

SI3117

Whistleblowing

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This Service Instruction provides guidance to the Police Service of Northern Ireland Officers, Staff and Contractors in relation to the process of making public interest disclosures and outlines how such reports will be dealt with.

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1. Introduction

This Service Instruction sets out the procedure for making public interest disclosures in the Police Service of Northern Ireland (PSNI). It explains the pathway as to how public interest disclosures can be made by Officers/Staff and addressed. It also outlines the legal protections that are afforded to persons who make public interest disclosures concerning the organisation.

The PSNI wishes to ensure that employees work in an open, transparent and safe working environment where people feel able to speak up. Encouraging individuals to raise any serious concern they may have about malpractice or serious risk as early as possible and responding appropriately is integral to achieving this.

When an Officer or Staff member makes a public interest disclosure which is supported by the legislation, this is commonly referred to as “whistleblowing”.

Whistleblowing reaps benefits beyond simply detecting malpractice. Importantly, it deters wrongdoing and improves on standards and quality. It supports the development of an open culture that

recognises the potential for individuals to make a valuable contribution to the running of public services and to the protection of the public interest.

Police Officers, Staff, Contractors and Agency Non Police Personnel (NPP) must be honest and act with integrity at all times, as set out in the Codes of Ethics and other relevant documents. Organisational and personal integrity is a prerequisite for community confidence in policing.

Employees who believe that behaviours are unprofessional, unethical, unacceptable or illegal are encouraged to report them, rather than overlook the issue. All employees have a positive obligation to question the conduct of colleagues that they believe falls below expected standards, and if necessary, challenge, report or take action against such conduct.

The PSNI is committed to ensuring that all employees have safe methods to report any suspected illegal or unethical conduct, without suffering any detrimental impact.

This Service Instruction exists to encourage and enable Officers and Staff to report public interest disclosure at an early stage and in the right way. It explains what

the PSNI expects its Officers and Staff to do if they make a public interest disclosure. It also clarifies rights and responsibilities, identifies the steps that can be taken and how Officers/Staff will be supported.

This Service Instruction sets out key principles supported by procedures outlining how concerns can be raised and how they should be handled:

- Officers and Staff are encouraged to make a public interest disclosure as soon as they notice possible wrongdoing;
- Officers and Staff making a public interest disclosure will be afforded protection, as outlined in the Service Instruction and all disclosures will be handled responsibly, professionally and in a positive manner;
- Officers and Staff making a public interest disclosure will be listened to and treated with respect;
- Help and support will be provided to Officers and Staff where public interest disclosures are made under this Service Instruction;

- Managers will be supported in dealing appropriately with public interest disclosures which are raised with them.

2. The Legislation and the Code of Ethics

Protection for those who make public interest disclosures is provided through the following legislation:

- [Public Interest Disclosure \(NI\) Order 1998](#);
- [Employment Act \(Northern Ireland\) 2016](#); and
- [The Public Interest Disclosure \(Prescribed Persons\) Amendment Order \(Northern Ireland\) 2022](#).

Protection for Officers is also underpinned by [Article 1.8 of the Code of Ethics](#) which states 'that a Police Officer shall not suffer any penalty for reporting a breach of the Code of Ethics'.

Police Staff who make a public interest disclosure will also be afforded protection under the legislation above.

The PSNI will support and protect all 'whistle-blowers' and any instances of victimisation will be taken seriously and managed appropriately. This means the 'whistle-blower' will be protected by their employers so they do not suffer any form of loss or detriment.

3. Conditions for making a Public Interest Disclosure

A Public Interest Disclosure is also referred to as a "Qualifying Disclosure", within the legislation.

A qualifying disclosure is one which is made in good faith and in the reasonable belief that the information disclosed and any allegation contained in it, are substantially true.

This means a disclosure must fall within the scope of one of the following conditions to qualify:

1. Where a criminal offence has occurred, is occurring, or is likely to occur;

2. That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which he is subject;
3. Where there is a miscarriage of justice which has occurred, is occurring or is likely to occur;
4. Where health and safety has been compromised, is being or is likely to be compromised;
5. Where the environment has been, is being or is likely to be damaged; or
6. Where there is information indicating that evidence of one of those circumstances has happened, is likely to be concealed, or it has been destroyed.

