

**Police, Fire and Crime Commissioner
for Cumbria**

Delivering to the Public



**CONFIDENTIAL REPORTING
(WHISTLEBLOWING) POLICY**

Document control

This policy applies to all employees of the Office of the Police, Fire and Crime Commissioner for Cumbria.

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1 Introduction

- 1.1 The Police, Fire and Crime Commissioner is two separate corporation soles: The Police and Crime Commissioner for Cumbria and the Cumbria Commissioner Fire and Rescue Authority. The Police, Fire and Crime Commissioner has an office which supports them in these functions known as the Office of the Police, Fire and Crime Commissioner.
- 1.2 The Office of the Police, Fire and Crime Commissioner for Cumbria (OPFCC) recognises the importance of having a clear written Confidential Reporting (Whistleblowing) Policy for all its employees. The OPFCC has approved this Policy in consultation with Trade Unions and staff.
- 1.3 Employees and any person who undertakes to do or perform personally (or otherwise) any work or service for the OPFCC, regardless of the nature of the contractual relationship between them and the OPFCC, who have serious concerns about any aspect of the OPFCC's activities, should come forward and voice those concerns. Those people who raise a concern are protected by the Public Interest Disclosure Act 1998.
- 1.4 This policy should be read in conjunction with the OPFCC Anti-Fraud and Corruption Policy.

2 Aims

- 2.1 To make it clear that employees and others as outlined in section 1.2 above can raise concerns without fear of victimisation, subsequent discrimination or disadvantage.
- 2.2 To encourage and enable those outlined in Section 1.2 to raise serious concerns within the OPFCC rather than overlooking a problem or "*blowing the whistle*" outside the organisation.
- 2.3 The OPFCC is committed to the principles of equality and diversity. No member of the public, member of staff, volunteer, or service provider shall be discriminated against on any of the nine strands as identified within the Equality Act 2010.

3 Scope

- 3.1 This policy will be applied to all staff employed by the OPFCC and deployed to the OPFCC, its volunteers, contractors or service providers.

4 Approval

- 4.1 The OPFCC Executive Team is responsible for the approval of this policy.

5 Guiding principles

- 5.1 **Legal obligations:** The OPFCC acknowledges that it must comply with the law.
- 5.2 **Equal opportunities:** The OPFCC is firmly committed to equal opportunities for all employees and will comply with all relevant legislation. The OPFCC will ensure the promotion of equality in all aspects of its OPFCC life. The OPFCC commits to consistency of treatment and fairness in the operation of its Confidential Reporting (Whistleblowing) Policy.
- 5.3 **Commitment to employees:** The OPFCC recognises that its employees are their most important asset and values their commitment, support and goodwill.

6 Type of concerns

- 6.1 The Committee on Standards in Public Life defined ‘Whistleblowing’ as the “raising of concerns about misconduct within an organisation”. This is called ‘making a disclosure in the public interest’.
- 6.2 The term “misconduct” may cover a broad range of acts, omissions, or practices. What employees may wish to report will usually be a specific instance or instances of wrongdoing on the part of an individual or a group of individuals. However, in certain circumstances, employees may wish to report bad practice which, if it were to continue, would be likely to lead to wrongdoing.
- 6.3 The following examples indicate the type of actions which would normally constitute “misconduct” but should not be seen as a prescriptive list for the interpretation of this policy.
- 6.4 Examples include:
- failure to comply with a legal obligation
 - health and safety risks, including risks to the public as well as other employees
 - damage to the environment
 - the unauthorised use of public funds
 - manipulation or falsification of accounting records
 - making decisions for personal gain
 - inappropriate (e.g. personal) use of OPFCC assets;
 - possible fraud and corruption
 - deliberate ‘covering up’ of information relating to the above.
- 6.5 Any serious concerns that an employee may have about any aspect of the OPFCC’s activities or the conduct of colleagues/employees of the OPFCC, or others acting on behalf of the OPFCC, such as contractors or service providers, can be reported under the Confidential Reporting (Whistleblowing) Policy. This may be about something that:
- makes an employee feel uncomfortable in terms of known standards, or standards they believe the OPFCC subscribes to
 - is against the OPFCC’s policies
 - falls below established standards of practice
 - amounts to improper conduct
 - is a breach of the College of Policing Code of Ethics or the OPFCC’s Code of Conduct
- 6.6 This Policy is intended to assist employees who believe they have discovered malpractice or impropriety. It is not designed to question financial or management decisions taken by the OPFCC, nor should it be used to consider any matters or personal issues which should be addressed under other policies such as the Complaints, Disciplinary, Grievance, Capability and Equality Policies.

