



Mae'r ddogfen hon ar gael yn Gymraeg yn ogystal â Saesneg.

This document is available in Welsh as well as English.



Heddlu Police

DYFED-POWYS

Protected Disclosure (Whistleblowing) Policy

Policy summary:	<i>Dyfed-Powys Police is committed to the highest standards of openness and accountability and takes malpractice seriously. All police officers and staff have a right and a duty to report concerns of malpractice that are in the public interest.</i>
Policy number:	004/2022
Version control:	Version: 2.0 Date: 17/01/2023 Author: Gavin Lemon Rationale: Review A full version control is available here.
Date implemented:	Date 17/01/2023
Review date:	17/01/2024
Owner/contact:	Senior Manager, Professional Standards Department
Approval	Legal Services: 17/01/2023
Consultation and approval	<i>Legal Services have been consulted in relation to minor changes / updates made. Further/wider consultation is not necessary as the basis/substance of the policy has not changed.</i>
Welsh Translation	Yes



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1. Statement of Policy

- 1.1. Whistleblowing is the term used when a person passes on information concerning wrongdoing. In this policy, this is referred to as “making a disclosure” or “blowing the whistle”. The wrongdoing will not always be something an officer or staff member has witnessed at work or during the course of their duties.
- 1.2. The information can be provided orally, by email or in writing.
- 1.3. A whistleblower who makes a protected disclosure in line with the legislation has legal protection from detriment, dismissal or redundancy.
- 1.4. To be covered by whistleblowing law, an officer or staff member who makes a disclosure must reasonably believe two things:
 - a) That they are acting in the public interest.
 - b) 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
- 1.5. Whistleblowing law is found within the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for an officer or staff member 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’.
- 1.6. This policy applies to, and provides protection, to the following:
 - Police Staff
 - Police Officers
 - Police and Crime Commissioner and staff of the Office of the Police and Crime Commissioner (OPCC)
 - Special Constables
 - Contractors providing a service to the Force
 - Temporary Agency Staff
 - Modern Apprentices
 - Those on work placement



- Former employees

Applies (but not limited) to: All categories of Dyfed-Powys Police employees, whether full-time, part-time, permanent, fixed term, temporary (including agency staff, associates and contractors) or seconded staff. Any employee accessing and using Force assets and property must have due regard to the contents of this policy.

2. Policy Scope

2.1. Responsibility of Dyfed-Powys Police

It is good practice to create an open, transparent and safe working environment where officers and staff feel able to report concerns. Although the law does not require Police forces to have a whistleblowing policy in place, the existence of a whistleblowing policy clearly shows Dyfed-Powys' commitment to listen to the concerns of its officers and staff. By having clear policies and procedures for dealing with whistleblowing, the Force can demonstrate that it welcomes information being brought to the attention of management. This is also demonstrated by the following:

a) **Organisational culture**

Dyfed-Powys Police support an open and supportive culture, where officers and staff should have confidence in making a disclosure without the fear of the consequences. The two main barriers whistleblowers face are a fear of reprisal as a result of making a disclosure and that no action will be taken if they do make the decision to 'blow the whistle'. Therefore, ensuring that police officers and staff can approach management with their concerns is the most important step in creating an open culture.

The Force is committed to demonstrating, through visible leadership at all levels of the organisation, that it welcomes and encourage officers and staff to make disclosures.

The ethos underpinning this policy is that where a member of staff reports a concern, they will be valued and supported throughout the process that follows.

b) **Promoting the Standards of Professional behaviour and the Code of Ethics**



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Dyfed-Powys Police is committed to promoting the Standards of Professional Behaviour for police officers and staff, along with the Code of Ethics and the 9 policing principles that underpin them.

c) Training and support

The Force will implement training, mentoring, advice and other support systems to ensure officers and staff can easily approach a range of people in the organisation and have confidence that they will be supported.

d) Putting things right

The Force is committed to 'putting things right' at the earliest opportunity where possible and appropriate. In the majority of cases the focus will be on resolving any wrongdoing in a timely and proportionate manner which will be in the interests of all parties.

2.2. Protected Disclosure or Personal Grievance?

Sometimes an individual believes they are blowing the whistle when, in fact, the concern that they are raising is a personal grievance – an issue which should be raised under the Force's Fairness at Work Policy. This distinction is important because personal grievances are not generally covered by whistleblowing legislation.

