

Lincolnshire Police

Policy Document



Professional standards reporting policy PD 48

Policy document information

Reference number:	PD 48
Policy sponsor:	DCC
Policy owner:	Head of Professional Standards
Reviewer:	D/Insp Wright-Lakin, PSD
Publication date:	August 2024
Review date:	August 2026

Version history

Version	Date	Reason for issue
10	Dec - 16	Annual Review – inclusion of Volunteers
11	July- 18	Yearly review- Updated assessment and changed reviews to every two years.
12	July – 20	Biannual review and update
13	August - 22	Biannual review and update
14	Nov 2022	Amendment to appendix A
15	August – 24	Biannual review and update
16	27/03/2026	Extraordinary update to include that reports of sexual harassment are explicitly regarded as qualifying disclosure (Section 2.1.8)

Code of Ethics

All staff involved in carrying out functions under this policy and associated procedures and appendices will do so in accordance with the principles of the Code of Ethics. The aim of the Code of Ethics is to support each member of the policing profession to deliver the highest professional standards in their service to the public.

Legislative compliance

This document has been drafted to comply with the principles of the Human Rights Act. Proportionality has been identified as the key to Human Rights compliance, this means striking a fair balance between the rights of the staff and those of the rest of the community. There must be a reasonable relationship between the aim to be achieved and the means used.

Equality and Diversity issues have also been considered to ensure compliance with the Equality Act 2010 and meet our legal obligation in relation to the equality duty. In

addition, Data Protection, Freedom of Information and Health and Safety Issues have been considered. Adherence to this policy or procedure will therefore ensure compliance with all relevant legislation and internal policies.

Other legislation/law which this policy has been drafted to comply with:

- [Human Rights Act 1998 \(in particular A.14 – Prohibition of discrimination\)](#)
- [Equality Act 2010](#)
- [Crime and Disorder Act 1998](#)
- [H&S legislation](#)
- [Data Protection Act 2018](#)
- [Freedom Of Information Act 2000](#)

Security classification

Policy to be published on Intranet: Yes

Policy to be published on Force Website: Partially (not the appendices)

Authorised Professional Practice (APP)

This policy has been checked against APP and there is none in relation to the subject matter of this policy.

1. Policy aims (Purpose)

- 1.1 The aim of this policy is to reach the highest standards of honesty and integrity for Lincolnshire Police, where colleagues and the public can be confident that any concerns affecting those standards are investigated thoroughly and openly, and that lessons are learnt from any investigation. The policy will be monitored routinely.

The aims of this policy are:

- To increase confidence in officers, police staff, volunteers and the public that the force is committed to maintaining high professional

standards. Without such procedures in place there is a risk that malpractice will go undiscovered.

- Protect Lincolnshire Police from organised groups or individuals who would benefit from corrupting our staff and volunteers.
- Improve the trust and confidence among our staff and volunteers by creating a culture of honesty and openness thereby giving individuals the confidence to come forward with any concerns.
- Establish fair, objective and proportionate procedures for dealing with matters reported and a secure system for reporting such issues.
- Provide a mechanism to enable conduct involving children to be referred to the Independent Safeguarding Authority.

1.2 The purpose of this policy is to set out ways in which individuals within Lincolnshire Police can engage in Professional Standards Reporting in a supportive and confidential environment.

1.3 Reporting systems are often referred to as “whistle-blowing” however it is recognised that this may be regarded as an emotive term, which unfortunately tends to stigmatise those who have the courage to report and give evidence of wrongdoing. Therefore the term “Professional Standards Reporting” has been adopted.

2. Policy statement (Key information)

2.1. Origins

2.1.1 In the past, cultural pressures within the police service have actively discouraged individuals from reporting breaches of professional standards. These cultural pressures arise from the excessive demands of ‘comradeship’ that inherently exist within the police service. Loyalty to colleagues above any other competing loyalty is a feature of this culture. Essentially, this has meant that, on occasions, staff have presented a united ‘wall of silence’ and therefore, have not reported wrongdoing. As a result of these cultural pressures, there have been cases when an

individual has openly made a report, where this has been seen by peers as an act of disloyalty. This, combined with inadequate organisational support, frequently leaves the individual who made the report feeling victimised by the process. Whilst in recent times there has been a greater willingness to report breaches of the Standards of Professional Behaviour, and to support those who do so, this process of change must continue. The challenge is to build upon this progress and implement a clear and comprehensive reporting procedure.

