



Professional Standards and Confidential Reporting Procedure

This procedure is part of North Yorkshire Police policy to which all Chief Constable personnel and the functions provided by the Police and Crime Commissioner are required to adhere.

Procedure Statement

The aim of this procedure is to create a climate where all staff have confidence in the mechanisms available to them and feel a genuine openness and transparency when reporting breaches of professional standards. Their motivation should arise from a desire to maintain the integrity of the service and with the knowledge that such action will be universally acknowledged as right.

The purpose of this procedure is to set out the ways in which individuals within the organisation can make suspected professional standards reports in a supportive and confidential environment. This includes reporting criminal activity, breaches of the Standards of Professional Behaviour, malpractice and dishonesty and any activity which has an adverse impact on race and diversity.

The Nine Policing Principles are set out in the Code of Ethics for the Police Service and must be adhered to.

It is the aim of North Yorkshire Police (NYP) that all staff should:

- have a clear responsibility to report suspected corruption, dishonest or unethical behaviour by others
- feel that they can report corruption, dishonesty and malpractice openly and with the support of their colleagues and managers

Be aware when making professional standards reports, that they may be required to give evidence and support a criminal prosecution and/or misconduct proceedings where appropriate.

This procedure is designed to implement a clear professional standards reporting mechanism that provides:

- clear and effective mechanisms for professional standards reporting.
- comprehensive arrangements for supporting staff who, in good faith make such a report.
- acknowledgement of the potential impact on an individual, the force and/or the service as a whole.
- support to the NYP Corruption Prevention Strategy.

Process

This document sets out the PCC/NYP values and beliefs with regard to Anti-Fraud, Anti-Corruption and Confidential Reporting and indicates the Standards of Behaviour expected of every individual and the courses of action to be followed in the event of any concern arising around these matters.

The definitions of Fraud and Corruption include the following:

- **Fraud: “The intentional distortion of financial statements or other records by persons internal or external to the OPCC or NYP which is carried out to conceal the misappropriation of assets or otherwise for gain”**
- **Corruption: “The offering, giving, soliciting or acceptance of an inducement or reward, which may influence the action of any person”.**

The definition of Confidential Report (Whistleblowing) is:

- **“The act by which an individual is able to confidentially report genuine concerns regarding actual or potential breaches of OPCC or NYP policies or procedures; or the law of the land, being protected against any form of retribution for so doing”.**

Fraudulent or corrupt acts may include:

Systems Issues	Where a process/system is abused by either employees or public (e.g. misuse of PNC)
Financial Issues	Where individuals or companies have fraudulently obtained money from PCC/OPCC/ NYP, (e.g. invalid invoices/ work not done)
Equipment Issues	Where PCC/OPCC/NYP equipment is used for personal purposes without approval (e.g. personal use of OPCC/NYP computers)
Resource Issues	Where there is a misuse of resources, (e.g. theft of cash/assets)
Contract Issues	Individuals must not be directly involved in the processing of any type of application for work, services or other matters relating to PCC/OPCC/NYP business in which they, or any close relative or friend, have a personal interest. In this event employees must inform their manager or immediate supervisor as soon as they are aware of the application or matter in question, and a formal record will then be maintained and the situation managed appropriately. Other Issues or activities undertaken by individuals which may be unlawful, against PCC/NYP Standing Orders procedures or policies, or which fall below established standards or practices, or amount to improper conduct, (e.g. receiving unapproved hospitality)

