

# Professional Standards Department



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## Whistleblowing within Surrey Police 2015-16

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## 1.0 Introduction

1.1 This report, requested by the Joint Audit Committee, is the annual update regarding how the Force deals with whistleblowing. The report will cover the period November 2015 to October 2016.

1.2 The Whistleblowing and Financial Irregularities Procedure was published Force-wide in 2014, and revised by the Head of the Anti-Corruption Unit (ACU) in September 2016.<sup>1</sup> This comprehensive procedure covers all aspects of whistleblowing, including responsibility to report wrongdoing, 'qualifying disclosures', reporting of financial irregularities, methods to report (both internal and external), confidentiality, investigation, support to personnel making reports, amnesty from discipline and malicious allegations. This procedure is recommended viewing in conjunction with this report.

1.3 An independent review by Grant Thornton UK LLP of whistleblowing arrangements in Surrey Police was commissioned by the Office of the Police and Crime Commissioner (OPCC) in 2015. Whilst identifying good practice by Surrey Police and comparing us favourably against other police forces, the review made more than 30 recommendations. These were actioned and completed during 2016, and the implementation of these will improve the processes through which effective whistleblowing can take place.

1.4 **Internal Reporting** - It remains the case that wrongdoing is reported in many ways by members of staff. This can be to line managers or to the Human Resources Department, and, in the more serious cases, to PSD by phone, by email, by intelligence report, or by the use of the Anonymous Contact System (ACS). Wrongdoing can also come to light in other departments such as Legal Services via civil claims. This complexity makes obtaining any meaningful full data sets difficult. However, a system is now well established within the ACU and PSD to easily capture all reported instances

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<sup>1</sup><http://informationhub.shdc.police.uk/layouts/15/WopiFrame.aspx?sourcedoc=/PP1/Whistleblowing%20and%20Financial%20Irregularities%20Procedure.docx&action=default&DefaultItemOpen=1>

of wrongdoing (including whistleblowing). The ACS remains by far and away the most used method to report wrongdoing.

**1.5 External Reporting** - There are many ways of formally reporting police wrongdoing outside of Surrey Police, for instance to Crimestoppers, IPCC or to other professional bodies (e.g. Prison Intelligence). In this reporting period, the ACU has not been notified of any relevant reports from these external agencies.

## **2.0 Qualifying Disclosures**

2.1 Although this report is not designed to repeat the Whistleblowing and Financial Irregularities Procedure, it is worth reiterating the section on 'qualifying disclosures', which identifies true whistleblowing:

“The Enterprise and Regulatory Reform Act 2013 amended both the Public Interest Disclosure Act 1998 and the Employment Rights Act 1996 in providing protection for workers who raise legitimate concerns about specified matters. These are called 'qualifying disclosures.' A qualifying disclosure is one made in the public interest by an individual who has a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be committed.”

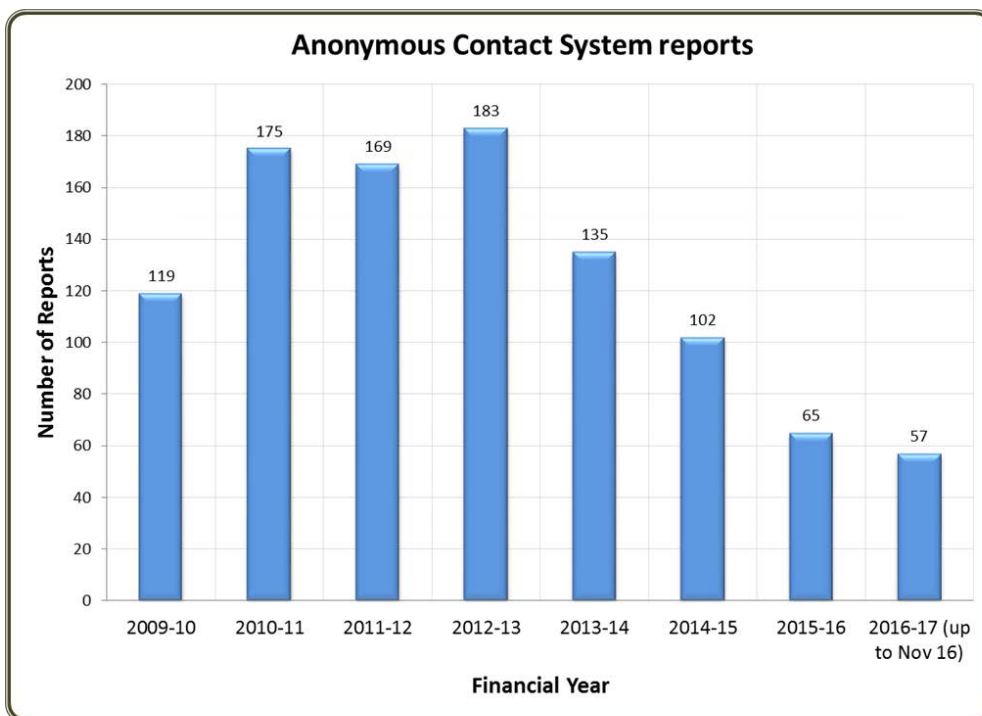
2.2 Only four reports that fit this qualifying disclosure criteria have been identified over the last year. Two have been reported via the ACS, and two direct into the main Professional Standards Department (PSD). Sanitised summaries of these disclosures are found in Section 4.