The disclosure will not be a 'qualifying disclosure' if you commit an offence by making the disclosure (e.g. a breach of [the Official Secrets Act](#)) or if it requires you to break legal professional privilege.

4. Applicability

This Instruction applies to all Police Officers, Police Trainees, Police Staff, Contractors or Agency Non Police Personnel (NPP).

5. Grievance or Whistleblowing?

Sometimes an employee believes they are “blowing the whistle” when in fact their complaint is a personal grievance.

Whistleblowing concerns generally relate to a risk, malpractice or wrongdoing that affects others within and/or outside the PSNI. A grievance differs from a whistleblowing concern as it is a personal complaint regarding an individual's own employment situation.

If an issue relates to how you feel you have been treated, this is not typically whistleblowing. The matter is most appropriately dealt with under a Human Resources (HR) process such as a grievance or a bullying & harassment complaint. [HR Notice 15/2023 - Workplace Dispute Resolution](#).

If an issue relates to your employment or pay & conditions, or treatment, this is also unlikely to be whistleblowing and you are not covered by the whistleblowing legislation unless your particular case is in the public interest and falls under one of the qualifying disclosures at [Art 67B of the Public Interest Disclosure \(Northern Ireland\) Order 1998](#).

Matters may be raised which can be a combination of personal grievance and whistleblowing. In such circumstances, a whistleblowing investigation will take place to establish facts around the disclosure of the alleged wrongdoing, accompanied by a grievance process as applicable to any personal detriment and/or other personal non-disclosure related grievance. The timing of the two processes should be determined on a case-by-case basis as to whether they can run concurrently or need to be in sequence.

Generally a ‘whistle blower’ has no self interest in the issue being raised.

However, the distinction may not always be clear cut. If in doubt, Officers, Staff and Employers can contact Protect (Formerly Public Concern at Work (PCAW) for

advice: on what category their concern falls into whistle@protect-advice.org

6. Raising a Public Interest

Disclosure

A person making a public interest disclosure requires the reasonable belief that the information, and any allegation it contains, is substantially true. It does not matter if it is later proved to be a mistaken belief.

If an employee is unsure about any aspect of raising a whistleblowing concern, they can get independent advice at any stage by contacting Protect (Formerly Public Concern at Work (PCAW)) for advice: on what category their concern falls into whistle@protect-advice.org

Additionally, those making public interest disclosures must believe that doing so is in the public interest, and that belief must be reasonable in all the circumstances. Those acting purely in self-interest will not be protected.

It is best to raise the matter as early as possible to allow it to be looked into promptly.

It is important that matters are not investigated by the Officer/Staff member themselves.

