

Table of Contents

SECTION 1	VERSION CONTROL.....	2
SECTION 2	BACKGROUND	2
SECTION 3	AIMS / OBJECTIVES	3
SECTION 4	DETAILS	4
SECTION 5	LEGISLATIVE COMPLIANCE	12

SECTION 1 VERSION CONTROL

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1.5	April 2012	D/Supt Alexander	HQ (PSD)	Reviewed and Amended
2.0	Dec 2014	Pat Stocker DI Reynolds	ISM	Reviewed and Amended
3.0	July 2018	D/Supt Scurr	HQ(PSD)	Amended following OPCC Counter Fraud Review

SECTION 2 BACKGROUND

There can be no more important qualities for members of the police service than that they are honest and act with integrity. Without these basic attributes the public can never be expected to trust the police and have the confidence in them that is necessary for a system of policing by consent. The reputation of any organisation must always be considered as one of its most cherished assets.

The overwhelming majority of individual members of police personnel including Police Officers, Police Staff and members of the Special Constabulary within the Nottinghamshire Police are dedicated, hardworking, compassionate, and deliver policing services with a high degree of integrity. Regrettably, there are a small number of police personnel that are guilty of and vulnerable to, unethical behaviour, dishonesty and corruption. The harm they do far outweighs the numbers they represent.

We all have a part to play in enhancing the integrity and reputation of the Force. This process starts with recognition that we are all individually accountable for our actions

and responsible for our behaviour.

The Procedure for Professional Standards Reporting aims to create a climate where Officers/Staff feel a genuine obligation to openness and transparency when reporting breaches of Professional Standards, their motivation arising from a desire to maintain the integrity of the police service and in the knowledge that such action will be universally acknowledged as right.

This procedure defines how Nottinghamshire Police will protect and support its Officers and Staff by providing a broad range of options for reporting breaches of Professional Standards and providing consistent and meaningful support to colleagues who 'Do the right thing'.

SECTION 3 AIMS / OBJECTIVES

The purpose of this procedure is to set out the ways in which individuals within Nottinghamshire Police can report breaches of Professional Standards in a supportive and confidential environment.

These procedures apply to Nottinghamshire Police Officers, Police Staff Employees, Partners and Approved Persons working for or with the Police.

Breaches of Professional Standards may include:

- A criminal offence
- A miscarriage of justice
- Breaches of a legal obligation
- Malpractice
- Dishonesty
- Unethical behaviour
- Breaches of the Police Officer / Police Staff codes of conduct
- Deliberate concealment of information in respect of any of the above

Police Officers and Staff have a clear responsibility to report suspected breaches of Professional Standards by others in Nottinghamshire Police and should feel that they can report such breaches openly and with the support of their colleagues and managers.

This procedure may be used by Officers and Staff to make Professional Standards Reports but does not replace the following:

- Grievance Procedure
- Police (Conduct) Regulations 2012
- Police (Complaint and Misconduct) Regulations 2012
- Police (Performance) Regulations 2012
- Police Staff Discipline Code
- Unsatisfactory Performance Procedure
- Gifts, Gratuities and Hospitality Procedure
- Health and Safety Procedure

SECTION 4 DETAILS

GUIDING PRINCIPLES

Confidentiality

Colleagues and working partners are often the first to recognise that there may be something suspicious or out of character in another person's behaviour, lifestyle or actions. It is acknowledged that some may be uncomfortable in raising their concerns and may feel such action would be disloyal. The individual's decision to voice their concerns is a difficult one and will ultimately rely on the trust they have in the system and processes to protect them. The Police (Conduct) Regulations 2012 make it a breach of the Professional Standards to fail to report such activity.

This procedure makes it clear that individuals can speak out without fear of victimisation, discrimination or disadvantage. However, with respect to criminal investigations, Nottinghamshire Police protect of the identity of the provider of any information in line with Criminal Procedure Investigations Act 1996. Professional Standards Reports may be made confidentially. Individuals should be aware that the legal rules governing disclosure will apply to misconduct proceedings. Where confidential information has been received this will be handled for disclosure purposes in the same way as criminal intelligence.

When an 'open' Professional Standards Report is made all documentation relating to it will carry protective marking, limiting access to those who have a legitimate need to see it. In confidential cases, knowledge of the identity of the person who has made the report will be kept to a minimum based upon strict need to know criteria and upon the terms and extent of the consent given.

Individuals who make Professional Standards Reports may be required to give evidence and support a criminal prosecution and/or misconduct proceedings where appropriate.

What to Consider Before Making a Report

It may not always be apparent as to whether a particular activity should be or is worthy of being reported. It is always preferable to report too much than too little and no matter how irrelevant it may seem at the time, the smallest piece of information may be of significant value.