### 3.0 Anonymous Contact System (ACS)

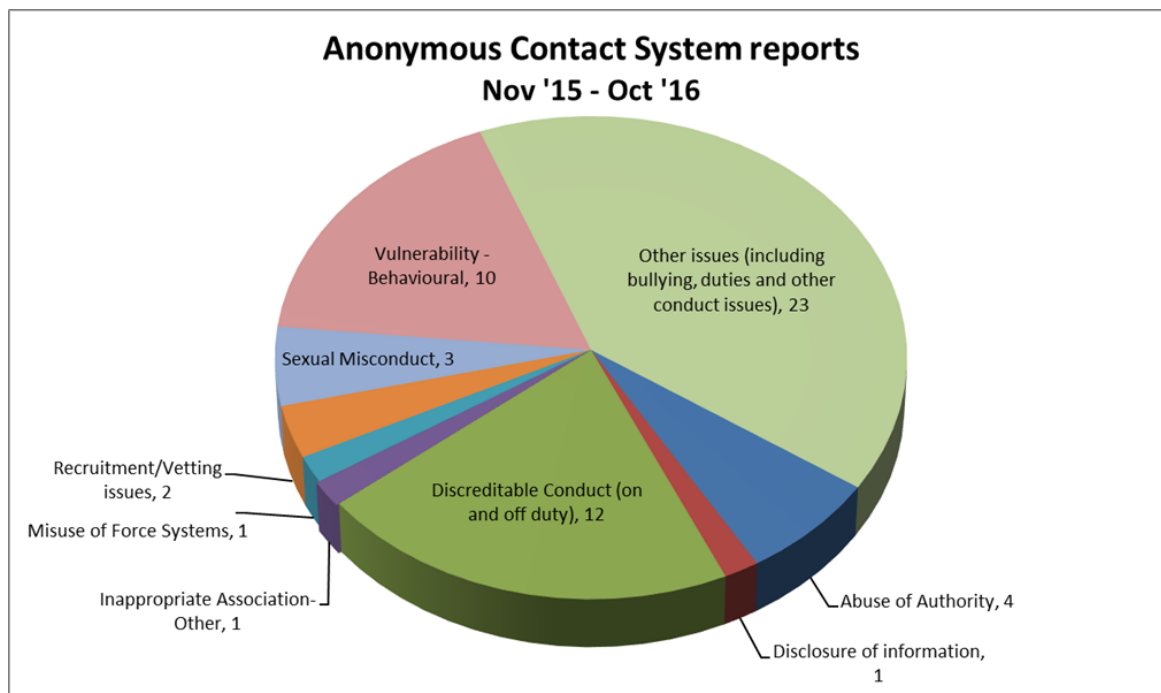
3.1 The mostly widely used system by the Force to report wrongdoing is the ACS. Managed by and only accessible to the ACU, the ACS provides an anonymous and confidential web-based means for employees to report their concerns.

3.2 The ACS was improved in 2015 to make the system more user friendly both for reporting persons and those managing the system. Enhancements include the ability for users to attach documents/images when reporting concerns (e.g. screenshots for Facebook pages), aesthetic changes to layout, ability for the ACU to search reports and full ICT support of system.

