



Service Procedure

REPORTING WRONGDOING WITHIN THE PSNI (WHISTLEBLOWING)

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ABSTRACT:

This procedure outlines the various methods available for raising concerns in the PSNI of wrongdoing and how such reports will be dealt with.

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1. INTRODUCTION

- (1) The PSNI wants to create an environment where staff members feel confident to come forward to make suggestions about poor practice or complain about the way things are being done which might constitute bad practice or poor value for money. Such behaviour, often referred to under the title of whistleblowing, has many potential benefits to any organisation and as such is encouraged within PSNI.
- (2) Whistleblowing, or raising a concern, is welcomed by the PSNI as an important source of information that may highlight serious risks to the effectiveness and efficiency of the organisation or potential fraud or corruption. Staff members are often best placed to identify deficiencies and problems before any damage is done, so the importance of their role as the 'eyes and ears' of PSNI cannot be overstated.
- (3) Encouraging people to speak out has many benefits: it protects others by inhibiting wrongdoing; it promotes a culture of openness and transparency; it protects and reassures others in the workforce; and it helps to maintain a healthy working culture and an effective and efficient organisation. An organisation's willingness to examine areas of potential weakness and to listen carefully to issues and concerns raised by staff members means prompt action can be taken to address potential problems.
- (4) The UK Audit Authorities have produced '[Whistleblowing in the Public Sector – A Good Practice Guide for Workers and Employers](#)'. This Service Procedure complements this good practice guide and provides specific avenues and points of contact for reporting concerns within PSNI.
- (5) It is important to note that protection for those who raise concerns is provided through the Public Interest Disclosure (NI) Order 1998 and Article 1.8 of the Code of Ethics which states 'that a police officer shall not suffer any penalty for reporting a breach of the Code of Ethics'.

2. APPLICABILITY

This guidance applies to all police officers, members of police staff, student officers, contractors and agency staff.

3. WHISTLEBLOWER OR COMPLAINANT?

- (1) A simple way to establish whether an individual raising a concern is a 'whistleblower' or a 'complainant' is to consider the nature of the concern:
 - (a) Does the concern raise issues for 'others' e.g. the organisation, other staff, clients, or the wider public? If yes, then it is a whistleblowing concern.
 - (b) Does the concern raise issues for the individual ('self') e.g. a personal grievance about terms of employment, pay, or unfair treatment? If yes, then it is a grievance or bullying and harassment matter.
- (2) Generally a whistleblower has no self interest in the issue being raised. However, the distinction may not always be clear cut. If in doubt, workers and employers can contact Public Concern at Work for advice (see paragraph 10 for contact details). This Service Procedure only applies to whistleblowing concerns. Concerns relating to grievances or bullying or harassment should be raised using the relevant procedures: - Grievance Procedure SP14/12 or Bullying and Harassment Guide.

4. WHAT TYPES OF CONCERNS CAN BE RAISED UNDER WHISTLEBLOWING PROCEDURES?

- (1) Concerns can be raised about any issue relating to suspected malpractice, risk to the organisation, abuse or any other form of suspected wrong- doing. Examples include:
- (a) the abuse of vulnerable individuals (physical or psychological);
 - (b) health and safety risks, either to the public or other staff;
 - (c) any unlawful act (e.g. theft);
 - (d) the unauthorised use of public funds (e.g. expenditure for improper purposes);
 - (e) a breach of the Code of Ethics or Staff Code of Conduct;
 - (f) maladministration (e.g. not adhering to procedures, negligence);
 - (g) failing to safeguard personal and/or sensitive information (data protection);
 - (h) damage to the environment (e.g. pollution);
 - (i) fraud and corruption (e.g. to give or receive any gift/reward as a bribe)¹;
 - (j) abuse of power;
 - (k) poor value for money;
 - (l) other unethical conduct; and
 - (m) any deliberate concealment of information in relation to any of the above.
- (2) The person raising the concern only needs to have a reasonable belief that the issue has occurred, is occurring, or is likely to occur in the future. It is best to raise the concern as early as possible, even if it is only a suspicion, to allow the matter to be looked into promptly. Evidence or proof of wrongdoing is not necessarily required and provided it is an honest belief, it does not matter if it is mistaken.

5. ASSURANCES

(1) Confidentiality

- (a) Concerns can be raised openly, confidentially or anonymously. If a concern is raised in confidence, PSNI will seek to maintain that confidence as far as possible. It may not always be possible to maintain confidentiality, however if this is the case, the matter will be discussed with the person raising the concern, and where possible, consent gained prior to taking any action which could identify them.
- (b) All persons dealing with concerns should be mindful of practical steps to ensure confidentiality is maintained, for example:
- (i) ensuring that documents are properly classified as confidential and that electronic files are password protected;
 - (ii) ensuring that the minimum number of people have access to documents;
 - (iii) being discreet about when and where any meetings are held with the person raising concerns; and
 - (iv) ensuring that confidential case papers are not left on open surfaces such as desks, printers or photocopiers.

(2) Support and protection from harassment

- (a) PSNI is committed to supporting any individual who has raised a genuine concern and will not tolerate the harassment or victimisation of anyone who has either made an open report, or where their confidentiality has not been able to be maintained.

¹ If the concern relates to possible fraud, staff may also wish to refer to the Anti-Fraud policy and Fraud Response Plan (SP19/2011).

6. HOW TO RAISE A CONCERN

(1) Step One

- (a) If an individual has a concern they wish to raise, ideally it should be raised first with their line manager or another manager. This can be done verbally or in writing.
- (b) The person raising a concern should say at the outset if they wish the matter to be treated in confidence.