Disclosures made anonymously are sometimes less powerful and as a rule more difficult to investigate and substantiate. The confidential reporting facility does not prevent the providers of information from making themselves known if they wish.

The sooner a concern is raised, the easier it is to establish the facts and capture any evidence.

Although no one is expected to prove the truth of an allegation themselves, there must be some demonstrable basis for believing it to be true and those reasons should be provided with any information, no matter how tenuous.

Accuracy and detail of information is crucial to the effective and timely investigation of any

suspicion or allegation. If the person making the submission is not the originator of the information, it is recommended that some level of provenance is provided.

Types of Activity/Conduct to Report

These procedures are intended to cover any serious concerns an individual may have that falls outside the scope of existing internal procedures or they feel is more appropriately dealt with by the Professional Standards Directorate (PSD). These concerns may be broadly referred to as suspected corrupt activity or wrongdoing and include:

- Criminal association / inappropriate relationships
- Criminal offences and other dishonesty
- Miscarriages of justice
- Unmanageable debt
- Drug related matters
- Recruitment and vetting issues
- Disclosure of information
- Misuse of force systems
- Breaches of security
- Business interests
- Abuse of trust / Exploitation of position or role
- Sexual or physical abuse
- Malpractice or ill treatment towards any Nottinghamshire Police employee or member of public
- Disregard for legislation, including health and safety at work
- Breach of financial or contract procedure rules
- Any activity amounting to improper or unethical conduct
- Any activity likely to bring the Force into disrepute
- That information of any of the above has been, or is likely to be, concealed

Whistleblowing

Whistleblowing is the term used when a worker passes on information concerning wrongdoing; for the purpose of the legislation, “making a protected disclosure”. The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

To be covered by whistleblowing law, a worker who makes a disclosure must reasonably believe two things. The first is that they are acting in the public interest. This means in particular that personal grievances and complaints are not usually covered by whistleblowing law. Existing Nottinghamshire Police Policies and this Professional Standards Reporting Procedure should be considered first. The second thing that a worker must reasonably believe is that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

- Criminal offences (this may include, for example, types of financial impropriety such as fraud)
- Failure to comply with an obligation set out in law
- Miscarriages of justice
- Endangering of someone’s health and safety
- Damage to the environment
- Covering up wrongdoing in the above categories

Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'.

The charity Public Concern at Work provides free confidential advice to workers who have concerns about wrongdoing in the workplace. The charity can be contacted by telephone on 020 7404 6609

MECHANISMS FOR REPORTING WRONGDOING

Where a Police Officer/ Staff member has reason to believe they have information relating to a breach of Professional Standards, it should be reported as soon as possible. There are a number of ways in which Officers/Staff can make such reports:

1. Confidential Telephone Line

A confidential phone reporting system is available to all Officers/Staff:
Ext 800 2755 or Direct Dial number 0115 9672755

2. Confidential IT Reporting Facility 'Integrity Messenger'

Integrity Messenger is confidential and available through the force intranet. It affords individuals the opportunity to raise concerns or provide information or intelligence anonymously regarding the Professional conduct of other members of Nottinghamshire Police.

Information generated by the confidential reporting system may be used as grounds for further enquiries and form the basis for consideration to investigate. The information received via the confidential reporting facility will be stored and controlled by the PSD Counter Corruption Unit (CCU). Any information used to progress an investigation will be suitably protected and sanitised to protect the identity of the source, if given.

3. Reporting Direct to Line Management

Disclosure of information, either verbally or in written form, to the Line Manager has the advantage of enabling an immediate response and direct feedback to the individual. The Line Manager will request a written report as soon as possible and in all cases within twenty-four hours of a verbal report.

Where the breach of Professional Standards is believed to involve the person's line manager, or where for any reason it is felt more appropriate to report it to another manager, this may be done.

• Role of Line Management

All Officers/Staff members and in particular line managers will be required to ensure that:

- An environment where individuals are confident in coming forward to make such reports is developed and maintained.
- Such reports are responded to promptly, genuinely and with sensitivity.
- The individual's actions are acknowledged as right and their approach to them is both supportive and positive.

- Protection from victimisation or harassment is provided.
- Positive and robust action is taken in cases of victimisation or harassment.
- Action is taken to prevent any other adverse repercussions.

4. Concerns raised through Staff Associations

The Police Federation, Superintendent's Association, Unison and other Support Associations can act as an agent through which members can relay their concerns in a confidential way.

The Staff Associations and other support associations in this process offer independent advice. They are bound by their own internal rules regarding confidentiality and the need for a members consent prior to the forwarding of information.

• Role of Staff Associations and Trade Unions

The Police Federation, Superintendent's Association, Unison and GMB 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.