- 2.1.2 All staff and volunteers have a clear responsibility to report suspected breaches of professional standards by others in Lincolnshire Police.
- 2.1.3 The aim of the Public Interest Disclosure Act 1998, is to ensure that information in the public interest is brought to the attention of the appropriate person in order 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 the public interest) about certain acts of wrongdoing, or dangers in the workplace. It does so primarily by inserting new provisions into the Employment Rights Act 1996.
- 2.1.4. The Employment Rights Act provides that a worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer done on the ground that the worker has made a protected disclosure.
- 2.1.5. The types of disclosure that are eligible for protection are known as 'qualifying disclosures'.
- 2.1.6. A qualifying disclosure is where a worker reasonable believes that a disclosure is being made in the public interest and at least one wrongdoing is currently happening, took place in the past or is likely to happen in the future.
- 2.1.7 Section 37 of the Police Reform Act 2002 extends the provisions of the Employment Act 1996 (as amended by the Public Interest Disclosure Act 1998) to police officers. The types of disclosures which individuals are encouraged to report under this Act includes information relating to:

- a criminal offence;
- the breach of a legal obligation;
- a miscarriage of justice;
- a danger to the health and safety of an individual;
- damage to the environment;
- allegations relating to Children and Vulnerable Adults;
- unauthorised use of public funds;
- suspected fraud or corruption;
- sexual, physical or verbal abuse of employees, clients or customers;
- improper or other unethical behaviour;
- The deliberate concealment of information tending to show any of these matters.

NB – this list is not exhaustive.

2.1.8 In addition to the types of disclosures captured in 2.1.7, the law ¹now makes it explicit that workers who raise concerns about sexual harassment will be protected under the whistleblowing legislation and any such reporting is a ‘qualifying disclosure’ by definition.

2.1.9. The disclosure is not a qualifying disclosure if:

- By making the disclosure, the worker has committed an offence, eg under the Official Secrets Act 1989
- The information should be protected from disclosure because of legal professional privilege

2.1.10. It is recognised that the decision to report a concern can be a difficult one to make (not least because of the fear of reprisal from those responsible for, or suspected of, the malpractice). If what you are saying is true, you should have nothing to fear because you will be doing your duty in accordance with the Code of Ethics and the Standards of Professional Behaviour.

¹ Worker Protection (Amendment of Equality Act 2010) Act 2023

2.2. Principles

- 2.2.1. Individuals who are protected by the provisions of the Act can complain to an Employment Tribunal if they have been subjected to a detriment as a result of making a protected disclosure. The remedies available to a tribunal include reinstatement, re-employment, and compensation.
- 2.2.2. The Enterprise and Regulatory Reform Act 2013 (section 17-20) provides provisions on whistleblowing legislation:
- the introduction of a new requirement that a person blowing the whistle reasonably believes that the disclosure is made in the public interest (section 17)
 - the removal of the requirement that disclosures must be made in good faith (section 18)
 - the introduction of vicarious liability for the detrimental acts of a co-worker or agent towards a whistleblower (section 19)
 - extension of the meaning of “worker” for whistleblowing purposes (section 20)
- 2.2.3. The procedure outlined in this policy should not interfere with other working practices contained within the Complaints and Misconduct Procedures, unsatisfactory performance and managing attendance procedures (UPP), Fairness at Work, harassment and bullying.
- 2.2.4. Every employee and volunteer within Lincolnshire Police has a responsibility for ensuring that professional standards are maintained. Managers and supervisors must be aware of the need to monitor individual performance and integrity issues

2.3. Anonymous Disclosures

- 2.3.1. This policy encourages you to put your name to any expression of concern about possible wrongdoing whenever possible.

2.3.2. Concerns expressed anonymously are generally likely to be less credible and much more difficult to investigate. Factors that would be taken into consideration would include:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegations from attributable sources

2.4. Unsubstantiated concerns

2.4.1. If you make a disclosure in the public interest and it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

2.5. Home Office Guidance

2.5.1. The 2020 Home Office Guidance on Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing gives further information in relation to Whistle-blowing, what a protected disclosure is defined as and how the whistle-blower may be handled. This is covered in detail in Chapter 3. Professional Standards will follow this guidance when dealing with any disclosures made in accordance with this chapter.

3. Other related documents and appendices

3.1. Appendices:

- Appendix A – Guidance on professional standards reporting
- Appendix B – Statement of expectations
- Appendix C – Notice to staff who undertake professional standards reporting

Related documents:

- PD 1 – Alcohol, drug and other substance misuse
- PD27 – Health and Safety
- PD 21 – Complaints and Conduct
- PD 26 – Gifts and Hospitality
- Service Confidence Procedure
- Fairness at Work Procedure
- Professional Standards Strategy
- Home Office Guidance: Conduct, Efficiency and Effectiveness:
Statutory guidance on Professional Standards, Performance and Integrity in Policing.

4. Monitoring and review

- 4.1. The policy will be reviewed every two years. However, there will be constant monitoring of this policy by the Head of Professional Standards, to ensure compliance and to monitor specifically the use of Bad Apple.
- 4.2. At the conclusion of all Professional Standards investigations a Lesson Learnt form/report is completed and relevant information will be used to feedback into the organisation.
- 4.3. The debriefing of individuals involved in Professional Standards reporting will be an essential part of the overall monitoring and will occur at the end of all investigations where the original reporting person is identifiable.
- 4.4. All reports received under the Professional Standards reporting policy will be recorded and the details of individuals recorded. In particular to monitor equality issues and possible discrimination issues.