It is important therefore that officers and staff who make a disclosure under the Force's protected disclosure policy believe that they are acting in the 'public interest'.

Further information on the distinction between protected disclosures and personal grievances can be found on the Advisory, Conciliation and Arbitration Service (Acas) website at: www.acas.org.uk/grievances.

The Force's Fairness at Work Policy is available on the intranet or by clicking [here](#).

2.3. How to Raise Concerns Within the Force

There are a number of ways that a person can raise their concern. Whilst 'open' reporting is encouraged in accordance with the Code of Ethics and the Standards of Professional Behaviour for Police Officers and Staff, concerns can be made both confidentially and anonymously.



If an officer or staff member has information available to them, they should aim to report the matter as soon as possible.

Disclosures can be made in a number of ways and these are detailed below:

a) Disclosure to a Supervisor / Manager / Senior Officer

The person concerned may wish to involve their immediate line manager, their manager's supervisor or a more Senior Officer. The benefit of disclosing in this manner will be that the manager will be able to arrange suitable welfare support immediately and ensure that the person is not alienated or victimised as a consequence.

b) Disclosure to Staff Associations

Disclosures can be made to any of the Staff Associations or networks (examples would include but are not limited to the Superintendent's Association, Police Federation, Unison, Black Police, LGBT Staff Network, Christian Police Association, Female Network Support Group)

c) Disclosure to PSD / PSD Anti-Corruption Unit

Disclosure to a member of the Professional Standards Department or the Anti-Corruption Unit can be made by telephone, in writing or by a personal face-to-face meeting with a member of the team. Such an approach has the benefit of being received by officers and staff who are experienced in dealing with such matters. PSD staff can ensure that the information is dealt with promptly, confidentially and without compromising the individual.

d) Disclosure to a Chief Officer

If a person believes it necessary to do so, they can raise their concern directly with a Chief Officer. However it must be borne in mind that a Chief Officer may be involved in any subsequent disciplinary hearings (if the disclosure warrants such action). A Chief Officer who receives a disclosure will automatically be disqualified from chairing or acting as a member of a disciplinary panel. However the need for disclosure should override such considerations.

e) Disclosure via the Force's confidential/anonymous reporting lines:

- Crimestoppers: Dyfed-Powys Police has partnered with Crimestoppers to offer an integrity line for police officers and staff to report wrongdoing and corruption in confidence and 100% anonymously. The Integrity Line has been in operation for over 10 years and Crimestoppers have dedicated contact centre agents that are trained specifically to take calls about police corruption and wrongdoing:



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- It is 100% Anonymous
- It is available 24/7, 365 days a year
- It is a Freephone number
- It is available in Welsh and English

The Counter Corruption Integrity Line number is 0800 111 4444 and reports can also be made using the online form at www.countercorruptionline.co.uk

- **Bad Apple:** This is a facility that can be accessed online at <http://badapple/default.asp>. It allows a person to create an anonymous account and to have either a secure e-conversation with a member of the PSD Anti-Corruption Unit or submit an intelligence report. The system is totally anonymous and is designed so that persons using it cannot be traced. Bad apple also allows persons to submit details of any inappropriate associations.

2.4. How to Raise Concerns Outside of the Force

Ideally officers and staff will feel able to make a disclosure to the Force via the internal mechanisms listed above. However, there may be circumstances where they feel unable to do so.

There are other ways, some of which are set out in law, that allow an officer or staff member to make a disclosure without losing their rights under whistleblowing legislation. One option for external disclosures of this type is via 'prescribed persons'.

Prescribed persons are mainly regulators and professional bodies but include other persons and bodies such as MPs. It is important to point out that the relevant prescribed person depends on the subject matter of the disclosure. For example, concerns relating police and justice could be made to the National Crime Agency (NCA) or the Independent Office for Police Conduct (IOPC) whereas concerns about data protection could be made to the Information Commissioner (ICO). A complete list of prescribed persons can be found on the government website: [List of Prescribed Persons and Bodies](#)

2.5. Reporting Concerns to the Media



It is important to highlight that if an officer or staff member goes to the media, they can expect in most cases to lose their rights under whistleblowing legislation. It is only in exceptional circumstances that an officer or staff member can go to the media without losing their rights.

The legislation also makes it clear that a whistleblower cannot be acting for personal gain (e.g. receive payment) in order to obtain protected status.

