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Special Notice ./03

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Policy for reporting wrongdoing within the Metropolitan Police Service

‘Doing the right thing’



The Right Line 65599

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Reporting Wrongdoing Policy

Draft MPS Reporting Wrongdoing Policy

1. Introduction

1.1 The MPS reporting wrongdoing policy was first published in June 2000 as part of the MPS Corruption and Dishonesty Prevention Strategy. This strategy has recently been revised and re-launched as the MPS Professional Standards Strategy. This strategy called for a review and revision of the reporting wrongdoing policy.

1.2 The review of the policy revealed that, whilst the policy was sound, there were some problems in implementing it and some lack of support for the policy and for staff who reported wrongdoing.

1.3 This policy sets out ways in which individuals within the MPS can report suspected wrongdoing in a supportive and confidential environment.

1.4 This revised policy has been supplemented with Standard Operating Procedures (SOPs) which include systematic protocols, procedures and monitoring to provide additional support to staff and ensure compliance with the policy.

1.5 The support mechanisms within the policy have been expanded to include support for any member of staff who is a witness or alleged victim in an internal investigation or witness in a public complaint, however the investigation was instigated.

1.6 The procedures in this policy are fully inclusive. Any member of staff who reports wrongdoing will be consulted about the investigation and their views considered by the Investigation Officer (IO) when setting the investigation strategy.

2. Application

This policy takes effect from the publication of this Special Notice and applies to all MPS staff. **All staff have a clear responsibility to report wrongdoing.**

The following staff have specific responsibilities under this policy:

- OCU commanders
- All line managers for receiving reports of wrongdoing and implementing policy and procedures.
- Investigating Officers
- Personnel Managers
- Directorate of Professional Standards (DPS)
- MPA Directorate of Internal Audit
- Occupational Health

3. Purpose

The purpose of this policy is to give clear direction to members of the MPS regarding reports of wrongdoing. The policy provides guidance on the following:

- Meaning of 'wrongdoing' in this policy;
- How to report wrongdoing;
- Protection provided by the Public Interest Disclosure Act, 1998;
- Support for staff who report wrongdoing; and
- Robust protocols and procedures to ensure effective and fully inclusive investigations.

This policy promotes an environment where staff feel a genuine obligation to openness and transparency when reporting wrongdoing, and are motivated by a desire to maintain the integrity of the Service with a knowledge that, in doing so, they will be treated with sensitivity

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and understanding. Their actions will be universally acknowledged as the right course of action – ‘doing the right thing’.

The aim of the policy is also to ensure that reports of wrongdoing are acted upon speedily as well as providing protection and support for those reporting such matters. This allows for information which is in the public interest to be brought to attention in accordance with Public Interest Disclosure Act, 1998 (PIDA) as amended by Sec 34 Police Reform Act, 2002

4. Scope

4.1 The policy applies to all reports of wrongdoing by any MPS employee about any MPS employee regardless of rank or grade. Aspects of this policy, particularly support mechanisms, will apply to internal investigations or public complaints of alleged misconduct regardless of whether or not they were initiated by a report of wrongdoing.

4.2 The term ‘wrongdoing’ includes :

- a criminal offence;
- a miscarriage of justice;
- breaches of a legal obligation;
- malpractice;
- dishonesty;
- unethical behaviour;
- support staff misconduct;
- breaches of the police Code of Conduct; and
- deliberate concealment of information in respect of any of the above.

4.3 This policy complements, but does not replace, the following existing policies and procedures:

- MPS Fairness at Work policy;
- Police Unsatisfactory Performance procedures (Notices 9/99);
- Support Staff misconduct procedures (Chapter 4.3 Civil Staff Personnel Manual);
- Health and Safety reporting of hazards and near misses (Notice 49/02 of 4th December 2002). Whilst covered and protected by PIDA, all reports of concerns for hazards and near misses should be reported as instructed in Notice 49/02;
- Bullying in the workplace (Notice 27/01).

