



“Doing the Right Thing”- Confidential Reporting (Policy & Procedure)

NOT PROTECTIVELY MARKED

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Policy

Statement

Merseyside Police Force is committed to enabling its staff to report inappropriate behaviour in the workplace. We will provide a means of reporting such behaviour and a level of support that is appropriate for those concerned.

All staff should feel that they can report corruption, dishonesty and malpractice openly with the support of colleagues and managers. It is our intention to continue to develop a Force culture in which such actions are viewed as the right thing to do.

Aims

The main aim of this policy is to provide a mechanism that complies with legislative requirements and enables staff at all levels to raise issues of concern regarding wrongdoing and inappropriate behaviour within the workplace. The policy is considered integral to creating a climate in which staff at all levels feel a genuine obligation to maintain the integrity of the Police service by reporting wrongdoing.

The policy is underpinned by procedures that provide direction for all those involved in its deployment.

Objectives

The main objectives are to:

- a) Promote a working environment where staff are free from harassment or discrimination from others
- b) Increase public confidence in Merseyside Police by demonstrating the highest level of personal and professional standards of behaviour

Application and Scope

All police officers and police staff, including the extended police family and those working voluntarily or under contract to Merseyside Police must be aware of, and are required to comply with, all relevant policy and associated procedures.

The Chief Officer lead for this policy is the Deputy Chief Constable.

Outcome Evaluation

Outcomes will reflect specific objectives and be measured against these objectives on a routine annual basis by the Head of Professional Standards Department. Measurement will include

analysis of any quantitative/qualitative data to identify themes/trends and enable prevention measures to be put in place.

In general terms the policy should:

- a) Ensure compliance with legislative requirements.
- b) Raise level of professionalism

Procedure

Version History

13/9/2011	V 1.2 – Section 1.3 and paragraph 2.2.3 inserted to reflect findings of audit by Merseyside Police Authority. Front logo also updated.
10/02/2014	V 1.3 – Paragraphs 1.1.3 & 1.1.4 introduced to reflect new legislation. Reference to Merseyside Police Authority removed. Paragraphs 3.2, 3.3 & 4.2.1 (d) inserted and 4.1.1 (d) amended to reflect commitment to appoint welfare officers.
27/02/18	V1.4 – Paragraph 1.3.1 amended to include Pronto devices. Paragraph 2.2.3 updated to include Information Assurance Coordinator. Paragraph 2.3.1 safecall contact details included. Paragraph 2.3.3 Updated to include LGBT. Paragraph 2.3.6 Reference to IPCC removed. IOPC role and contact details included. Paragraph 2.3.7 Local Personnel Units removed, Human Resources Inserted. Paragraph 4.2.1 b) amended to Human Resources. d) welfare responsibility devolved to departmental head.
02/09/2022	V 1.5 – Paragraph 1.2 amended to police (conduct) regulations 2020 Paragraph 2.3 amended to Confidential reporting Paragraph 2.3.1 amended to remove defunct “safecall” and included new Confidential Reporting Application (App). Link also added Paragraph 2.3.3 amended to remove “Black Police Network” and replaced with FORE. Logo updated to reflect Community First

1. Context

1.1 Changes to Legislation

1.1.1 The Public Interest Disclosure Act 1998 was introduced to ensure that information in the public interest was brought to the attention of an appropriate person in order that wrongdoing could be dealt with promptly. The legislation provided statutory protection against victimisation and unfair dismissal to individuals who make 'protected' disclosures in good faith about certain acts of wrongdoing or workplace dangers. These are summarised as:

- a) Criminal offence
- b) Breach of a legal obligation
- c) Miscarriage of justice
- d) Danger to the Health & Safety of an individual
- e) Damage to the environment
- f) Deliberate covering up of information relating to the above

1.1.2 The Police Reform Act 2002 extended the provisions to Police Officers.

1.1.3 Legislation covering disclosures was reformed under the provisions of the Enterprise & Regulatory Reform (ERR) Act 2013 which stipulates disclosures must be in “the public interest” and not simply “in good faith”.

1.1.4 The ERR Act also clarified the position on vicarious liability. The old legislation only protected individuals if they were subject to a detriment by their employer after making a disclosure. The new legislation protects whistle-blowers from any detriment at the hands of co-workers as well as their employer. However, if an employer can show they took reasonable steps to prevent the detriment, then it will not be held liable for the actions of co-workers.

1.2 **Police (Conduct) Regulations 2020, Standards of Professional Behaviour.**

1.2.1 This legislation introduces to the Police Service, the Standards of Professional Behaviour. These standards place a statutory obligation upon all police officers to challenge and report improper conduct. A breach of these standards could lead to action for misconduct, which in serious cases could involve dismissal.

1.3 **Information Security**

1.3.1 All employees should be encouraged to report any breach, possible breach or threat of any sort, to the security of our information systems. Information is not just data contained on computer systems, it is any information, whether audio, video, CCTV, Desk Diaries, electronic or paper pocket notebooks or indeed any paper system. This can be done via line manager or by the use of confidential reporting.

2. **Reporting**

2.1 It is not possible to define the point at which a member of staff should make a decision to provide information in the form of a professional standards report. However, if a member of staff has reason to believe that they have information which indicates a breach of professional standards then it should be reported as soon as practicable.

The methodology for making such reports is set out in the following paragraphs.

2.2.1 **Direct Report to Line Management**

2.2.1 Members of staff may take any concerns to their line manager in either verbal or written form. Line managers should have a clear understanding of their responsibilities in taking the appropriate action as outlined in paragraphs 3.1 and 3.2.