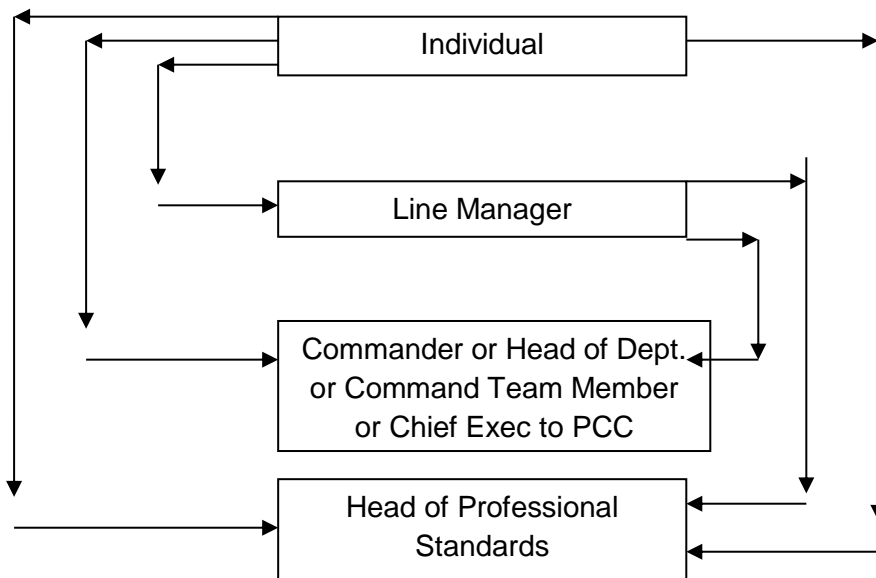
Concerns or allegations that fall within the scope of other existing procedures (e.g. child protection or discrimination issues) will normally be referred for consideration under those procedures.

The arrangements specified in this document are specifically designed to deal with situations where

fraud or corruption is suspected. It should be noted that there are other existing arrangements which are designed to deal with situations where other forms of misconduct are suspected.

ADDRESSING SUSPECTED FRAUD OR CORRUPTION

For these matters to be effectively addressed, the number of steps in the process and the number of people involved must be kept to a minimum. The reporting and responding structure is as follows:-



Where an individual suspects that there may be a matter of fraud or corruption, they should raise the matter confidentially with their line manager, from whom they should expect a timely response.

If the individual feels it inappropriate to address the matter with their line manager OR they have already addressed the matter with their line manager but have not received a satisfactory response, they should address the matter to: their Commander, Head of Department; a member of the Command Team or, if an PCC/OPCC matter, to the Chief Executive to the PCC.

In cases which the individual considers the matter to be of significant importance or where he or she has not received a suitable response, the matter should be addressed to the Head of Professional Standards.

Where the individual chooses to use the Confidential Reporting process, that report would be received and responded to by the Head of Professional Standards.

Where a Commander, Line Manager or a Head of Department receives a report and considers that there may be a suspected fraud or corruption they will raise the matter with the Head of Professional Standards

The varied nature of instances of suspected fraud or corruption is such that there are many potential appropriate responses which are not outlined in this document. However **in every case**, the Head of Professional Standards will assess whether a formal investigation is required and advise the member of the Command Team with responsibility for Professional Standards matters or the Chief Executive to the PCC (whichever is appropriate) whose authorisation is required for the commencement of a formal investigation.

It should be noted that in certain cases:

- where the subject of concern is the Head of Professional Standards the individual should raise the matter directly with the Chief Constable
- where the subject of concern is the Chief Executive to the PCC the matter should be raised with the PCC
- in matters relating to the alleged behaviour of PCC or Deputy PCC the concerns may be addressed by the Clerk/Secretary to the Police and Crime Panel (PCP). The CEO should be contacted in the first instance.

CONFIDENTIAL REPORTING

Whilst matters relating to suspected fraud, corruption or any other significant issue should normally be reported through the channels indicated above, there may from time to time be more serious or significant issues where the individual concerned would only feel able to express his or her concerns through Confidential Reporting. This process, often described as whistleblowing, enables any individual to ensure that the matter is appropriately addressed.

Confidential Reporting 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.

A confidential report will be treated as a 'protected disclosure' if the individual making the confidential report reasonably believes that they are making a disclosure in the public interest. N.B. any individual wishing to report the alleged breach of their own contract of employment must use the Grievance Procedure to make such a report.

Whilst individuals would normally be expected to put their names to any information provided, they may feel in some circumstances that they wish to utilise the "Anonymous Messenger" facility. Details of this facility can be found on the Home Page of the NYP Intranet.

IMPORTANT CONTACT DETAILS

It is anticipated that initial contact about a matter of concern will be with the individual's Line Manager, or potentially direct to their Commander or Head of Department, a member of the Command Team or the Chief Executive to the PCC, as appropriate.

Individuals can express concerns direct to their line manager either verbally or in writing. Allegations of breaches of professional standards can be reported to another manager where it is believed to involve the person's line manager, or where it is felt more appropriate. Contact the Professional Standards Department (PSD) if there is doubt as to who an appropriate manager is.