3.3 Over the last year, the system has continued to provide a steady flow of information/intelligence into the ACU (see chart below), leading to numerous investigations undertaken by the ACU and the wider PSD. The number of submitted reports during 2015/16 was down on previous years (possibly due to some temporary issues regarding the accessibility of the ACS on the Intranet and the switch over to the new version of the system). However during this financial year, the ACS has shown an increase in usage, along with a majority of reporting persons returning to the system to provide the ACU with further information following their initial submission.



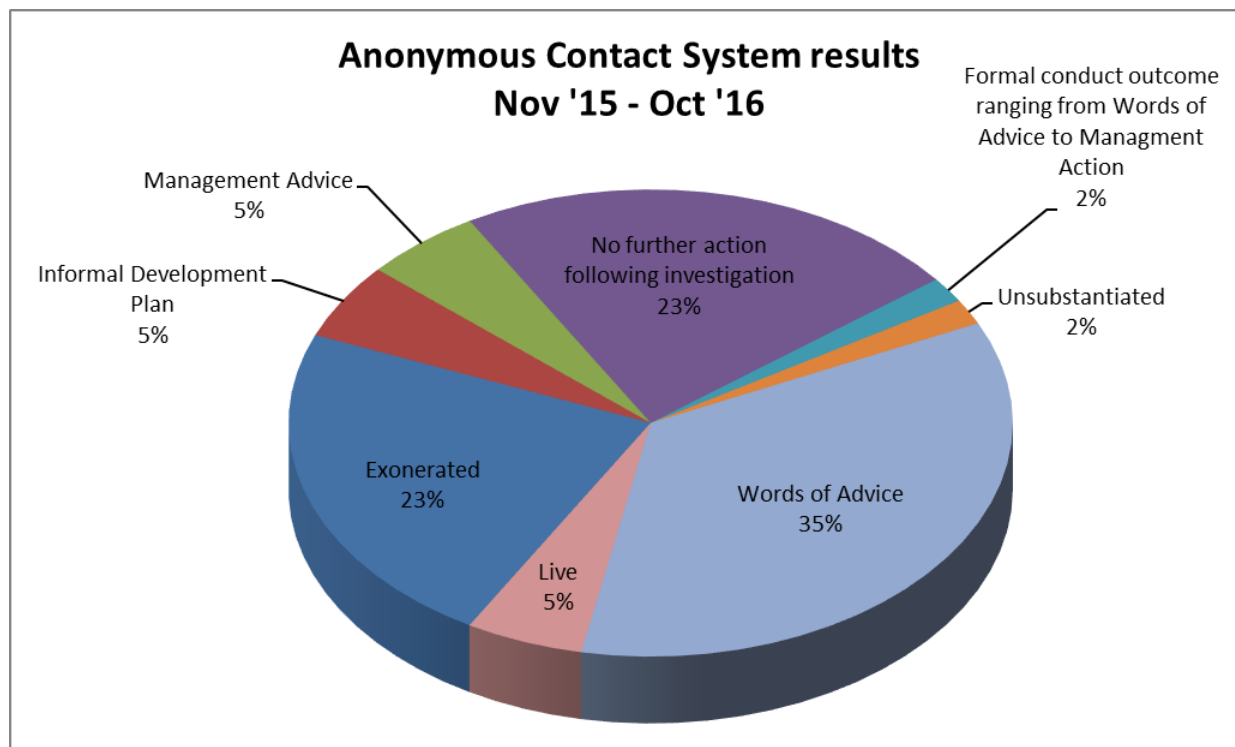
3.4 To give an idea of the types of report received they are broken down into the main category types in the chart below.



3.5 Submissions are categorised and notably trends are identified as follows:

- **Discreditable Conduct** - The vast majority of these relate to on duty behaviour. Common themes are bullying (both by individuals and through departments as a whole), poor attitude, swearing and demeaning behaviour by managers, and inappropriate comments posted on social media.
- **Vulnerability-Behavioural** - This is a broad category, but often relates to issues relating to duties, such as working excessive hours, sleeping on night duty and carrying out physical activities incompatible with being on restricted duties.
- **Sexual Misconduct** - Allegations relate to inappropriate flirtatious behaviour by a male supervisor, officers progressing a romantic relationship in duty time and a tutor constable forming a sexual relationship with a tutee.
- **Other issues** - These are generally issues not considered criminal or corrupt practice. Further allegations relating to bullying and duties are included here, as

well as inappropriate use of social media, working practices, security breaches and performance issues.



