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Reporting Wrongdoing within the Police Service of Northern Ireland (Whistleblowing)

This Service Instruction provides guidance to the Police Service of Northern Ireland employees and contractors in relation to the process of raising concerns of wrongdoing and outlines how such reports will be dealt with.



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1. Introduction

The Police Service of Northern Ireland (PSNI) are committed to ensuring that individuals in their employment have a mechanism to report any suspected illegal or wrongful conduct without suffering any detrimental impact on them, their current or future employment opportunities.

This Instruction wants to encourage and enable staff to raise their concerns at an early stage and in the right way. It explains what the PSNI expects you to do if you have concerns, clarifies your rights and responsibilities, identifies the steps that you can take, and how you will be supported.

The UK Audit Authorities have produced [‘Whistleblowing in the Public Sector – A Good Practice Guide for Workers and Employers’](#). This Service Instruction complements this good practice guide and provides specific avenues and points of contact for reporting concerns within the PSNI. It also reflects elements of the College of Policing Guidance.

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 Instruction applies to all police officers, police trainees, police staff, contractors or agency workers.

3. What Types of Concerns can be raised under Whistleblowing procedures?

Concerns can be raised about any issue relating to suspected malpractice, risk to the organisation, abuse or any other form of suspected wrongdoing. Where disclosures are made in the reasonable belief that it is made in the public interest, they are known as ‘Qualifying disclosures’. The disclosure will not be a ‘qualifying disclosure’ if you commit an offence by making the disclosure (e.g. a breach of the Official Secrets Act) or it is information which has been disclosed to you during the course of obtaining legal advice where legal professional privilege could be claimed.

A protected disclosure is when a person makes a qualifying disclosure to the right person. The box below provides examples:

Fraud and corruption (e.g. to give or receive any gift/reward as a bribe). The Fraud Response Plan SI0917 also refers.

Any unlawful act (e.g. theft)

Unauthorised use of public funds (e.g. expenditure for improper purposes)

Maladministration (e.g. not adhering to procedures, negligence)

Failing to safeguard personal and/or sensitive information (data protection)

Abuse of power

The abuse of vulnerable individuals (physical or psychological)

Health and safety risks, either to the public or other staff

Poor value for money

Damage to the environment (e.g. pollution)

A breach of the Code of Ethics or Staff Code of Conduct

Other unethical conduct

Any deliberate concealment of information in relation to any of the above

4. Whistleblower or complainant?

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:

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**.

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 & harassment matter**.

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 (PCAW) for advice:

helpline@pcaw.org.uk

This Service Instruction only applies to whistleblowing concerns. Concerns relating to grievances or bullying or harassment

should be raised using the relevant procedures.

A person raising a 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 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. The individual has no responsibility for investigating the matter.