5. Who to contact about this policy

- 5.1. This policy is owned by the Head of PSD and any enquires about this policy should be directed accordingly.

Pro-forma for the equality initial assessment

This screening document is the first stage in a two-stage process to take a systematic approach to assessing the impact of an activity on equality. An activity may mean a:

- policy or policy review
- a business case
- a business plan
- a project initiation
- a decision to implement a service
- a decision to decommission a service.

This screening should be completed by the lead person for the activity with assistance from any of the following departments:

- Human Resources (where appropriate)
- Equality and Diversity

Department:	Professional Standards	Section:	Professional Standards	Person responsible for initial assessment:	DI 251 Parsons
Policy being assessed:	Professional Standards Reporting	Date of assessment:	August 2024	Is this a new or existing policy?	Existing

Question	Answer
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1. Briefly describe the aims, objectives and purpose of the policy.	The aim of the policy is to provide a mechanism whereby members of staff can report concerning behaviours and to ensure that support is provided following the disclosure of such information.
2. Are there any associated objectives of the policy? Please explain.	The objectives are to ensure that the risk to Lincolnshire police and the persons they serve is minimised and that wrong doing is reported.
3. Who is intended to benefit from the policy and in what way?	All members of the organisation and the public we serve will benefit from this policy. It allows staff to make confidential reports with confidence.
4. What outcomes are wanted from this policy?	The desired outcomes are to increase staff confidence and for a better service to be provided to all.
5. What factors/forces could contribute/detract from the outcomes?	Reporting could result in gross misconduct procedures being commenced and this may damage the reputation of Lincolnshire police. However, it is vital that the public are able to see that internal gross misconduct is treated seriously and is not tolerated within the organisation.
6. Who are the main stakeholders in relation to the Policy?	Professional Standards, the Appropriate Authority and every staff member of the organisation.
7. Who implements the policy and who is responsible for the activity?	
8. Is there any likelihood the policy could have a differential impact on racial groups? (Including Gypsies and Travellers)	No

What existing evidence (either presumed or otherwise) do you have for this?	
9. Is there any likelihood the policy could have a differential impact due to gender?	No
What existing evidence (either presumed or otherwise) do you have for this?	
10. Is there any likelihood the policy could have a differential impact on due disability?	No
What existing evidence (either presumed or otherwise) do you have for this?	
11. Is there any likelihood the policy could have a differential impact on people due to sexual orientation?	No
What existing evidence (either presumed or otherwise) do you have for this?	
12. Is there any likelihood the policy could have a differential impact on people due to their age?	No

12a. Is there any likelihood the policy could have a differential impact on Young People and Children?	No
What existing evidence (either presumed or otherwise) do you have for this?	
12b. Is there any likelihood the policy could have a differential impact on Older People?	No
What existing evidence (either presumed or otherwise) do you have for this?	
13. Is there any likelihood the policy could have a differential impact on people due to their religious belief?	No
What existing evidence (either presumed or otherwise) do you have for this?	
14. Is there any likelihood the policy could have a differential impact on people due to them having dependants/caring responsibilities?	No
What existing evidence (either presumed or otherwise) do you have for this?	

15. Is there any likelihood the activity could have a differential impact on people due to Marriage or Civil partnership?	No
What existing evidence (either presumed or otherwise) do you have for this?	
16. Is there any likelihood the policy could have a differential impact on people due to them being Transgender or Transsexual?	No
What existing evidence (either presumed or otherwise) do you have for this?	
17. If a differential impact has been identified in 8-16, will this amount to there being the potential for an adverse impact in this policy?	No
18. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?	No
19. If Yes, is there enough evidence to proceed to a full EIA?	No
20. Date on which Full impact assessment to be completed by.	

Signed (completing officer): DI 251 Parsons

Signed (Lead officer):

Groups affected

Please identify the anticipated impact this activity will have on the following population groups.

- Tick the appropriate box and give explanation if so required,
- Please note that there are both likely benefits and adverse impact within the same group
- Any groups highlighted as likely to be adversely affected should be consulted in the second stage Full Impact Assessment if one has been identified as being needed.

	Likely to Benefit	No Impact	Adverse Impact
Disability: Physical, Sensory, Learning Disability, Mental Health, Carers	☒	☐	☐
Gender: Male, Female	☒	☐	☐
Transgender	☒	☐	☐
Race: Traveller and Gypsy etc	☒	☐	☐
Sexual Orientation: Lesbian, Gay, Bisexual	☒	☐	☐
Religion and Belief	☒	☐	☐
Age: Young and Old	☒	☐	☐
Marriage and Civil Partnerships	☒	☐	☐