:

- management referral for advice and support
- self-referral for one-to-one support
- group work will be provided at the request of management and where the impact of the reporting is causing problems in the workplace. These sessions will be voluntary, time limited and have a clear targeted focus. The group work should facilitate communication and support and should have clear agreements about how confidentiality is managed.

Health & Wellbeing provides a confidential service and its practitioners; counsellors and nurses adhere to Professional Codes of Conduct and follow a code of ethics, with regard to confidentiality and professional practice.

Further details, including a link to the Health & Wellbeing Referral Form, can be found [here](#).

3. Police Federation, Superintendents' Association and UNISON

The Police Federation, Superintendents' Association and UNISON are available to support members who wish to make a report as outlined in point 4 of the "How to Report Wrongdoing" section of this procedure.



THE REPORTING PROCESS

In every case reported that falls within the terms of this procedure, a confidential written (hard copy or electronic) report outlining the circumstances and any action taken should be forwarded to PSD as soon as practicable where it will be assessed and recorded appropriately.

If the report relates to a serious misconduct or criminality then the person receiving the report within PSD must immediately notify the Head of PSD by telephone or in-person. In these instances initial action will remain the responsibility of the Line Manager which could include preservation of the scene/evidence, but in all cases of doubt, PSD should be contacted. The Head of PSD, or a designated deputy, will be responsible for assessing the nature of the report and will decide upon the appropriate course of action to be undertaken.

Investigations into serious misconduct or criminality could be investigated by North Yorkshire Police, an external police force or by the IOPC in the form of a local, directed or independent investigation.

1. Statement of Expectation

If appropriate, a Statement of Expectation will be drawn up between the reporting Officer / Staff member and PSD. The Statement of Expectation agreement is a summary of what the Officer/Staff member can expect from North Yorkshire Police and what North Yorkshire Police can expect from the Officer/Staff member. The aim is to ensure that all parties are clear about the agreed course of action and any help and assistance that can be offered. Any matter causing concern can also be discussed and recorded.

The Statement of Expectation should include:

- How the two parties will contact each other and the frequency
- Updates
- Other points of contact if required, line manager, Supporter
- A support discussion/assessment
- Confidentiality
- The requirement for a debrief
- How the investigation will be progressed, subject to the harm test

The Statement of Expectations will form a key informative document within the debriefing process and should evidence changes in direction or policy throughout the investigation from both the investigators and reporting Officer/Staff member's perspective.

2. Investigation Updates

Feedback on the progress of an investigation will not be given as a matter of course. Due consideration must be given to the privacy rights of individuals involved in any investigation. When confidential reporting has taken place the wishes of the staff member making the report should be



established from the beginning. If they wish to be kept informed this will be done as far as practicable without compromising the investigation or confidentiality, or putting undue burdens on the investigation.

3. Inclusion Meeting

When an investigation under this procedure is initiated, consideration will be given to holding a meeting between the Senior Investigating Officer, the Safer Neighbourhood Commander/Departmental Head and a representative of the Chief Executive of the OPFCC. In some circumstances, it may be appropriate for others, such as a representative from People Services, to attend. This is called an 'Inclusion Meeting'. It will inform managers of the investigation, its scope and seriousness and will formulate a way forward

In complex or sensitive investigations the Head of the PSD will call the Inclusion Meeting. A log of decisions made will be recorded by PSD.

4. Amnesty from Misconduct Proceedings

Limited and defined amnesty for misconduct offences may be given for Officers/Staff who are able to give evidence of criminal activity and serious breaches of discipline. Criteria to be considered include:

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

5. Witness Protection Issues

It is anticipated that issues of witness protection will only rarely arise and only in the most serious cases. A threat assessment will be undertaken at an early stage and the appropriate facilities and tactical options will be made available and tailored to meet the requirements of the individual, commensurate with the threat assessment. Trained officers specifically tasked with managing witness protection issues would deal with these cases.

6. Debriefing of Persons Involved

Debriefing is a fundamental part of the Professional Standards Reporting process. A debriefing session can often act in a therapeutic way for individuals and provide an opportunity to identify both good and bad practice. It is a two way process where the individual can raise outstanding issues and concerns, and the service can re-state its commitment to the process.



Debriefs may take place throughout the course of an investigation by the investigating officer following consultation with PSD. However at the end of the case a full debrief should be undertaken irrespective of any previous debriefs. Staff conducting debriefs will consider disclosure issues in criminal cases if written records are made.

7. Reward/Recognition

There will be occasions when the force would wish to recognise the actions of a person making a Professional Standards report. This might include a letter of appreciation or a commendation. Each case will be considered on its merits and any action will take into account the wishes of the person concerned.

8. Protections from Detriment

Confidential Reporting / Whistleblowing is an activity protected by the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013, which affords rights through legislation and ensures that any individual can report matters of significant concern to them without harassment, victimisation, or fear of reprisal from their employer or from their colleagues. Individuals are entitled to be protected from suffering a detriment as a direct result of a qualifying protected disclosure. Examples of detrimental treatment may include:

- Selection for redundancy
- Denial of promotion
- Financial loss / disadvantage
- Denial of learning and development opportunities.

Each case should be considered individually, taking into account advice from People Services.

In circumstances where a disclosure is found to be deliberately vexatious or malicious, then protections do not apply and this may be dealt with as a misconduct matter.

9. Return to Work Following Prolonged Period of Absence

A person making a Professional Standards Report may have been subjected to a level of stress and anxiety, which can on occasions lead to a period of absence from work.

In these cases it may be necessary to make special arrangements to facilitate their return to work. To assist with the decision making process, the Head of Professional Standards or the Safer Neighbourhood Commander/Departmental Head/representative of the Chief Executive to the OPFCC may wish to convene an inclusion meeting in accordance with this procedure.



In these circumstances and in all other interventions a risk assessment will be conducted. In these cases, the force may decide to discount such periods of sickness absence when making deployment/promotion decisions where absence is a qualifying factor. Advice should be sought from People Services if this is being considered.

Responsibilities

All responsibilities are set out in the procedure process

Definition of Special Terms – N/A