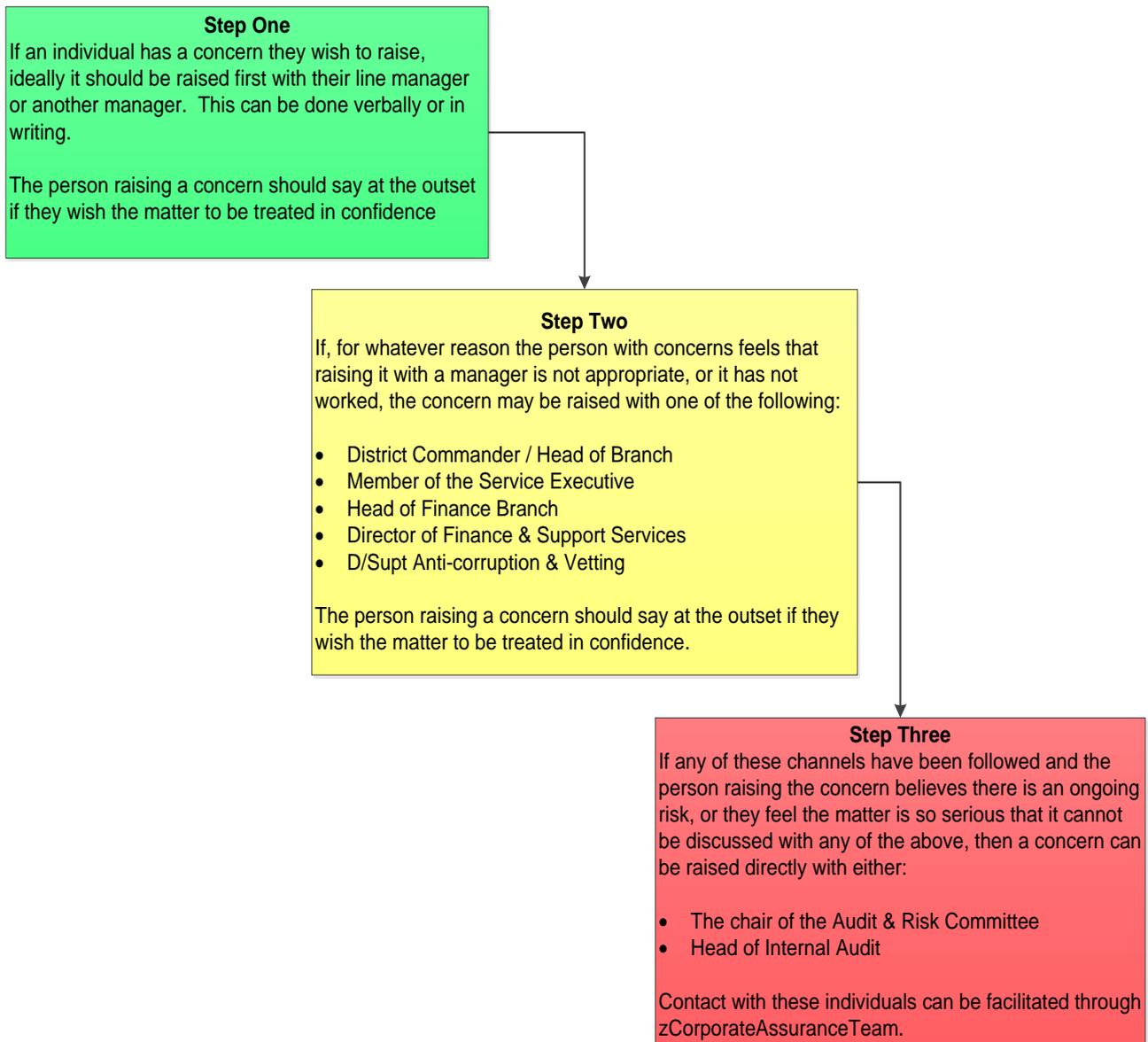
5. How to Raise a Concern

Reports can be made in the following ways:

Openly	In Confidence	Anonymously
<p>This is where the identity of the individual making the report and the details of the report can be made known to their colleagues.</p> <p>See Diagram</p>	<p>This is where the identity of the individual making the report and the details of the report is kept confidential from their colleagues.</p> <p>See Diagram</p>	<p>This is where the identity of the individual making report not known.</p> <p>See Paragraph 6</p>

The steps on the next page outline PSNI's preferred channels for making qualifying disclosures.

Steps for raising a concern:



6. Confidential Reporting Mechanisms

In recognition that some individuals may prefer to raise concerns in a manner other than the methods outlined previously, the PSNI has two methods of confidential reporting, which can be used on an open, confidential or anonymous basis.

Concerns can be raised anonymously and will be acted upon as far as possible. However the disadvantages of raising concerns anonymously include:

- Detailed investigations may be more difficult, or even impossible, to progress if the person raising the concern cannot be contacted for further information.
- The information provided may not easily be understood and may need clarification or further explanation.
- There is a chance that information provided may reveal the identity of the person raising the concern in any event.
- It may not be possible to remain anonymous throughout an in-depth investigation.

- It may be difficult to demonstrate to a tribunal that any detriment suffered is as a result of raising a concern.

7. How to Respond when Someone Raises a Concern

The table at [Appendix A](#) sets out how Managers should respond when they receive disclosures from officers or staff.

8. How Concerns will be Dealt With

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:

- Explaining the context of an issue to the person raising a concern may be enough to alleviate their concerns.
- Minor concerns might be dealt with straight away by line management.

- 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.
- There may be a role for external audit in addressing the concerns raised and either providing assurance or recommending changes to working practices.
- There may however be a clear need for a formal investigation, which may include misconduct or criminal investigations.

All concerns raised must be notified to Anti-Corruption Unit so that they are recorded and to enable reports to be made to Senior Management and the Audit & Risk Committee in a timely manner.

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.