2.6. Confidentiality

There may be good reasons why an officer or staff member wishes their identity to remain confidential. Whistleblowing legislation does not compel an organisation to protect the confidentiality of a whistleblower, but it is considered best practice to maintain that confidentiality unless required by law to disclose it.

Managers dealing with whistleblowing concerns should be briefed to ensure they understand how to handle confidential disclosures and protect personal information.

It will be important in managing the expectations of whistleblowers to explain that it is possible that officers and staff will speculate about who has raised the concern.

Anonymous information is important for the Force to act upon (and a number of reporting mechanisms are in place as highlighted above) but officers and staff need to be aware that the ability of the Force to ask follow up questions or provide feedback will be limited if the whistleblower cannot be contacted.

Officers and staff should be made aware that making a disclosure anonymously means it can be more difficult for them to qualify for protection as a whistleblower. This is because the person reporting the concern is not identifiable.

2.7. Welfare and Support

No action will be taken by anyone to put the member of staff at a detriment for raising the concern, and any perceived unfair treatment will be dealt with as appropriate by Senior Management / Chief Officer Team.

BCU Commanders, Heads of Department and other Senior Leaders will ensure that Line Managers and other staff understand that they have an underlying duty to provide



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suitable welfare support to an individual as soon as possible. They will ensure that staff association representatives are given time to provide advice, guidance and support to their members. As a matter of routine they are to respond promptly, genuinely and with sensitivity to people's needs.

The person dealing with the complaint will provide written and verbal acknowledgement, reassurance and positive reinforcement as to the propriety of the officer or staff member's concerns.

Unison, the Police Federation and the Superintendents' Association are recognised for representation purposes. The staff associations are readily available to assist and support any member who may want to raise a concern, as well as any member who is subject of a concern. Staff association representatives are well placed to deal with matters in a confidential manner. Dyfed-Powys Police also recognises the right of accredited trade union representatives to raise issues both within, and outside, the Force on behalf of their trade union in the legitimate interests of their members. This may involve local representatives contacting the media or other external bodies to express a view on behalf of the trade union. Nothing in this policy should be seen as affecting this right. In the spirit of good employee relations, Dyfed-Powys Police expects trade union representatives to act in good faith on information they reasonably believe to be true, and to seek to have any issues addressed within the Force in the first instance.

Support will always be provided to an individual voicing their concern through this policy. When a concern is made known to an immediate Line Manager, he/she will have an underlying duty to support and protect the person involved from detrimental treatment at work.

Officers or staff members that have made disclosures or are under investigation should be signposted to the services available through the Occupational Health Unit.

Return to Work Following Prolonged Period of Absence:

- a) The person reporting wrongdoing may have been subjected to a level of stress and anxiety that can, on occasions, lead to a period of sickness absence from work. In these circumstances, if considered to be exceptional, an application can be made for authority for the absence not to count for selection, promotion and half pay procedures. Depending on the nature of the subject, such applications will be made to either the Sick Pay Panel or the Health Management and Attendance Board (HMAB).



- b) In some cases it may be necessary to make special arrangements to facilitate a person's return to work (i.e. supportive plan). In these circumstances and in all other interventions, a risk assessment will be conducted.

3. Powers and Policy/Legal Requirements

- Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998)
- Equality Act 2010

4. Options and Contingencies

Dyfed-Powys Police is committed to promoting the 10 Standards of Professional Behaviour for police officers and staff, along with the Code of Ethics and the 9 policing principles contained therein. These are applicable to all officers and staff.

Standards of Professional Behaviour (Police Officers / Police Staff):

1. Honesty and Integrity
2. Authority, Respect and Courtesy
3. Equality and Diversity
4. Use of Force / Restraint
5. Orders and Instructions
6. Duties / Work and Responsibilities
7. Confidentiality
8. Fitness for Duty / Work
9. Discreditable Conduct
10. Challenging/Reporting Improper Conduct

Code of Ethics Policing Principles:

1. Accountability
2. Fairness
3. Honesty
4. Integrity
5. Leadership



6. Objectivity
7. Openness
8. Respect
9. Selflessness

A key responsibility for officers and staff is challenging or reporting improper conduct and the force is committed to supporting individuals who report such concerns.

Paragraph 10.4 of the Code of Ethics specifies that “the policing profession will protect whistleblowers according to the law”.

5. Take action and review

The policy will be reviewed every 12 months or sooner should there be a change in relevant legislation.