(2) Step Two

- (a) If, for whatever reason the person with concerns feels that raising it with a manager is not appropriate, or it has not worked, the concern may be raised with one of the following:
 - (i) District Commander / Head of Branch
 - (ii) Member of the Service Executive
 - (iii) Head of Finance Branch
 - (iv) Director of Finance & Support Services
 - (v) D/Supt Anti-Corruption & Vetting Branch
- (b) The person raising a concern should say at the outset if they wish the matter to be treated in confidence.

(3) Step Three

If any of these channels have been followed and the person raising the concern believes there is an ongoing risk, or they feel the matter is so serious that it cannot be discussed with any of the above, then a concern can be raised directly with either:

- (a) The chair of the Audit & Risk Committee
- (b) Head of Internal Audit

7. CONFIDENTIAL REPORTING MECHANISMS

- (1) The purpose of Public Interest Disclosure legislation is to encourage the open raising of concerns, however, concerns can be raised anonymously and will be acted upon as far as possible. The disadvantages of raising concerns anonymously include:
 - (a) Detailed investigations may be more difficult, or even impossible, to progress if the person raising the concern cannot be contacted for further information.
 - (b) The information provided may not easily be understood and may need clarification or further explanation.
 - (c) There is a chance that information provided may reveal the identity of person raising the concern in any event.
 - (d) It may not be possible to remain anonymous throughout an in-depth investigation.
 - (e) It may be difficult to demonstrate to a tribunal that any detriment suffered is as a result of raising a concern.
- (2) However in recognition that some individuals may prefer to raise concerns in a manner other than the methods outlined above, the PSNI has two methods of confidential reporting, which can be used on an open, confidential or anonymous basis.

8. HOW TO RESPOND IF SOMEONE RAISES A CONCERN

Managers who receive disclosures from officers or staff should:

- (1) have a positive and supportive attitude towards the person raising a concern;
- (2) record as much detail as possible about the concern being raised and agree this record with the person raising it;
- (3) be aware of the process following the raising of a concern and explain this to the person;
- (4) make sure the person raising the concern knows what to expect, for example in relation to feedback on their concern;
- (5) assure them that their confidentiality will be protected as far as possible, if they request this - see paragraph 5(a);
- (6) make no promises and manage the expectations of the person raising the concern;
- (7) make clear that PSNI will not tolerate harassment of anyone raising a genuine concern and ask them to let you know if this happens;
- (8) refer the person raising the concern to available sources of support, for example PCaW, staff association or union; and
- (9) pass the information as quickly as possible to senior management so that the appropriate procedures for consideration and investigation of the concern can be initiated.
- (10) advice can also be sought from Anti-Corruption and Vetting Branch, who should be advised of every instance where a concern is raised.

9. HOW CONCERNS WILL BE DEALT WITH

- (1) All concerns raised will be taken seriously. However, it may not be necessary to carry out a formal investigation in each case. There are a range of possibilities depending on the nature of each case, for example:
 - (a) Explaining the context of an issue to the person raising a concern may be enough to alleviate their concerns.
 - (b) Minor concerns might be dealt with straight away by line management.
 - (c) A review by internal audit as part of planned audit work might be sufficient to address the issue e.g. through a change to the control environment.
 - (d) There may be a role for external audit in addressing the concerns raised and either providing assurance or recommending changes to working practices.
 - (e) There may however be a clear need for a formal investigation.
- (2) Regardless of how the matter is dealt with, provided it has not been raised anonymously, the person raising the concern will be advised of who is dealing with the matter and how they can be contacted. They will also be offered the opportunity of a meeting to fully discuss the issue.
- (3) If the person raising the concern consents, they will be contacted in writing, summarising the concern and setting out proposals to handle the matter.
- (4) The person raising the concern will be provided with as much feedback as possible. Ideally, expectations regarding timescales for updates and methods of communication will be agreed with the person raising the concern. There may be occasions however where it is not possible to provide precise details of action taken, for example where it would infringe a duty of confidence owed to someone else, or where it could prejudice an investigation or other proceedings. Such matters should be dealt with sensitively and with as much openness as possible.
- (5) All concerns raised must be notified to Anti-Corruption and Vetting Branch so that they are carefully recorded and monitored, and to enable reports to be made to Senior Management and the Audit & Risk Committee in a timely manner.

10. INDEPENDENT ADVICE

If an officer or staff member is unsure whether or how to raise a concern, or they want confidential advice at any stage, they may contact their union or staff association. Individuals may also contact the independent charity Public Concern at Work on 020 7404 6609 or by email at helpline@pcaw.co.uk. Their lawyers can talk through options and help an individual to raise a concern about malpractice at work. For more information, their website is <http://www.pcaw.org.uk/>.

11. EXTERNAL DISCLOSURES

Whilst the Service hopes this policy reassures all officers and staff that concerns raised internally will be dealt with appropriately, the Service recognises that there may be circumstances where an individual can properly report a concern to an outside body. The Service would rather a matter is raised with the appropriate regulator – such as the Northern Ireland Audit Office or the Health and Safety Executive of Northern Ireland - than not at all. Public Concern at Work (or unions or staff associations) can provide advice on such an option and on the circumstances in which individuals may be able to contact an outside body appropriately.

12. MALICIOUS REPORTS

The Police Service actively encourages the reporting of wrongdoing and recognises that the vast majority of individuals making reports do so out of a sense of concern and a desire to 'do the right thing' for the organisation. However where it appears that a report has been made maliciously this will be investigated.

13. REVIEW

This Service Procedure will be reviewed 2 years after publication. Any comments relating to the procedure should be directed to Deputy Head, Service Improvement Department

The diagram below outlines the 3 steps for raising a concern internally