Where an individual wishes to report confidentially or feels it necessary to make direct contact with the Head of Professional Standards, he/she (or in his/her absence his/her Deputy) can be contacted as follows:

In Writing - Letter under closed cover marked “Confidential”, and addressed to the Head of Professional Standards, North Yorkshire Police HQ, Newby Wiske Hall, Northallerton DL7 9HA,

or By telephone direct to Professional Standards Integrity Unit - 01347 848582

or By telephone to the Confidential Hotline - 0800 012 1227

or Via the ‘Anonymous Messenger’ link on the NYP Intranet Home Page

The ‘Anonymous Messenger’ system enables staff to anonymously report incidents of wrongdoing in complete confidence through a messaging system which can be readily accessed via the Force Intranet Homepage.

Contained on the ‘Anonymous Messenger’ Homepage are some ‘Frequently Asked Questions’ and a ‘How to Use’ guide which should be read before making a report.

The Professional Standards Integrity Unit Coordinator will agree the status of the report and the degree of confidentiality required. This will be recorded in writing. Reports can also be made direct to the PSD. This information is stored under secure conditions within the Integrity Unit and is retained for as long as it remains relevant to the efficiency and effectiveness of NYP.

Experienced staff will deal with breaches of professional standards allegations.

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

When made in person, the information will be treated in confidence and the person’s identity protected as far as possible.

This method of reporting provides for an element of independence and objective assessment of the information and as such is both legitimate and supported.

In extremely significant cases, an individual may feel it necessary to utilise an external agency and this can be done through either :-

“Public Concern at Work”

Helpline 020 7404 6609 E-mail whistle@pcaw.org.uk

Independent Police Complaints Commission Confidential Reporting line

Telephone 0300 020 0096 E-mail enquiries@ipcc.gsi.gov.uk

Criminal Cases Review Commission

Telephone 0121 233 1473 E-mail info@ccrc.x.gsi.gov.uk

Information Commissioner

Telephone 0303 123 1113 E-mail casework@ico.org.uk

Amnesty from Discipline/Misconduct Proceedings

A limited and defined amnesty from discipline/misconduct proceedings may be given for staff who are able to give evidence of criminal activity and serious breaches of discipline.

The criteria to be considered include the:

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

Statement of Expectations

In both open and confidential cases an agreed statement of expectations based on a risk assessment and the principles contained in this procedure will be drawn up. The statement will summarise what each party can expect from the other and will outline the minimum level of support we will give to staff who make professional standards reports. This will act as the benchmark against which steps taken in each case will be judged.

The agreed statement of expectations will be handed to the person who has made the report.

Role of the Line Manager

Line Management will be required to ensure that:

- actions outlined in this procedure are undertaken
- an environment where members of staff are confident in coming forward to make such reports is developed and maintained
- the individuals actions are acknowledged as right and their approach to them is both supportive and positive
- such reports are responded to promptly, genuinely and with sensitivity
- protection from victimisation or harassment is provided
- positive and robust action is taken in cases of victimisation or harassment
- positive action is taken to prevent any possible repercussions
- only positive and supportive comments are reflected on the individuals personal file and only then when the individual concerned agrees to the course of action; and
- in every case reported that falls within the terms of this procedure, a report under 'confidential' cover outlining the circumstances and initial action taken, will be forwarded immediately to the Head of the PSD. Initial action will remain the responsibility of the line manager and may include a request for the appointment of an investigating officer and actions normally taken on commencement of an internal investigation. In all cases of doubt, Professional Standards Department should be contacted, initially by telephone.

Role of PSD including the Professional Standards Integrity Unit

Professional Standards will undertake the following:

- provide support, guidance and advice at every stage of the process, albeit this will be subject to any strategy and/or policy decision as directed by the Senior Investigating Officer
- monitor progress of each case from beginning to end
- the collation, analysis and dissemination of intelligence (where appropriate)
- focus on the confidentiality issues
- flag case papers from the point at which the report is made, through the investigation, to the prosecution stage, whether criminal or discipline; indicating that the case falls within the procedure
- ensure compliance with the procedure
- when appropriate keep the person who has made the report updated; and
- act as a conduit for identifying good practice

Role of Health Safety & Welfare

The Health Safety & Welfare service will provide information, advice and support to managers and individuals on a range of health, safety and welfare matters. Support in this context will be offered to the individual member of staff, their partner and the Department, and includes:

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

Health Safety & Welfare provides a confidential service and its practitioners; welfare counsellors and advisers adhere to Professional Codes of Conduct.