5. Policy Statement

The Metropolitan Police Service has developed and operates a reporting wrongdoing policy to assist in rooting out corruption or wrongdoing of any kind within the organisation. It assists the creation of an environment where wrongdoing is prevented and discouraged. However, where wrongdoing does exist there is a real prospect of detection by colleagues. The operation of such a policy will continue to promote a culture of ‘doing the right thing’ where staff are prepared to report wrongdoing with confidence that any such report will be dealt with correctly. In doing so they will be appropriately supported and protected.

6. Key Aspects of Policy

6.1 Methods of reporting wrongdoing

This policy provides a number of different ways for staff to report wrongdoing including concerns brought to attention through:

- Line management;
- Directly to DPS;
- Directly to MPA Internal Audit Directorate;
- Staff Associations and Trade Unions;
- Mentors;
- ‘The Right Line’ – 65599;

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- Crimestoppers – 0800 555111;
- Police Complaints Authority (PCA); or
- Criminal Cases Review Commission (CCRC).

It is quite appropriate for the person reporting to contact a trusted friend or colleague within the options above.

Further details of how these reports can be made are given in the supporting Standard Operating Procedures (SOPs) attached to this policy.

6.2 Reception of reports

All reports of wrongdoing received by line management and DPS should be dealt with according to principles of investigation and minimum standards for primary investigation of crime. Fact finding investigations following allegations of misconduct against support staff by line managers should be completed within the spirit of the principles. All necessary measures to preserve and secure evidence should be undertaken. Initial steps should be taken to protect and support the person reporting and/or witnesses as appropriate. However, when faced with a serious/complicated matter or where there is any doubt it may be more appropriate to proceed after advice from DPS. All reports, from whatever initiation route will then be forwarded to a central collation point in DPS. See SOPs for further details.

6.3 Investigation Options

On receipt of the report at the central collation point, DPS will appoint an appropriate Investigating Officer (IO) to investigate the report in consultation with the originating OCU (unless this is inappropriate). The appointment of the IO is an important opportunity to demonstrate the objectivity of the investigation. Further details are contained in the SOPs supporting this policy.

6.4 Culture

It is recognised that police culture has not always provided a supportive environment for reporting wrongdoing. In some instances, a member of staff making a report may wish to remain anonymous. On other occasions, a member of staff may wish to have his or her information treated confidentially but will be prepared to supply their own details. This policy encourages open reporting, namely where the identity of the person reporting is known to their colleagues, but makes provision for other methods to improve staff confidence in internal systems and their willingness to report wrongdoing. Whilst the MPS has made some progress towards a vision of a culture that supports the reporting of wrongdoing, it is clear that the MPS needs to establish a culture where every member of staff feels obliged to report wrongdoing with the confidence that prompt action and support will follow.

In the past, peer pressures and misguided loyalty within the police service have discouraged or made it difficult for individuals to report wrongdoing. These cultural pressures arise from the excessive demands of 'comradeship' that inherently exist within the police service.

These cultural pressures combined with inadequate organisational support, frequently leaves the individual who reports wrongdoing feeling victimised by the process. It is important to recognise that however well any investigation proceeds the member of staff reporting may be under a great deal of pressure and will need the full support of the MPS by using this policy and procedures correctly.

Whilst in recent times there has been a greater willingness to report wrongdoing, and to support those who do so, the process of change must continue. The challenge is to build upon the progress made to implement a clear and professional reporting policy that provides:

- clear and effective mechanisms for 'open' and confidential reporting of wrongdoing;

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- comprehensive arrangements for supporting staff who, in good faith make such a report;
- acknowledgement of the potential impact on an individual, department and/or the Service; and
- Clear and visible leadership from staff who receive reports of wrongdoing.

6.5 Confidentiality

While open reporting is encouraged, reports of wrongdoing may be made confidentially by any member of staff. Confidentiality, when requested, will be given the highest priority. All staff should be aware that the legal rules governing 'disclosure' would apply to cases under this procedure as they apply to all others. Where confidential information has been received, this will be handled for 'disclosure' purposes in a similar way to criminal intelligence.

6.6 Support

Immediate feedback

It is vital that immediate and positive feedback is given to an individual who reports wrongdoing. Staff should be dealt with sensitivity and understanding and given appropriate support. This is important to acknowledge that they have 'done the right thing' and to reassure and support the person reporting.