7 Safeguarding staff against harassment or victimisation

- 7.1 The OPFCC is committed to good practice and high standards and wants to be supportive of employees. The OPFCC recognises that the decision to report a concern can be a difficult one to make especially for staff that are new to the OPFCC. If what an employee is reporting is true,

or their suspicions are reasonable, they will have nothing to fear because they will be doing their duty to their employer and to those for whom they are providing a service.

- 7.2 The OPFCC will not tolerate or allow any form of harassment, victimisation or discrimination (including informal pressures) and will take appropriate action to protect employees when they raise a concern 'made in the public interest' and fits into a category as follows:
- a criminal offence;
 - a miscarriage of justice;
 - an act creating risk to health and safety;
 - an act causing damage to the environment;
 - a breach of any other legal obligation; or
 - concealment of any of the above;
- 7.3 It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. The worker has no responsibility for investigating the matter and the OPFCC will take responsibility to ensure that an investigation takes place. A worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.
- 7.4 If there are any intimidatory threats or instances of harassment/victimisation/discrimination against a 'whistle-blower' the OPFCC will take appropriate action under the Disciplinary Policy.
- 7.5 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy or any other procedures which may be ongoing.

8 Confidentiality

- 8.1 All concerns will be treated, as far as possible, in the strictest confidence and every effort will be made not to reveal the employees identity if requested. However, if concerns require any further information and investigation the employee will be contacted and the circumstances fully explained. The OPFCC cannot guarantee that a whistle-blower's identity will not be revealed. There may be circumstances in which the Commissioner is legally obliged to disclose the whistle-blower's identity or where those party to an investigation may be able to 'guess' who the whistleblower is.

9 Anonymous allegations

- 9.1 This policy encourages employees to put their name to an allegation whenever possible. Concerns expressed anonymously are less credible but will be considered at the discretion of the OPFCC. In exercising this discretion the factors to be taken into account would include:
- the seriousness of the issues raised
 - the credibility of the concern
 - the likelihood of confirming the allegation from attributable sources.
- 9.2 Where an allegation is made anonymously it may not be able to be progressed if sufficient information is not included within the original allegations. The OPFCC would then not be able to contact the individual(s) concerned to seek further information or clarity, thereby the issues may not be investigated or addressed.
- 9.3 If a member of staff does not initially feel confident to raise an issue with someone within the

OPFCC there are a number of external organisations and charities which they can speak with for information. Some of these are detailed within Section 15 of this policy.

10 Untrue allegations

10.1 If an employee makes an allegation 'in the public interest', but it is not confirmed by the investigation, no action will be taken against the employee. If, however, an allegation is made frivolously, maliciously or for personal gain, action under the Disciplinary Policy may be taken against the employee who made the allegation.

11 How to raise a concern

11.1 As a first step, OPFCC employees should normally raise concerns with their line manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if an employee believes that the manager is involved, they should approach a more senior manager, or a member of the OPFCC Executive Team, in the first instance who will advise the Chief Executive unless the matter relates to them.

11.2 Concerns should be raised in writing at the earliest opportunity and employees who wish to make a written report are invited to use the attached form at Appendix 1 to provide:

- the background and history of the concern (giving relevant dates)
- the reason for being particularly concerned about the situation
- the basis on which concerns can be evidenced.

11.3 Advice and guidance on how to pursue matters of concern may be obtained from the Contacts list below at section 15.

12 How the OPFCC will respond

12.1 The OPFCC will respond to the concerns raised and where appropriate, the matters raised may:

- be investigated by appropriate representatives, internal audit, or through the disciplinary process
- be referred to the Police
- be referred to the external auditor
- form the subject of an independent inquiry.

12.2 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 is the public interest. 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.

12.3 Within **ten** working days of a concern being raised, the manager will write to the employee in confidence with the following information:

- acknowledging that the concern has been received
- indicating how they propose to deal with the matter
- giving an estimate of how long it will take to provide a final response
- advising whether any initial enquiries have been made

- supplying information on staff support mechanisms
 - advising whether further investigation will take place and if not, why not.
- 12.4 Depending upon the nature of the matter the OPFCC may not be able to provide you with specific details of how they are dealing with it.
- 12.5 Every effort will be made to ensure that concerns are dealt with as speedily as possible and employees are kept informed of progress made. For matters of a more in-depth or serious nature which take longer to look into, the OPFCC should seek to update employees on a 28-day basis.
- 12.6 The amount of contact between the officers considering the issues and the employee will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the OPFCC will seek further information from the employee. The OPFCC will take steps to minimise any difficulties, which an employee may experience as a result of raising a concern.
- 12.7 Where any meeting is arranged (which may be off-site at the request of the employee), the employee may be accompanied by a trade union representative or a workplace colleague who is not involved or implicated in the issue under investigation.
- 12.8 The OPFCC accepts that an employee needs to be assured that the matter has been properly addressed. The final outcome of a concern may not be disclosed to the employee whereby the disclosure would be a breach of Data Protection legislation (i.e. if an outcome was that an employee was given a disciplinary sanction).

