

DEVON AND CORNWALL POLICE AUTHORITY

WHISTLEBLOWING POLICY AND PROCEDURE

Policy

1. Employees of the Authority may be the first to see or suspect that another employee, a Member of the Authority or an employee of the Constabulary may be involved in some irregularity. Any malpractice, however small, is taken very seriously by the Authority, particularly given the nature of its responsibilities and its public profile.
2. The Public Interest Disclosure Act 1998 (often known as the Whistleblowers Act) is intended to encourage employees to raise their concerns in a responsible way where there is a practice within or associated with an organisation, that threatens the public interest. Under the Act, employees are statutorily protected from subsequent victimisation if the matter that is raised falls within detailed criteria specified within the Act. These are summarised in paragraph 7(a) – (f) below.
3. In any event the Authority supports the principle of encouraging employees to report any wrongdoing or malpractice within or associated with the work of the Authority, which it is genuinely believed has occurred or is likely to occur, and to protect employees who, in the public interest, raise genuine matters of concern. Such reports need not be confined to the matters covered by the Act (e.g. they may relate to matters listed in paragraph 7 (g)-(i) below) , although statutory protection for ‘whistleblowing’ only extends to matters covered by the Act.
4. Any matter reported within the context of this policy, whether statutorily ‘protected’ or not, will therefore be taken seriously and treated as confidential as far as practicable.

Procedure

5. The Authority has adopted the following procedure, which is based, in the first instance, on raising matters of concern internally.
6. Employees have a responsibility to take appropriate, reasonable and timely action whenever they become aware of any situation or matter that could expose the Authority or the Constabulary to loss, liability or reduction in public confidence.
7. Employees should report any situation or matter which they reasonably believe might show that one or more of the following matters has occurred, is occurring or is likely to occur in the future:
 - (a) A criminal offence;

- (b) A failure to comply with a legal obligation;
- (c) A miscarriage of justice;
- (d) A danger to the health and safety of any individual;
- (e) Damage to the environment;
- (f) A deliberate 'cover up' of any of the above matters;
- (g) An act of misconduct;
- (h) Dishonesty;
- (i) A breach of the Authority's Standing Orders or the statutes that regulate it and the Constabulary;

8. As soon as an employee becomes aware of any of the above matters, he or she should refer it to the Chief Executive. If the complaint is against action taken or believed to be or proposed to be taken by the Chief Executive, it should be referred to the Authority's Treasurer.
9. It is important that any concerns are reported promptly in order to assist the Authority to uphold its standards and public confidence in those standards and to help prevent the concealment or destruction of any documents or other evidence which might be relevant to the matter of concern.
10. Once a matter covered by this policy and procedure has been reported, the Chief Executive (or Treasurer) will instigate preliminary enquiries to decide whether a full investigation is needed. If such an investigation is necessary, the matter will either be investigated in more detail internally (e.g. by the Treasurer) or referred to an appropriate external body (e.g. Internal or District Audit or the Police).
11. Subject to any legal constraint, the Authority will keep complainants informed of the progress of the investigation and its outcome.
12. The Authority will make every reasonable effort to maintain and respect any request from complainants concerning anonymity and/or confidentiality.
13. If, on conclusion of the Authority's investigations, the complainant reasonably believes that the appropriate action has not been taken in respect of a matter which falls specifically within the purview of the Act, he or she should report the matter to the proper authority. The Public Interest Disclosure (Prescribed Persons) Order 1999 sets out a number of bodies to which disclosures, the subject of which may qualify the complainant for statutory protection under the Act, may be made. Depending on the specific subject of the disclosure, these bodies include:
 - The Inland Revenue;
 - The Information Commissioner;
 - The Audit Commission;
 - The Chief Executive of the Criminal Cases Review Commission;

- The Health and Safety Executive and local authorities responsible for the enforcement of health and safety legislation;
- The Serious Fraud Office.

Safeguarding employees

14. No one who reports any concerns under this policy in good faith will be subjected to any detriment for coming forward, regardless of whether the concern is ultimately substantiated.
15. An employee who has raised a concern under this procedure but who considers that, as a consequence, they have been victimised, should raise the matter as a formal complaint under the Authority's Harassment and Bullying Procedure.
16. While encouraging all disclosures made in good faith, the Authority will treat as unacceptable deliberately false or malicious allegations, whether or not they relate to a criterion listed in the Act. Any employee making such allegations will face disciplinary proceedings, the outcome of which could include dismissal.
17. Similarly investigation and possible proceedings under the Authority's disciplinary procedure resulting in disciplinary action is likely to be taken if an unjustified external disclosure (other than to a Prescribed Person) is made.

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