5. Concerns brought to the attention of the Professional Standards Directorate

Contact may be made verbally, in writing, by E-mail, fax or by a personal face-to-face meeting with a member of the Professional Standards Directorate (PSD).

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

Where a report is made to the PSD via a third party, it may necessitate a meeting between the person reporting and a PSD officer.

• Role of the Professional Standards Directorate

The PSD will have the following responsibilities:

- Provide a secure system for recording and monitoring Professional Standard Reports
- Provide support, guidance and advice at every stage of the process
- Monitor the progress of each case from beginning to conclusion
- Collate, analyse and disseminate intelligence where appropriate
- Ensure confidentiality issues are properly managed
- Ensure ongoing assessment of case papers identifying criminal and misconduct issues
- Identify and allocate a 'Supporter' as appropriate
- Ensure that the person reporting is updated
- Facilitate structured debriefs as required and support organisational learning by identifying good practice.

6. Other Reporting Mechanisms

It is recognised that there are a number of other routes through which Professional Standards Reports might informally come to notice for e.g. the Regional Occupational Health Unit and Human Resources

When reports are brought to notice in this way, the role of receiving Officers/Staff will be to provide support, and ensure confidentiality is respected as far as possible. They should then help the individual concerned to identify the most suitable way of formally reporting the breach of Professional Standards.

Role of the Regional Occupational Health Unit

The Occupational Health Unit can provide information, advice and support to managers and individuals on a range of health, safety and welfare matters. Support in this context may be offered to the individual Officer/member of Staff, their partner and Division/Department.

SUPPORTING PERSONNEL

Irrespective of which reporting option is selected, it is vital that the initial response is positive, robust and supportive.

In many cases the person making the Professional Standards Report may be a confidential source or a witness and/or a victim of crime. Where it is clear that the person making the report is a victim of a crime then the principles of the code of practice for victims will be applied.

1. Support of the Individual

Where open reports have been made i.e. the identity of the individual and the fact of the report is known to his or her colleagues, appropriate support will be given to the individual from the outset of the case and will continue until the issue is fully resolved. This includes pro-active management support and action, staff association involvement and advice on access to support services.

When confidential reports have been made knowledge of the identity of the person who has made the report will be kept to a minimum based upon strict need to know criteria and upon the terms and extent of the consent given.

When appropriate, selected and trained Officers/Staff member will be assigned to work with a person who makes a Professional Standards Report on a 'one to one' basis to act as a 'Supporter'.

2. Supporters and their Role

Selected and trained Officers/Staff members are available to be assigned, as appropriate, to work with a person who makes a Professional Standards Report on a 'one to one' basis to act and to act as a Supporter.

A Supporter, who will not be a member of the PSD, can provide the reporting Officer/Staff member with an increased level of independent support and confidence, providing information and understanding regarding both generic processes and relevant case specific issues whilst not being directly involved in the matters subject of investigation. The

Supporter will act as the contact between the individual and the organisation.

The Supporter will help develop an ongoing assessment concerning the person reporting breaches of Professional Standards and where appropriate facilitate the introduction of other support services where necessary, for example Occupational Health. Senior local line managers should ensure that sufficient time outside core duties is made available, both to the individual reporting and their Supporter, to meet the individual needs of each case.

The PSD will maintain a register of qualified Supporters so that a suitable Supporter can be easily identified and contacted.

The role of the Supporter has been introduced to allow the person reporting an opportunity to benefit from independent support, over and above that provided by traditional means. The overarching responsibility of the Supporter will be to provide continuous support and to monitor the person's general wellbeing.

The Supporter shall:

- Support the person reporting breaches of Professional Standards.
- Consider and, where necessary, offer advice to the person reporting breaches of Professional Standards.
- Help ensure that the procedure is being adhered to.
- Help develop a support assessment concerning the person reporting breaches of Professional Standards.
- Facilitate the introduction of other support services where necessary, for example Regional Occupational Health and Confidential Care (CIC).

The Supporter is to be given time to help the person reporting breaches of Professional Standards and attend key meetings.

THE REPORTING PROCESS

In every case reported that falls within the terms of this procedure a confidential written report, outlining the circumstances and initial action taken, will be forwarded immediately to the Head of the PSD. In serious cases the person receiving the report must inform the Head of PSD immediately by telephone or in person.

Initial action will remain the responsibility of the Line Manager and may include preservation of the scene/evidence. In all cases of doubt, PSD should be contacted.

The Head of PSD will be responsible for assessing the nature of the report and will decide upon the appropriate course of action to be undertaken.