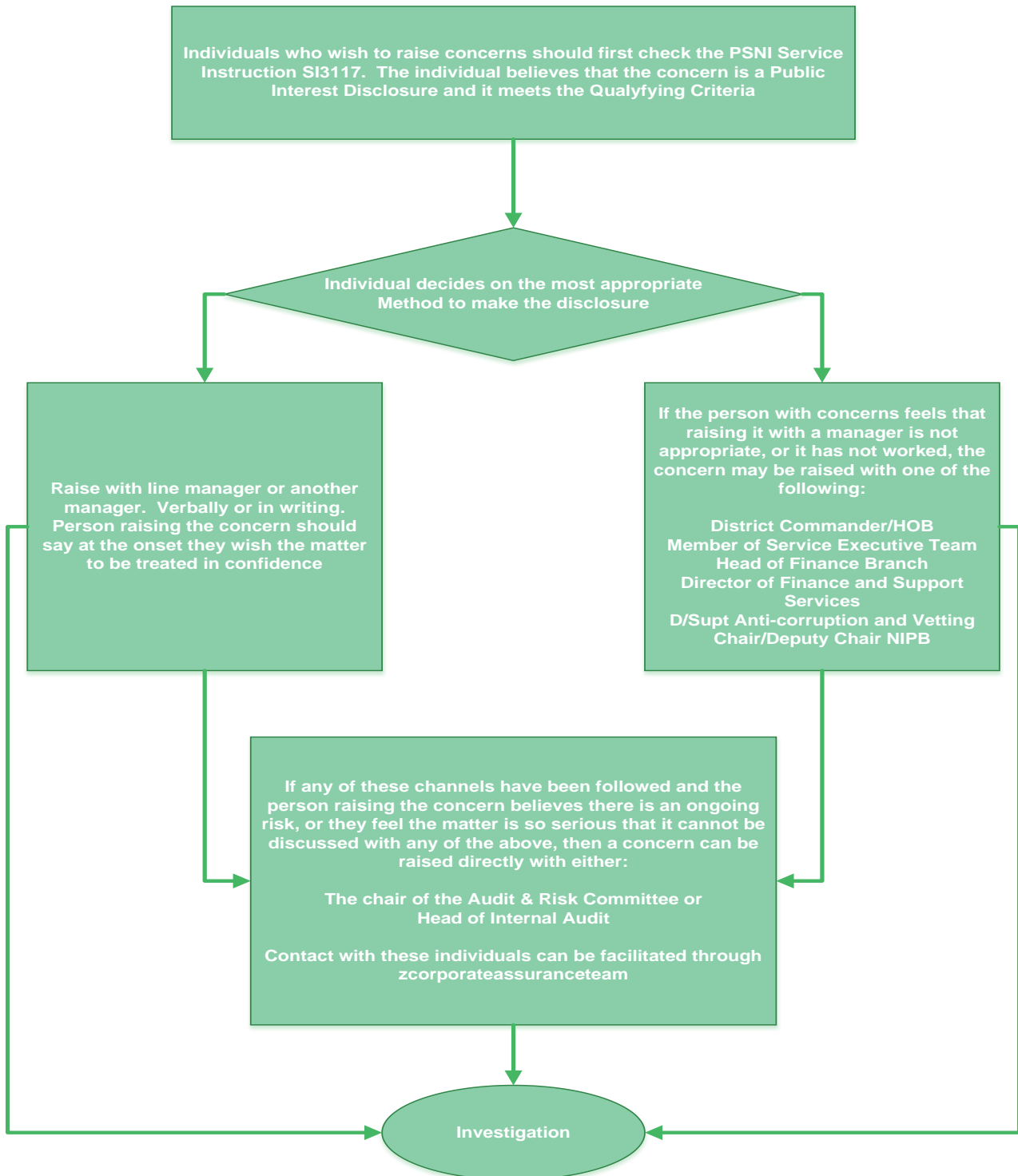
When making a public interest disclosure, you should provide the following information where possible:

- The nature of the disclosure and its key elements;
- When it happened? and
- Who was involved?

In addition to those details of the matter, you should try to provide the following information:

- The background and reason behind the matter;
- Whether they have already raised a concern with anyone and the response;
- Any other relevant dates; and
- If applicable, any personal interests must be declared from the outset.

Steps for raising a Public Interest Disclosure:



7. How to respond when someone raises a Public Interest Disclosure

The table at [Appendix A](#) sets out how managers should respond when they receive disclosures from Officers or Staff, or NPP.

All public interest disclosures raised will be taken seriously. However, it may not be necessary to carry out a formal investigation in each case. There are a range of possibilities depending on the nature of each case, for example:

- A review by internal audit as part of planned audit work might be sufficient to address the issue e.g. through a change to the control environment;
- There may be a role for an external audit in addressing the public interest disclosures raised and either providing assurance or recommending changes to working practices; or
- There may be a clear need for a formal investigation, which may include misconduct or a criminal investigation.

All Public interest disclosures must be notified to Professional Standards on zACUIntelligenceUnit so that they are recorded and enable reports to be made to Senior Management and the Audit & Risk Assurance Committee in a timely manner.

Regardless of how the matter is dealt with, the person raising the public interest disclosure will be advised of who is dealing with the matter and how they can be contacted.

The **person dealing** with the matter should make early contact with the person raising the public interest disclosure to ascertain full details about the issue and their wishes with regard to confidentiality.

If the **person raising** the public interest disclosure consents, they will be contacted in writing, summarising the concern and setting out proposals to handle the matter.

