



OFFICE OF
Police & Crime
Commissioner
for Cheshire

Confidential Reporting Policy

Version No.	1	Review Date:	7/06/2016
Policy author:	Research and Analysis Officer	Policy owner:	Chief Executive
Created on:	18/12/2012	Ratified on:	7/01/2013
Last reviewed on:		Applicable to:	
Equality Impact Assessed on:	A full impact assessment is not required as it is considered that it will not disproportionately adversely affect any protected characteristic community as defined in the Equality Act 2011.		
At the time of ratifying this procedure and at the time of all subsequent reviews, the author and the owner of this procedure are satisfied that this document complied with relevant legislation.			

Version Control			
Date	Version	Name	Changes
	1/Draft	E Robertson	Policy created

Related Documents
Code of Conduct for the Commissioner and Deputy Commissioner Code of Conduct for staff of the Office of the Police and Crime Commissioner

CONTENT

Section 1 – Introduction

Section 2 – Definitions

Section 3 – Process description

Section 4 – Review outcomes

Section 5 – Overriding principles

INTRODUCTION

1. The Office of the Police and Crime Commissioner for Cheshire (OPCC) is committed to the highest possible standards of honesty, openness, probity and accountability. It seeks to conduct its business in a responsible manner, ensuring that all its activities are openly and effectively managed and that its integrity is sustained.
2. In line with that commitment, the Commissioner encourages staff, stakeholders and other people associated with the OPCC, who may have serious concerns about any aspect of their work to come forward and voice those concerns.
3. It is recognised that most concerns will be expressed in confidence and wherever possible that confidence will be maintained.
4. Staff are often the first to realise that there may be something seriously wrong within an organisation. However, they may feel that expressing their concern would be disloyal or may fear harassment or victimisation. In these circumstances it may be easier to ignore concerns rather than report them.
5. The Commissioner believes that it is the responsibility of each member of staff to realise that they not only have the right, but the moral duty to report any concerns.
6. The Commissioner recognises and appreciates that staff who raise concerns are an asset to the OPCC and not a threat. This policy makes it clear that staff can raise their concerns without
7. This policy relates to the Police and Crime Commissioner, the Deputy Police and Crime Commissioner, OPCC staff and other contracted staff. Where the matter concerns the Constabulary, individuals are asked to refer to the Constabulary's Confidential Reporting Procedure.
8. The policy is in addition to, but does not replace the following existing legislation, policies and procedures:
 - Cheshire Constabulary Confidential Reporting Policy
 - Cheshire Constabulary Fairness at Work Policy
 - Police Conduct and Performance, and Misconduct Regulations 2008
 - Managing Performance Procedure (Police Staff)
 - The Police Reform & Social Responsibility Act 2011
 - The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2011 (in relation to any concerns relating to the Commissioner and / or any Deputy)
 - Public Interest Disclosure Act 1998
 - The Equality Act 2010

ABOUT THIS POLICY

9. This policy explains how to make a complaint if you are dissatisfied with any services provided by the OPCC. It does not however, cover complaints in the following areas:

- Operational policing matters – these complaints should be addressed to your local police Area Commander
- The conduct of an individual police officer – these complaints should be addressed to:

Professional Standards Department
Cheshire Constabulary HQ
Clemonds Hey
Oakmere Road
Winsford
Cheshire
CW7 2UA

- Matter relating to the Commissioner or any Deputy Commissioner are the responsibility of the Police and Crime Panel in line with particular legal requirements. Except where specifically referred to, this policy will not apply to these office holders.

10. Please note that although complaints may refer to the behaviour of a particular member of staff, any issues concerning the employer/employee relationship including the need for disciplinary action to be taken are addressed separately under the Office of the Police and Crime Commissioner's internal procedures or the Constabulary's Fairness at Work Policy as applied to the particular individual's terms and conditions of employment.

RESPONSIBILITIES

THE COMMISSIONER

11. The Commissioner has approved a Code of Corporate Governance and carries out an annual review of its effectiveness through the Annual Governance Statement. The OPCC will oversee the operation of this Confidential Reporting Policy and will receive an annual report, through the Audit Committee on the outcome of investigations and any remedial action taken to tighten controls. The Chief Executive acting as Monitoring Officer, will oversee the operation of the policy to ensure adequate processes are in place and appropriate action is taken.

12. For any concerns relating to the Commissioner/Deputy Commissioner see paragraph 23

ALLEGATIONS CONCERNING OPCC STAFF

13. Where an allegation concerns staff of the OPCC, the Chief Executive will seek to investigate the matter confidentially. Where the concerns raised relate to the Chief Executive, the Commissioner's Chief Finance Officer will oversee the process with the Commissioner and will act in accordance with the specifically incorporated provisions in the Chief Executive's contract of employment which require the involvement of an independent panel drawn from the Police and Crime Panel and the involvement of a "designated independent person" (as defined in that contract).
14. Where the concerns relate to the Commissioner's Chief Finance Officer contracted provisions similar to those of the Chief Executive described above exist and will be applied.