Tangible support to the individual

When open reports have been made, that is, the identity of the person reporting and the fact of the report is known to his or her colleagues, appropriate support must be given to the person from the outset of the case and must continue until the issue is fully resolved. This includes proactive management support and action and includes staff association and trade union involvement and advice on access to MPS HR support services.

Visible leadership by management

The MPS Leadership Principles must be demonstrated by line managers when dealing with an individual who has reported wrongdoing. Effective management of a case within this policy will demonstrate effective leadership. Borough commanders or departmental heads will take a personal interest in all cases affecting a member of their staff.

The term 'whistleblower' will not be used

It is evident that the term 'whistleblower' is inappropriate to those who report wrongdoing and will not be used. The term 'reporting wrongdoing' will be used.

6.7. Specific support to individuals who report wrongdoing

a) Public Interest Disclosure Act, 1998 amended by Police Reform Act 2002 ([see Annex A](#))

The aim of the Public Interest Disclosure Act (PIDA) is to ensure that information in the public interest is brought to the attention of the appropriate person so that wrongdoing can be dealt with speedily. It encourages disclosure of information by giving statutory protection against victimisation and unfair dismissal to individuals who make 'protected' disclosures in good faith about certain acts of wrongdoing, or dangers in the workplace. It does so primarily by inserting provisions into the Employment Rights Act 1996.

b) Statement of expectations

In both open and confidential cases, an agreed statement of expectations based on this policy and a specific risk assessment will be drawn up. It will summarise what each party can expect from the other. It will outline the minimum level of support that will be given to staff who report wrongdoing. This will act as the standard against which steps taken in each case will be judged.

The person reporting should be given time to consider the statement of expectations and the next steps. This should be for at least 24 hours and with enough time for him or her to

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consult/seek further advice from staff associations before giving final, and informed, agreement.

The agreed statement of expectations will be handed to the person who has made the report. A guide to drawing up a statement of expectations can be found at [Annex B](#). In addition, a notice, which summarises the policy, should be provided to staff reporting wrongdoing. ([See Annex C](#))

c) Investigation Strategy

An investigation strategy will be documented by the IO for all reports of wrongdoing.

All members of staff who report wrongdoing will be consulted by the IO regarding the broad investigation strategy. The IOs ability to conduct a thorough investigation of all circumstances must not be fettered by the wishes of others. However, if the MPS is to encourage members of staff to report wrongdoing, IOs must listen to their views.

Clearly, where the person reporting is the alleged victim of the wrongdoing, they are likely to have more influence over the investigation strategy. Where they are not the direct victim but report a concern which applies to the service as a whole, then they may have less influence over the investigation strategy.

IOs should guard against making promises or predictions about possible courses of action to staff who report wrongdoing as the needs of the service and public interest are also factors that must be considered by the IO.

d) Mentor

Staff reporting wrongdoing will normally be offered the support of a mentor. The mentor should be selected to work with a person who reports wrongdoing on a 'one to one' basis. This gives the person a greater measure of support and confidence. An essential and important consideration in the appointment of a mentor is that the person selected must have excellent inter-personal skills and a determination and ability to see through a potentially difficult process. Only appropriately skilled staff will fulfil this role. The mentor can be any member of staff that the staff reporting and their line manager agree is appropriate. However, consideration should be given to use of an MPS trained mentor such as those managed by the Development and Organisational Improvement Team (DOIT). Borough commanders and departmental heads will ensure that sufficient time outside core duties is made available, both to the individual reporting and the mentor, to fulfil the requirements of this policy. Some guidance on the selection of mentors is attached at [Annex D](#). Where the member of staff declines the support of a mentor this should be noted in the statement of expectations and offered again at the regular case review meetings or where circumstances change.

e) Appointment of Association of Chief Police Officers (ACPO) overseer (or equivalent)

A designated Association of Chief Police Officers (ACPO) officer (or equivalent) will be appointed in all appropriate cases to oversee the process outlined in this policy. This officer will have particular responsibility for ensuring that the appropriate support is provided to the individual who reports wrongdoing. The individual who made the report, and their mentor, can at any stage have direct access to the designated ACPO officer (or equivalent) to discuss personal concerns. Where the member of staff declines the support of an ACPO overseer the statement of expectations should be noted.

f) Line Management

Line management is responsible for, and will be required to ensure that actions outlined in this policy are undertaken and that their staff who report wrongdoing are fully supported. Line managers must ensure that protection from victimisation or harassment is provided. The role of line management is fully described in the SOPs supporting this policy.