The **person raising** the public interest disclosure will be provided with as much feedback as possible. Ideally, parameters and expectations regarding

timescales for updates and methods of communication will be agreed with them from the outset.

Updates should be provided at significant stages of an investigation where possible. There may be occasions however where it is not possible to provide precise details of action taken, for example where it would infringe a duty of confidence owed to someone else or where it would prejudice an investigation or other proceedings. As illustrated it may be possible to advise that disciplinary action has been taken, but not the specific sanction. Such matters should be dealt with sensitively and with as much openness as possible.

[Appendix A](#) summarises actions that a person dealing with a public interest disclosure should take.

[Appendix B](#) summarises actions by Senior Management and Detective Superintendent ACU regarding declaration and review of Public Interest Disclosure.

[Appendix C](#) summarises responsibilities of the Investigating Officer.

8. Support for those who raise Public Interest Disclosures

Consideration should be given to appointing a Support (or Welfare) Officer. This should be discussed with the person raising the public interest disclosure. A Support Officer will not be appropriate in all cases, and in some cases the line manager may be able to adequately fulfil the role. However, in other cases – particularly where the individual reports about Senior Officers, criminal activity or serious misconduct – it may be appropriate (and more reassuring for the person making the public interest disclosures) if an independent dedicated Support Officer is appointed.

A person making a public interest disclosure may invite their Trade Union/ Professional Association Representative or a Police Friend to be present during any meetings or consultations in connection with the public interest disclosures they have raised.

9. Confidentiality

Public interest disclosures can be raised openly or confidentially. If a public interest

disclosure issue is raised in confidence, PSNI will respect that confidence unless required by law not to do so. In such cases the matter will be discussed with the 'whistle-blower', and where possible, consent gained prior to taking any action which could identify them. Should such consent not be granted, the Investigator should liaise with one of the individuals outlined in flowchart on [page 8](#) (District Commander, HOB, Member of Service Executive Team, Head of Finance Branch, Director of Finance and Support Services, D/Supt Anti –corruption and Vetting or Chair/Deputy Chair NIPB) to consider how the issue might be resolved without the 'whistle-blower' being identified. If this is not possible the PSNI will seek to maintain that confidence as far as possible, this should be made clear to the 'whistle-blower' and appropriate support provided.

All information which relates to individuals will be managed in accordance with the Rights and Obligations provided under the [Human Rights Act 1998](#) and the [Data Protection Act 2018](#).

Practical steps can be taken to reduce the likelihood of confidentiality being inadvertently breached, for example:

- Ensuring that documents are properly classified in line with Government Security Classification and that electronic files are properly protected;
- Ensuring the minimum number of people necessary have access to documents;
- Being discreet about when and where any meetings are held with the 'whistle-blower';
- Ensuring that sensitive case papers are not left in open view to those who are not entitled to see them; and
- By considering the content of the [Information Security Standard Operating Procedure](#).

10. Making a Public Interest Disclosure externally

If you feel unable to raise a concern internally, or have done so, but feel that the matter has not been addressed adequately, you have the option of approaching an external organisation - The PSNI would rather a matter is raised with the appropriate regulator – such as the [Northern Ireland Audit Office](#) or the [Health](#)

[and Safety Executive of Northern Ireland](#) than not at all. If the concern relates to a Senior Officer/Chief Officer the matter should be referred to the Chair/Deputy Chair of [Northern Ireland Policing Board \(NIPB\)](#).

11. Independent Advice

If an Officer or Staff member is unsure whether or how to raise a public interest disclosure, or they want confidential advice at any stage, they may contact their Union or Staff Association. Individuals may also contact the Independent Charity Protect (Formerly Public Concern at Work (PCAW) Public Concern at Work for free confidential advice on 020 3117 2520 Option 1 or by email at whistle@protect-advice.org

12. Malicious Reports

The PSNI actively encourages the reporting of wrongdoing and recognises that the vast majority of individuals making reports do so out of a sense of concern and a desire to 'do the right thing' for the organisation. However, where it appears that a report has been made maliciously

this will be investigated and disciplinary action may be taken as a result.

If an individual has been involved in behaviour that merits criminal or misconduct proceedings against them, reporting concerns about the behaviour of others will not allow that individual to evade disciplinary action.