3.6 Approximately 45% of reports from the ACS are sanitised and passed to relevant line management, as they are usually best placed to assess the information and take appropriate action. Sanctions as the result of ACS information this year have included Management Action/Advice, Words of Advice and Informal Development Plans. Approximately 50% of reports result in no further action following investigation, with subjects exonerated or allegations cannot be substantiated. A further 5% are ongoing Live reports.

## 4.0 Case studies

### 4.1 Whistleblowing

**i) Possible drink driving and inappropriate comments-** ACS report alleging that a senior employee had been driving after consuming alcohol at business related functions and making intrusive comments to females whilst undertaking professional duties. Due to the criminal nature of part of this disclosure (a

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qualifying disclosure), the reporting person fitted the 'whistle-blower' criteria. However due to their reluctance to fully engage with the ACU and decision to remain anonymous, the ACU were limited in the support they could provide the reporting person.

Initial research by the ACU could not support some details within the allegations and the decision was made by the Head of PSD to deal with this by way of a low level informal discussion. A member of ACPO challenged the employee involved regarding the allegations (which were denied), and provided words of advice.

**ii) Assault-** Two police officers engaging in a fight whilst off duty was reported via the ACS. The criminal nature of this allegation meant that the reporting person would be afforded 'whistle-blower' status. Once again, full protection and support was offered, though the reporting person only briefly engaged with the ACU and wanted to remain anonymous.

Upon investigation, it was determined that the 'fight' was a low level argument between the officers who were flatmates at the time. The alleged assaulted officer was spoken to by a line manager and did not wish to make an allegation. Words of advice were provided and the case filed.

**iii) Allegation of attempt to conceal departmental failings and punishment posting-** A referral was made to PSD following an unsuccessful resolution of a grievance, brought about by an officer unhappy regarding their perceived rapid removal from their post, into a more unfavourable posting. The belief by the officer was that they were moved due to an impending HMIC visit, to prevent them from disclosing failings within the department. They also felt they would be held responsible for any failings found as a result of the inspection and used as a 'scapegoat.'

It was recognised that this was a qualifying disclosure and the officer was provided with support and protection under the under the Whistleblowing and Financial Irregularities Procedure. A thorough investigation by PSD did not support the allegations made by the officer. They were moved for operational

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reasons and they were not victimised, although some shortcomings were identified in the way this was articulated. Furthermore, they were able to attend the HMIC interview as arranged and provide the information they wished to impart.

**iv) Alcohol and domestic abuse-** Information received from an employee direct into a PSD supervisor regarding an officer with alcohol problems and assaulting their spouse. This is considered a 'qualifying disclosure' due to the criminal aspect of the information. The reporting person was therefore afforded protection under the Whistleblowing procedure. A handover was provided to the SIU who made contact with the spouse. They stated they had not been subject to domestic abuse, but there were concerns regarding excessive drinking and coping mechanisms. A referral was made to Occupational Health, who took over the case.

### 4.2 Non-whistleblowing

**i) Bullying-** A culture of bullying on a particular team was reported through the ACS, which was a contributing factor to a number of individual leaving the team. This led to an investigation by supervisors, who spoke to all team members. Although no bullying culture could be identified upon investigation, one team member was put on a Supportive Development Plan to address a failing within the 'Working with others' PDR objective.

**ii) Bullying-** information received via the ACS that staff in one department are constantly emailing each other throughout their shifts, making derogatory comments about other members of staff. A report was sent to the Chief Inspector overseeing that department, who provided words of advice to supervisors, who in turn would ensure that staff are aware of standards expected and dip checking of emails would be progressed if further reports of poor behaviour were received.

**iii) Behavioural vulnerability-** ACS information was received that an officer was using a photo of themselves in police uniform sitting in a police vehicle on a dating website. Although the officer was not deemed as acting inappropriately, they were provided with words of advice regarding potential vulnerabilities of



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openly identifying themselves as a police officer on a dating or social media website.

**iv) Inappropriate use of social media/using mobile whilst driving-** A report was submitted on the ACS alleging an officer was using a mobile phone whilst driving to send Snapchat videos of themselves driving and singing. The informant has engaged via ACS but could not capture the footage before it was deleted. The officer was provided with words of advice by their second line supervisor.