



Sussex Police & Crime Commissioner

Confidential Reporting (Handling of Qualifying Disclosures) Policy

- 1.1 The Office of Sussex Police and Crime Commissioner (OSPCC) is committed to the highest possible standards of openness, probity and accountability. So we expect employees, volunteers, and others, who have serious concerns about the OSPCC's work to come forward and voice them.
- 1.2 This policy is intended to encourage and enable those it covers to raise serious concerns within the OSPCC rather than overlooking a problem or 'blowing the whistle' outside.
- 1.3 This policy applies to all employees (including temporary and agency staff) and volunteers of the OSPCC, for example Independent Custody Visitors. It also covers suppliers, those providing a contract with the OSPCC and advisors.
- 1.4 These procedures do not stand alone and are in addition to others which help form the basis of the OSPCC governance arrangements, for example, the internal grievance and other personnel procedures as well as the Complaints Procedure. Where other procedures are activated simultaneously, it will be made clear as to whether or not information will be shared for the purposes of each procedure, at all times regard will be had to the very important issue of confidentiality.

2. Aims and scope of this Policy

- 2.1 There is an existing procedure in place for you to lodge a grievance relating to your own employment. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:
 - conduct which is a criminal offence or a breach of the law;
 - disclosures related to miscarriages of justice;
 - health and safety risks, including risks to the public, as well as other employees;
 - damage to the environment;
 - the unauthorised use of public funds;
 - possible fraud and corruption;
 - any discrimination on the grounds of race, gender, sexual orientation, age or disability;

- failure to comply with legal obligations;
 - other unethical conduct.
- 2.2 Any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the OSPCC or others acting on behalf of the OSPCC can be reported under the Confidential Reporting Policy.
- 2.3 This policy aims to:
- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
 - provide avenues for you to raise those concerns and receive feedback on any action taken;
 - ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied; and
 - reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure with the best intentions.

3. Safeguards: Harassment or Victimisation

- 3.1 The OSPCC is committed to good practice and high standards and wants to be supportive of all employees as an equal opportunity employer.
- 3.2 The OSPCC recognises that the decision to report a concern can be a difficult one to make. If you believe what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.
- 3.3 The OSPCC will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern with the best intentions.

4. Confidentiality

- 4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. The rules of disclosure mean that confidentiality cannot be guaranteed in every case. For example, at the appropriate time you may need to come forward as a witness. Identities will rarely be revealed and only when absolutely necessary.
- 4.2 This policy encourages you to come forward in person to raise your concern. However, concerns expressed either in person or anonymously will be considered and investigated.

4.3 Please note that:

Staff must disclose the information in good faith.
Staff must believe it to be substantially true.
Staff must not act maliciously or make false allegations.
Staff must not seek any personal gain.

4.4 If you express a concern with the best intentions but it is not confirmed by the investigation, no action will be taken against you.

4.5 However, if you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

5. How to raise concern

5.1 As a first step, you should normally raise concerns with your immediate manager. However, this depends on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. It will be for you and/or your manager to deal with the issue or refer it to one of the contact officers below:

The Chief Finance Officer
The Chief Executive & Monitoring Officer

5.2 If you have a complaint about the Chief Executive, you should contact the Solicitor to the OSPCC.

5.3 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for concern.

5.4 You may wish to consider discussing your concern with a colleague first and you might find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

5.5 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised. Anyone who helps you will need to respect the confidentiality of the investigation.

6. How the OSPCC will respond

6.1 Where appropriate, the matters raised may:

- be investigated by management, 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.

- 6.2 In order to protect individuals who may be the subject of your concern and people against whom allegations of misdeed or possible malpractice are being made, the person nominated to deal with your issue will make initial enquiries to decide whether a fuller investigation is appropriate. He or she will also decide what form the investigation should take.
- 6.3 If the person nominated to deal with your issue finds aspects of the concerns fall outside the scope of this policy, but which still need to be addressed, they will normally be referred for consideration but will not be allowed to delay the investigation under this policy.
- 6.4 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.
- 6.5 Within three working days of a concern being raised with the person dealing with your issue, they:
- (i) will write to you:
 - acknowledging that the concern has been received;
 - indicating how we propose to deal with the matter, or whether independent advice will be sought;
 - giving an estimate of how long it will take to provide a final response;
 - telling you whether any initial enquiries have been made;
 - supplying you with information on staff support mechanisms; and
 - agree with you whether further investigations will take place.
 - (ii) will inform, if appropriate, the Monitoring Officer that an issue has been raised under this policy.
- 6.7 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the implications involved and the details of the information provided. If necessary, the OSPCC will seek further information from you.
- 6.8 The OSPCC will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the OSPCC will arrange for you to receive advice about the procedure or other appropriate support.

This could prove to be difficult if it is not appropriate, as a matter of policy, rather than law, to disclose the outcome.

7. The Monitoring Officer

- 7.1 The Chief Executive has overall responsibility for the maintenance and operation of this policy and maintains a record of concerns raised and the outcomes (but in a form which does not compromise your confidentiality) and will report as necessary to the Police & Crime Commissioner (PCC) on the number and general nature of reports received.

8. How the matter can be taken further

- 8.1 This policy is intended to provide you with an avenue within the OSPCC to raise concerns, without fear of suffering a detriment as a result. The OSPCC hopes you will be satisfied with any action taken. If you are not satisfied with the outcome, and if you feel it is necessary to take the matter outside the OSPCC, there are a number of other individuals and organisations you can approach:

- - The Police and Crime Commissioner
- - The Chair of the Joint Audit Committee
- - The Internal Auditors, West Sussex County Council
- - The External Auditors, Ernst & Young
- - Sussex Police
- - Any other relevant professional or regulatory bodies, such as Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services or the Independent Office for Police Conduct.

- 8.2 If you do take the matter outside the OSPCC, you should ensure that you do not disclose confidential information.

9. Reporting

- 9.1 The Chief Executive, will ensure that reports to the PCC, as a result of confidential reporting, are properly informed by professional legal advice, involving the Solicitor to the OSPCC as necessary.