Where it is decided that the matter should be investigated an Investigating Officer (IO) will be appointed within PSD. The investigation could be undertaken by either:

- The Independent Police Complaints Commission either Independently, Managed or supervised as appropriate.
- By an external police force
- Nottinghamshire Police

1. Statement of Expectation

The Statement of Expectation is a living agreement between the Investigating Officer from the PSD and the reporting Officer/Staff member and will apply in both open and confidential cases.

The agreement is a summary of what the Officer/Staff member can expect from Nottinghamshire Police and what Nottinghamshire Police can expect from the Officer/Staff member. The aim is to ensure that all parties are clear about the agreed course of action and any help and assistance that can be offered. Any matter causing concern can also be discussed and recorded.

The Statement of Expectation will include:

- How the two parties will contact each other and the frequency
- Updates
- Other points of contact if required, line manager, Supporter
- A support discussion/assessment
- Confidentiality
- The requirement for a debrief
- How the investigation will be progressed, subject to the harm test

The Statement of Expectations will form a key informative document within the debriefing process and should evidence changes in direction or policy throughout the investigation from both the investigators and reporting Officer's/Staff member's perspective.

2. Investigation Updates

The person making the report will be kept updated every 28 days unless agreed otherwise by the investigating officer. These may be more frequent where significant or frequent developments occur in the investigation.

Where confidential reporting has taken place the wishes of the Officer/Staff member making the report should be established at the outset. If they wish to be kept informed, this should be facilitated as far as it is practicable without compromising confidentiality or imposing undue burdens on the investigation.

3. Inclusion Meeting

When an investigation into an open report under this procedure is initiated, consideration will be given to holding a meeting between the Investigating Officer and a local line manager nominated by the Divisional/Departmental Disciplinary Single Point of Contact (SPOC). The purpose of this meeting will be to inform managers of the investigation and discuss any matters arising. This is called an 'Inclusion Meeting'.

In complex or sensitive investigations the Head of the PSD will call the Inclusion Meeting with the SPOC. A log of decisions made will be recorded by the PSD.

4. Amnesty from Misconduct Proceedings

Limited and defined amnesty for misconduct offences may be given for Officers/Staff who are able to give evidence of criminal activity, and serious breaches of discipline. Criteria to be considered include:

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

5. Witness Protection Issues

It is anticipated that issues of witness protection will only rarely arise and only in the most serious cases. A threat assessment will be undertaken at an early stage and the appropriate facilities and tactical options will be made available and tailored to meet the requirements of the individual, commensurate with the threat assessment. Trained officers specifically tasked with managing witness protection issues would deal with these cases.

6. Debriefing of Persons Involved

Debriefing is a fundamental part of the Professional Standards Reporting process. This provides an opportunity to identify both good and bad practice, enabling the individual to raise outstanding issues and concerns.

Reviews of the Statement of Expectations will be will take place throughout the course of an investigation by the Investigating Officer with the reporting Officer/Staff member.

At the end of the case a full debrief must be undertaken which will include making reference to the Statement of Expectations.

SECURITY / DATA MANAGEMENT

Although the providers of information may be asked if they are prepared to have their identity disclosed, the presumption will always be that they wish to remain anonymous.

The subsequent use and/or dissemination of intelligence based upon information received in confidence will be suitably protected with the application of the appropriate handling instructions.

Any information entered into Integrity Messenger is encrypted.

Information received from Integrity Messenger or Confidential Telephone Line will be afforded the physical and protective security measures required for RESTRICTED material enhanced by ensuring that access levels and individuals involved are tightly controlled and small in number.

In compliance with the Management of Police Information (MoPI) Guidance and the Data Protection Act, the Professional Standards Department undertakes to share information received via the confidential reporting facilities with Professional Standards Departments of other forces and law enforcement agencies where appropriate.

In providing such a mechanism Nottinghamshire Police is subject to the provisions within the Public Interest Disclosure Act 1998 which affords workers protection from reprisals if they disclose information. To ensure the protection from the Act the person providing the information must act in good faith (reasonably believing that what they disclose is true and that the disclosure is in the public interest) and must not themselves benefit or profit from

it.

DATA PROTECTION

The UK Data Protection Act 2018 provides for the regulation of the processing of information relating to individuals, including the obtaining, holding, use and disclosure of such information. Any information relating to an individual or their actions generated by the confidential reporting system will be subject to relevant legislation and treated accordingly.

It is the responsibility of the system owner to ensure that all aspects of the UK Data Protection Act 2018 are complied with. The usual conditions of data retention and disposal will apply.

SECTION 5 LEGISLATIVE COMPLIANCE

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; General Data Protection Regulations (EU) 2016/679 and the UK Data Protection Act 2018; Freedom of Information Act; European Convention of Human Rights; Employment Act 2002 and the Employment Relations Act 1999.