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g) Witness Protection

It is anticipated that issues of witness protection will only arise in the most serious cases. A risk assessment will be undertaken at an early stage and the appropriate facilities and support provided. A range of tactical options will be made available and 'tailored' to meet the requirements of the member of staff, commensurate with the risk assessment. These cases will be dealt with by DPS in consultation with line management and, where appropriate, the investigating officer.

h) Amnesty

Limited and defined amnesty for discipline/misconduct offences may be given for staff who are able to give evidence of criminal activity, or serious breaches of discipline.

i) Mitigation in crime and misconduct cases

The arrangements and facilities provided in criminal courts, for example, texts presented, will be applied in suitable cases involving MPS staff to whom this policy applies.

j) Conflict management

When a member of staff reports wrongdoing by a colleague on the same OCU and it is decided that the investigation should be dealt with on the same OCU, e.g. by the OCU SMT, particular attention should be paid to conflict management within the OCU. Support mechanisms must always be put in place for the person reporting and similar support must be offered to the member of staff against whom the allegations are made. SMTs should be proactive in monitoring any negative effects the allegation or investigation is having on teams, showing overt leadership at an early stage.

6.8 Investigation Outcomes

All investigations will be conducted according to the principles of investigation and minimum standards for primary investigation of crime. The outcome of each investigation will be noted on the reporting wrongdoing investigation file and monitored by DPS.

The outcome of each investigations should be communicated to the member of staff who reported wrongdoing as soon as is practicable.

Investigations that result in a recommendation of no further action (NFA) should be countersigned by the OCU commander or the head of department investigating. Where NFA is supported the IO should explain the reason and decision making process to the member of staff as soon as practicable.

6.9 Standard Operating Procedures (SOPs)

Standard Operating Procedures (SOPs) that support this policy are attached. Compliance with these procedures is necessary to adhere to this policy.

7. Benefits

The following benefits are expected to accrue from this policy:-

- Staff who report wrongdoing will be treated with sensitivity and understanding;
- Improved support for staff who report wrongdoing;
- Improved climate of trust in the organisation amongst staff who report wrongdoing;
- Improvement in the detection of wrongdoing;
- Prevention of wrongdoing; and
- Improved confidence in the police by the public.

8. Monitoring

- Line managers of staff who report wrongdoing are required to monitor the case to ensure that the policy is adhered to.
- This policy will be monitored by DPS according to the attached SOPs. Management information will be collected and reviewed to monitor the effects of this policy.

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- Individual cases of reports of wrongdoing will be monitored by line managers of the IO in the receiving OCU or department.

9. Responsibilities

The following are responsible for aspects of this policy:-

- **Ownership** – Professional Standards Strategic Committee (PSSC) and the Anti Corruption Command within DPS.
- **Commissioning** – Commander Robert Broadhurst, TP, Leader of Strand One Professional Standards Strategy.
- **Development** – this policy has been revised and developed by a policy development working group led by Chief Superintendent Torrance, Lewisham Borough and C/Insp. Stuart Palmer of DPS Policy Unit.
- **Approval** – by Professional Standards Strategic Committee
- **Implementation** – by DPS Policy Unit in accordance with an Implementation Plan to be agreed by PSSC
- **Review** – by DPS Policy Unit in accordance with a Review Plan to be agreed by PSSC.

10. Associated Documents and Policies

Standard Operating Procedures (SOPs) are not for publication and are therefore not included in this version for the MPA Website.

11. Further Information

Further information about this policy can be obtained from your staff association or trade union representative or from Directorate of Professional Standards. Information about the policy development can be obtained from Chief Superintendent Archie Torrance on Metphone 25000 or Stuart Palmer, C/Insp. DPS Policy Unit on Metphone 65326.