13 Record Keeping

- 13.1 A record of the details of the concern raised, how it was resolved and copies of any records associated with any investigation will be stored confidentially for six years following resolution. The information will then be securely destroyed.

14 How the matter can be taken further

- 14.1 The OPFCC hopes that an employee will be satisfied with any action taken. If the employee is not satisfied and they feel it is right to take the matter outside the OPFCC, they should ensure that they do not disclose confidential information.
- 14.2 If an employee believes they cannot tell their employer, they should contact a ‘prescribed person or body’. A worker can only tell the prescribed person or body if they believe that their employer:
- will cover it up
 - would treat them unfairly
 - has not satisfactorily responded to a reported concern.
- 14.3 The following are examples of prescribed bodies to which certain concerns can be reported:
- HM Revenue & Customs;
 - the Financial Conduct Authority (formerly the Financial Services Authority);
 - the Competition and Markets Authority;
 - the Health and Safety Executive;

- the Environment Agency;
- Audit Commission – Whistle-blowers
- the Independent Police Complaints Commission; and
- the Serious Fraud Office.

15 Contact Information

Role	Name	Contact Address	Telephone Number	Email
OPFCC Chief Executive	Gill Shearer	Carleton Hall Penrith	01768 217734	Gill.shearer@cumbria.police.uk
OPFCC Deputy Chief Executive	Vivian Stafford	Carleton Hall Penrith	01768 217734	Vivian.stafford@cumbria.police.uk
Chief Finance Officer	Steven Tickner	Carleton Hall Penrith	01768 217734	Steve.tickner@cumbria.police.uk
Protect	Whistleblowing Charity	The Green House, 244-254 Cambridge Heath Road, London E2 9DA.	020 31172520	
Internal Audit	TIAA Ltd	Artillery House, Fort Fareham, Newgate Lane, Fareham, PO14 1AH	0845 3003333	enquiries@tiaa.co.uk
External Audit	Michael Green	Grant Thornton UK LLP, Landmark, St Peter's Square, 1 Oxford Street, Manchester M1 4PB	0161 953 6900	website.enquiries.manchester@uk.gt.com

16 Supporting Staff

16.1 Raising an issue within a workplace environment can be an emotional and stressful situation for both the member of staff raising the concerns and those who allegations are being made against. Should a member of staff require emotional support during an investigative process this could be provided in a number of different ways:

- Staff Associations
- Occupational Health
- Family member, friend or work colleague

16.2 Where a member of staff has someone supporting them through the process and wishes for them to be updated as to what is happening, they would need to provide the OPFCC with written consent, giving the name and contact details of the individual. They should also advise to what extent they would wish them to be advised of what is taking place. They would not be involved in the investigation of the matter and would purely be there to support the individual member of staff.

17 Cumbria Constabulary or Cumbria Fire and Rescue Service Staff/Employees

17.1 The Police, Fire and Crime Commissioner has oversight and governance responsibility for both Cumbria Constabulary and Cumbria Fire and Rescue Service. Where an individual has concerns within their organisation, they should use the reporting mechanisms available to them.

17.2 Alternatively they can contact the OPFCC Monitoring Officer to discuss their concerns. The Monitoring Officer will advise them of the best course of action or route for them to raise their concerns.

18 Monitoring, Review and Evaluation

18.1 The OPFCC will review the Whistleblowing Policy every three years. The policy will be revised as required to reflect any changes in regulation and statutory guidance.

Appendix 1:

Confidential Reporting (Whistleblowing) Form

<p>What concern(s) do you wish to raise? <i>In your own words describe your concern(s), include date(s), time(s), persons involved, including any witnesses, location, the length of time you have been concerned.</i></p>	
<p>Why are you concerned about the issue(s)?</p>	
<p>Have you discussed the issue(s) with anyone else?</p>	<p>Yes / No</p>
<p>If yes, with whom and when?</p>	
<p>What was the outcome of this previous discussion?</p>	
<p>Signed</p>	
<p>Print name</p>	
<p>Date and contact details</p>	
<p><i>Please send this form in a sealed envelope marked private and confidential to a senior manager or a named Contact from the Contacts List provided in Section 15.</i></p>	