The person dealing with the matter should make early contact with the person raising concerns to ascertain full details about the

concern and their wishes with regard to confidentiality.

If the person raising the concern consents, they will be contacted in writing, summarising the concern and setting out proposals to handle the matter.

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 them. Updates should be provided at significant stages of an investigation where possible. 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. As illustration, it may be possible to advise that disciplinary action has been taken, but not the specific sanction. Such matters should be dealt with sensitively and with as much openness as possible.

[Appendix A](#) summarises actions that a person dealing with a concern should take.

9. Support

The 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 raised a concern.

Consideration should be given to appointing a support (or welfare) officer. This should be discussed with the person raising the concern. A support officer will not be appropriate or wanted in all cases, and in some, the line manager may be able to adequately fulfil the role. However in other cases – particularly where the individual reports concerns about senior officers, criminal activity or serious misconduct – it may be appropriate (and more reassuring for the person raising concerns) if a dedicated support officer is appointed.

A person raising a concern may invite their trade union, professional association representative or a Federation friend to be present during any meetings or consultations in connection with concerns they have raised.

10. Confidentiality

If a concern is raised in confidence, the 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.

Police Officers and staff have obligations to report criminal offences under the Criminal Law Act 1967. Police Officers also have an obligation under the Code of Ethics to report breaches or potential breaches of the Code of Ethics. As a result, there may be occasions where police employees will be required to make a duty statement, and in such cases confidentiality may not be able to be maintained.

All persons dealing with concerns should be mindful of practical steps to ensure confidentiality is maintained, for example:

- ensuring that documents are properly classified as sensitive and that electronic files are password protected;
- ensuring that the minimum number of people have access to documents;

- being discreet about when and where any meetings are held with the person raising concerns; and
- ensuring that sensitive case papers are not left on open surfaces such as desks, printers or photocopiers.

11. Raising a Concern Externally

If you feel unable to raise a concern internally, or have done so, but feel that the matter has not been addressed adequately, you have the option of approaching an external organisation, known as prescribed persons.

The PSNI 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.

Individuals raising concerns should consider and make use of the relevant contacts outlined in this Service Instruction before deciding to take their information to any other organisation, e.g. campaign

groups or the media etc. Reports made other than to points of contact specified within this document may result in disproportionate and / or inaccurate reporting which can undermine an investigation and make it more difficult to take corrective action. It may also constitute a breach of the Code of Ethics (Article 3 – Privacy & Confidentiality) or the Police Staff Code. It is never acceptable for an officer or member of staff to make a disclosure for personal gain, whether that gain is financial or otherwise.

12. 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 for free confidential advice on 02074046609 or by email at helpline@pcaw.org.uk.

13. Malicious Reports

The PSNI 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 and disciplinary action may be taken as a result.

If an individual has been involved in behaviour that merits criminal or misconduct proceedings against them, reporting concerns about the behaviour of others will not allow that individual to evade disciplinary action.

Appendix A Responding To and Dealing with Concerns – Points to Remember

<p>Person initially receiving report of concern</p>	<ul style="list-style-type: none"> • Demonstrate a positive and supportive attitude towards the person raising a concern; • Record as much detail as possible about the concern and agree this record with the person raising it; • Be aware of the process following the raising of a concern and explain this to the person; • Make sure the person raising the concern knows what to expect, for example in relation to feedback; • Assure them that their confidentiality will be protected as far as possible, if they request this; • Make no promises and manage the expectations of the person raising the concern; 	<ul style="list-style-type: none"> • Make clear that PSNI will not tolerate harassment of anyone raising a genuine concern and ask them to let you know if this happens; • Advise the person raising the concern of available sources of support, for example staff association, union or PCAW; • 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; and <p>Advice can also be sought from Anti-Corruption Unit, who should be advised of every instance where a concern is raised.</p>
<p>Person Dealing with a concern</p>	<ul style="list-style-type: none"> • Advise who is dealing with the concern and provide contact details; • Make early contact with the person raising the concern and ascertain full details; • If they consent, summarise the concern in writing and set out proposals to handle it; 	<ul style="list-style-type: none"> • Agree expectations with regard to confidentiality, and method & frequency of updates; • Consider and discuss with the person raising the concern re appointment of a support / welfare officer; and Ensure the concern has been notified to Anti-Corruption Unit.

Appendix B Contact Us

Service Instruction Author

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Branch Email

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