GUIDANCE

15. This policy is intended to cover concerns affecting the OPCC that fall outside the scope of the other procedures mentioned in paragraph 8 above. Such concerns cover:
 - Conduct which is an offence or a breach of law
 - Failure to comply with a legal obligation
 - 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
 - Sexual, physical or psychological abuse; or
 - Other unethical conduct
16. The Commissioner recognises that the decision to report a concern can be difficult to make. If staff reasonably believe that what they are saying is true, they should have nothing to fear because they will be doing their duty to both the OPCC and those for whom the service is provided. The Commissioner will not tolerate any act of harassment or victimisation (including informal pressure) and will take appropriate action to protect staff when they raise a concern, providing that they:
 - disclose the information in good faith
 - believe the concern to be substantially true
 - do not act maliciously or make false allegations; and
 - do not seek personal gain
17. The Commissioner will respond to reports of wrongdoing. However it should be remembered that testing reports out is not the same as either accepting them or rejecting them.

18. In order to protect individuals and those who have had allegations made against them, initial enquiries will be made to decide whether an investigation is appropriate, and if so, what form it should take. Some concerns may be resolved by agreed action without the need for investigation. If any urgent action is required this will be taken before any investigation is conducted.
19. All concerns will be treated in confidence and every effort made to maintain that confidentiality. However, it may become necessary to take formal action resulting in the requirement for the person raising the concern to provide a witness statement or possibly give evidence.
20. All are encouraged to put their name to an allegation wherever possible as concerns raised anonymously are less powerful, but will be investigated at the discretion of the Commissioner. In exercising its discretion, the factors taken into account include:
 - The potential seriousness of the issue raised
 - The credibility of the concern
 - The likelihood of confirming the allegation from attributable sources
21. If the concern is raised in good faith but is not confirmed by the investigation, no action will be taken against the person raising the concern. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken.

HOW TO RAISE A CONCERN

22. As a first step staff should normally raise concerns with their own immediate manager. However, this depends on the seriousness and sensitivity of the issues of concern and who may be involved. As a general rule concerns should be raised directly with the Chief Executive.
23. Where an allegation concerns the Commissioner or Deputy Commissioner then these must be referred to the Monitoring Officer of Warrington Borough Council as the administering authority for the Police and Crime Panel for Cheshire, who under relevant legislation are responsible for such matters. Should any officer or member of staff of the OPCC or Constabulary receive any such allegations they should seek guidance from their line manager to ensure a proper referral is made in accordance with legal requirements. There are separate procedures as to how the Panel will deal with such allegations.
24. Concerns ideally should be submitted in writing and addressed to the Chief Executive as follows:

Office of the Police and Crime Commissioner for Cheshire
Clemonds Hey
Oakmere Road
Winsford
Cheshire
CW7 2UA

Telephone: 01606 364001
Email: mark.sellwood@cheshire.pnn.police.uk

25. However, if for any reason, this presents a difficulty it is possible to make your complaint either in person, by telephone or to ask someone else (e.g. a friend or relative) to do it on your behalf.
26. For staff, there is also the option of reporting their concern through the Crimestopper's Integrity Line accessed by telephoning: 0800 111 4444. This facility is checked on a daily basis and where the matter involves a member of the OPCC staff it will be referred to the Chief Executive.
27. Should the person raising the concern feel unable to approach the Chief Executive or the Commissioner, the concern can be raised directly with the External Auditor (Mick Waite at Grant Thornton, telephone: 0161 234 6347).

HOW THE OPCC WILL RESPOND

28. Within ten working days of a concern being raised, the Chief Executive will write to you:
 - Acknowledging that the concern has been received
 - Indicating how the matter will be dealt with
 - 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 any support available; and
 - Telling you whether further investigations will take place and if not, why
29. The amount of contact between those considering the concerns raised and the person raising the concern will be different in each case dependent on the nature and seriousness of the concern. If necessary, you may be asked for further information. Where any meeting is arranged (this can be off-site if you wish) you can be accompanied by a union or professional association representative or a friend.
30. The OPCC will take steps to minimise any difficulties which you may experience as a result of raising the concern. For example, if you are required to give evidence, you will receive guidance on the procedures involved and your role in such procedures.
31. The OPCC accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome on the investigation.

MONITORING AND REVIEW OF THE POLICY

32. The Commissioner will formally review this procedure on an annual basis and as part of the Annual Governance Statement, to consider:

- Its effectiveness in the business area concerned
- Any changes to legislation
- Challenges to the procedure
- Any identified inefficiencies in relation to implementation
- Impact on diversity and equality