2.2.2 In cases where the breach of professional standards is believed to involve the individuals line manager, or if it is felt more appropriate to make the report to another manager, this may be done. In cases of doubt, advice can be sought from the Professional Standards Department or other methods included below.

2.2.3 In cases involving a suspected breach / breach of Information Security, a specific [Information Security Breach Form](#) should be completed and submitted via the line manager to the Information Assurance Coordinator, Corporate Support and Development.

2.3 Confidential Reporting

- 2.3.1 [Confidential Reporting Application \(App\)](#)- Is an application which is easily accessed from any force device with access to force systems via the Windows 'Start' icon.

The Confidential Reporting App is a reporting mechanism that enables officers and staff to speak out with confidence and report any concerns of wrongdoing, unethical behaviour or suspected corrupt activity by those who work for, or on behalf of, Merseyside Police. Any information entered on this system will be treated as confidential with complete anonymity for those raising a concern

- 2.3.2 [Public Concern at Work](#) – is an independent organisation that can provide lawyers who will discuss problems in confidence. They can be contacted on 020 7404 6609 or via the Internet on www.pcaaw.co.uk.

- 2.3.3 **[Internal Contacts](#) - Unison, GMB/MPO, The Police Federation, Superintendent's Association and [support networks](#) such as the FORE and LGBT+ Networks, can and do play a key role through which staff can relay their concerns.** The nature of their role means they have considerable expertise in dealing with confidential matters.

- 2.3.4 [Crimestoppers](#) - provides a further alternative for the anonymous provision of information relating to criminal activity. Whilst the Force would prefer whenever possible for staff to identify themselves when providing information, there are limited occasions when Crimestoppers will be a valid alternative. They can be contacted on 0800 555111.

- 2.3.6 [The Independent Office for Police Conduct IOPC](#) – oversees the complaints system in England and Wales. They investigate the most serious matters, including deaths following police contact, and set the standards by which the police should handle complaints. They are independent and make decisions entirely independently of police and government.

Contact details are

Phone: 0300 020 0096

Email: enquiries@policeconduct.gov.uk

- 2.3.7 The options outlined above are not exclusive or exhaustive in allowing staff to make professional standards reports. It is acknowledged that there are a number of other ways such as the Occupational Health Unit or the people services department as examples available for staff to make reports.

- 2.3.8 In all instances, it is essential that the initial response is positive, robust and supportive. Additionally, all reports received will be treated in the utmost confidence whilst aiding the individual concerned to make the report in the most appropriate way.

3. Support

- 3.1 In most cases the person making the professional standards report will be a confidential source, a witness or a victim of crime. The Force is committed to providing support to such staff in a manner similar to that provided to vulnerable victims and witnesses in high priority criminal cases.

- 3.2 Upon receipt of a report, departmental heads will appoint an appropriate welfare officer to support the member of staff concerned. The Force Occupational Health professionals are

also available to provide advice, information and support to managers dealing with such issues.

- 3.3 Where the person reporting wrongdoing wishes, and where confidentiality provisions allow, they should be kept updated on the progress of any investigation by the appointed welfare officer.
- 3.4 Managers at all levels must be aware that the provision of such support to members of staff who make a professional standards report is essential. During the feedback and debriefing process, which should be held at the conclusion of any investigation, the level of managerial support will be subject of discussion and assessment.

4. Responsibilities

4.1 Line Management

- 4.1.1 Line managers have an individual and collective responsibility to take whatever immediate action is necessary to investigate the initial report and preserve any evidence. They also have a duty of confidentiality to the person making the report. They should ensure that:
- a) A positive message is given to the individual that they are doing the right thing
 - b) The individual is aware that they may be required as a witness in any relevant formal proceedings
 - c) Confidentiality will be respected throughout any investigation and only those who need to know are made aware of the circumstances
 - d) Protection against harassment and victimisation is offered immediately via PSD through its capacity to appoint a welfare officer and to consider where necessary, whether or not the parties involved can remain within their current work location.
 - e) Actions are taken to provide support to the member of staff and details are provided to the Investigating officer.

4.2 Professional Standards Department

- 4.2.1 Responsibility to take necessary immediate action should always remain with immediate line managers. However, the Professional Standards Department should act as a focal point for professional standards reporting. The department will:
- a) Provide support, guidance and advice at all stages as required
 - b) As appropriate liaise with local line manager / people services department
 - c) Assist in identifying the method to take the issue forward
 - d) Ensure that any covert response is appropriate, necessary and proportionate
 - e) Monitor the progress of all cases reported to the department
 - f) Compile statistical data in respect of reported cases for dissemination as required
 - g) Ensure the principles of the policy are complied with and that the staff member making the report is kept informed

4.3 Head of Professional Standards Department

- 4.3.1 The Ch Supt Head of professional standards is responsible for the application of this policy and procedure. The post holder will from time to time and not less than annually, seek such reports as are necessary to ensure compliance.

4.4 **Inclusion Meeting**

- 4.4.1 In any investigation into a suspected breach of professional standards that has arisen as a result of a member of staff reporting the matter consideration should be given to arranging a meeting between the investigating officer and the respective line manager.

The purpose of this meeting is to inform the manager of the existence of the investigation and determine appropriate support. The Investigating officer is responsible for arranging the meeting.

4.5 **Feedback / Debriefing**

- 4.5.1 It is essential that at the conclusion of any investigation, a full debrief takes place with the individual who made the professional standards report. This will provide an opportunity to identify positive and negative aspects of the policy and procedure and make any necessary improvements.
- 4.5.2 Responsibility for ensuring this takes place should remain with the Investigating officer who is responsible for reporting issues to the Head of the Professional Standards Department.