Role of the Police Officer's Associations and Police Staff Trade Union

The Police Federation, Superintendent's Association, Police Staff Trade Union and other staff associations 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.

Any member of staff wishing to make a Professional Standards Report through any of the above, should contact their local representative or the relevant branch secretary.

Inclusion Meeting

When an investigation into a suspected breach of professional standards is initiated as a result of an open report under this procedure, 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 to the Police and Crime Commissioner. This is called an 'Inclusion Meeting'. It will inform managers of the investigation, its scope and seriousness and will formulate a way forward

Although in all such cases consideration will be given to calling an Inclusion Meeting, in difficult sensitive cases, the Head of the PSD will be responsible for calling the meeting, the principles of which are:

- a) closed and confidential
- b) to freely exchange information on the subject and decide on appropriate action/way forward
- c) to decide on actions, which could include:
 - protection matters arising from the risk assessment
 - what can be discussed beyond the closed meeting
 - who else can share the detailed information and to what extent
 - advise or make recommendations on what might be included in the support arrangements
- d) the Head of the Professional Standards Department or nominated person will keep a record of decisions made under 'confidential' cover.

The Safer Neighbourhood Commander/Departmental Head/ representative of the Chief Executive to the PCC will chair an Inclusion Meeting with a Professional Standards representative in attendance. The chairman will have the discretion to invite other relevant individuals such as Staff Association, mentors etc., as circumstances dictate.

In difficult and sensitive cases the Head of the PSD will chair the Inclusion Meeting. Core members will be the Safer Neighbourhood Commander / Departmental Head/representative of the Chief Executive to the PCC and a Professional Standards representative. The chairman has the discretion to invite other members such as Staff Association, Trade Union and mentor if appropriate.

Appointment of Chief Officer Overseer

The Deputy Chief Constable/Chief Executive to the PCC has responsibility to oversee all internal investigations within NYP. However in complex and serious cases a designated Chief Officer/ representative of the Chief Executive to the PCC will be appointed to oversee the process outlined in this procedure. This officer will have particular responsibility to ensure that the appropriate support is provided to the individual who makes a professional standards report. The individual can at any stage have direct access to the designated Command Team member/Chief Executive to the PCC (or their representative) in order to discuss personal concerns.

Counsellor / Advisor

When appropriate, selected members of staff will be assigned to work as a mentor with a person who makes a professional standards report. This gives the reporting staff member a greater measure of support and confidence.

An essential and important consideration in the appointment of a mentor 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 mentor will act as a bridge between the individual and the force. Safer Neighbourhood Commanders/Departmental Managers

representative of the Chief Executive to the PCC will ensure that sufficient time outside core duties is made available, both to the individual reporting and the mentor, to fulfil the requirements of this procedure.

Witness Protection Issues

A threat assessment will be undertaken at an early stage in Professional Standards cases in the unlikely event that witness protection issues arise. The appropriate facilities and support will need to be considered.

A range of tactical options will be made available and tailored to meet the requirements of the member of staff, commensurate with the threat assessment. These could include one or more of the following:

- advice on personal security
- physical security measures at the individual's home (alarms, locks etc.)
- moving to another place of work (SNC/Department)
- ensuring that the individual is not put in a situation where false 'counter allegations' could be made

These cases will be dealt with by PSD in consultation with the individuals line management and, where appropriate, the investigating officer.

Feedback on Progress of Investigation

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 will 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

Debriefing of Persons Involved

An important part of the process will be to facilitate a debrief with the individual making the Professional Standards report. 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.

Debriefings will take place throughout the course of an investigation by the investigating officer following consultation with Professional Standards Department when appropriate. However at the end of the case a full debrief must be undertaken irrespective of any previous debriefs. **Staff conducting debriefs will consider disclosure issues in criminal cases if written records are made.**

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 private ceremony with a senior member of staff. In some circumstances, consideration will be given to awarding a formal commendation in public or in private.

Each case will be considered on its merits and any action will take into account the wishes of the person concerned.

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 PCC 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 ignore such periods of sickness absence when making deployment/promotion decisions where absence is a qualifying factor.