The Professional Standards Department, in consultation with Legal Services, continually assess the effectiveness of the policy by, for example, looking at cases where it used.

For further information about the policy please contact either the Professional Standards Department or Legal Services.

EQUALITY IMPACT ASSESSMENT

Section 4 of the Equality Act 2010 sets out the **protected characteristics** that qualify for protection under the Act as follows: Age; Disability; Gender Reassignment; Marriage and Civil Partnership; Pregnancy and Maternity; Race; Religion or Belief; Sex; Sexual Orientation.

The **public sector equality duty** places a proactive legal requirement on public bodies to have regard, in the exercise of their functions, to the need to:

- eliminate discrimination, harassment, victimisation, and any other conduct that is unlawful under the Act;



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- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The equality duty applies to all protected characteristics with the exception of Marriage and Civil Partnership, to which only the duty to have regard to the need to eliminate discrimination applies.

Carrying out an **equality impact assessment** involves systematically assessing the likely or actual effects of policies on people in respect of all the protected characteristics set out above.

An equality impact assessment should be carried out on any policy that is **relevant** to the public sector equality duty. An equality impact assessment template is available [here](#).

EQUALITY IMPACT ASSESSMENT COMPLETED

Name:	Gavin Lemon
Department:	Professional Standards Department
Signed:	Gavin Lemon
Date:	17/01/2023

HUMAN RIGHTS ACT CERTIFICATE OF COMPLIANCE

This policy has been drafted in accordance with the Human Rights Act and has been reviewed on the basis of its content and the supporting evidence and it is deemed compliant with that Act and the principles underpinning it.



Name:	R Jones
Department:	Legal Services
Signed:	<i>R Jones</i>
Date:	17 January 2023

CODE OF ETHICS CERTIFICATE OF COMPLIANCE

This policy has been drafted in accordance with the Code of Ethics and has been reviewed on the basis of its content and the supporting evidence and it is deemed compliant with that Code and the principles underpinning it.

Name:	Gavin Lemon
Department:	Professional Standards
Signed:	Gavin Lemon
Date:	17/01/2023

CORPORATE FINANCE REVIEW

No changes to this policy will incur any financial cost other than to amend, improve or formalise business as usual practices that are affordable and within budget. Any policy change affecting financial cost must be discussed with the Corporate Finance department in advance of seeking approval of this policy. Please sign to confirm that the financial impact of this policy area has been considered and that Corporate Finance have been notified of any change, if applicable.



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Name:	Gavin Lemon
Department:	Professional Standards
Signed:	Gavin Lemon
Date:	17/01/2023

Freedom of Information Act 2000

Section 19 of the Freedom of Information Act 2000 places a requirement upon the Force to publish all policies on the Force website. Policies are why we do things and procedures are how we do them. A case-by-case review of procedures must be undertaken to protect law enforcement and health and safety considerations. Where a combined policy and procedure document is being produced the Force is legally required to publish the policy section and assess the procedure part to ensure no sensitive information is published. Generally the default position shall be that a policy and accompanying procedure document will be produced separately.

There is a requirement therefore to review this document to establish its suitability for publication. Please identify below whether the document is suitable for publication in its entirety or not. Where it is believed that disclosure will be harmful please articulate the harm that publication would cause and highlight the relevant sections within the document. Where it is perceived that there is harm in disclosure the document should be forwarded to the Disclosure Unit for review.



Suitability for publication

Suitability for publication	Yes/No	Date	Signature
Document is suitable for publication in its entirety			
Document is suitable for publication in part, I have identified those sections which I believe are not suitable for disclosure and have articulated below the harm which would be caused by publication.			

Outline of any harm identified in publication:

FOI review – to be completed by Disclosure Unit

(Only required if author believes there is any harm in disclosure)

Suitability for publication	Yes/No	Date	FOI Decision Maker
Document is suitable for publication in its entirety			
Document is suitable for disclosure in part and relevant redactions have been applied. A public facing version has been created.			

Once review has been undertaken, FOI Disclosure Officer to return document to policy author and following sign-off document to be published within Force Publication Scheme. Any future changes to the document should be brought to the attention of the Disclosure Unit, as appropriate.



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Full Version Control

Version	Date	Author	Rationale
1.0	11/10/2017	G Lemon	First version
1.1	16/11/2021	G Lemon	Review and use of new policy template
2.0	17/01/2023	G Lemon	Review