13. Reporting outside the remit of the Service Instruction

Individuals making public interest disclosures should consider and make use of the relevant contacts outlined in this Service Instruction before deciding to take their information to any other organisation, e.g. Campaign Groups or the Media.

Reports made outside the process outlined in this service instruction may result in disproportionate and / or inaccurate reporting which can undermine an investigation and make it more difficult to take corrective action. It may also constitute a breach of the [Code of Ethics \(Article 3 – Privacy & Confidentiality\)](#) or the Police Staff Handbook and may result in disciplinary action.

It is never acceptable for an Officer or Staff member to make a disclosure for personal gain, whether that gain is financial or otherwise.

It is also strongly recommended that Staff do not make public interest disclosures to the media or via social media. Such disclosures can undermine public confidence in the Police Service. It may also constitute a breach of the [Code of Ethics \(Article 3 – Privacy & Confidentiality\)](#) or the Police Staff Handbook and may result in disciplinary action.

14. Governance and Reporting

An annual update will be provided to the Chief Constable. This will outline:

- The number of whistleblowing concerns that are outstanding;
 - how they are being dealt with; and
 - for how long they have been outstanding;
- The number of whistleblowing concerns that have been closed, along with the outcome, lessons learned and improvements made as a result of the concern being raised;

The extent to which:

- Procedures used are adequate to track the actions taken and in ensuring appropriate follow-up action has been taken to investigate and, if necessary, resolve problems;
- ‘Whistle-blowers’ are being effectively provided with updates and feedback;
- There have been any difficulties with confidentiality;
- There have been any concerns in relation to fair treatment;
- Issues raised could have been resolved earlier before the concern was raised;

And

- Any relevant views from the ‘whistle-blower’ and/or trade unions on the current whistleblowing policy; and
- Whether there is a need to review current whistleblowing arrangements.

The size of the organisation may result in a limited number of whistleblowing cases and therefore a difficulty in being able to identify meaningful trends. However, the PSNI will ensure that all appropriate learning and identifiable action is taken and noted from

each concern raised and this will be included in the annual update.

The above will be informed by a post-case review, which will include understanding the experience of individual 'whistle-blowers', Managers and Investigators.

Appendix A: Initial Receipt and Response to Dealing with a Public Interest Disclosure - Points to Remember

Person Initially Receiving Public Interest Disclosure

- Demonstrate a positive and supportive attitude towards the person making the public interest disclosure.
- Record as much detail as possible about the public interest disclosure and agree this record with the person raising it.
- Be aware of the process following the raising of a public interest disclosure and explain this to the person.
- Make sure the person raising the public interest disclosure knows what to expect, for example in relation to feedback.
- Assure them that their confidentiality will be protected as far as possible, if they request this.
- Make no promises and manage the expectations of the person raising the public interest disclosure.
- Make clear that PSNI will not tolerate harassment of anyone raising a public interest disclosure and ask them to let you know if this happens.
- Advise the person raising the public interest disclosure of available sources of support, for example Staff Association, Union or Protect (Formerly Public Concern at Work – PCAW) for advice.
- Refer the information as quickly as possible to senior management so that the appropriate procedures for consideration and investigation of the public interest disclosure can be initiated.

Appendix B: Role of Senior Manager and Detective Superintendent ACU

Role of Senior Manager and Detective Superintendent ACU

Assessment and Designation of Whistle-blower regarding a Public Interest Disclosure

- Senior Management /Head of Branch or District Commander (in receipt of information) will assess information and decide if it is a Public Interest Disclosure as per the Service Instruction, before consulting the Detective Superintendent ACU who will provide advice and guidance.
- Senior Management/Head of Branch or District Commander to designate the person making the qualifying disclosure a Whistle-blower and appoint an appropriately trained officer to initiate an investigation.
- The Detective Superintendent ACU will be responsible for the oversight of all Public Interest Disclosures on behalf of the PSNI and will ensure that an annual update is provided to the Chief Constable and ARAC.

Appendix C: Responsibilities of Investigating Officer

Responsibilities of Investigating Officer

- Investigating Officer to create RM and notify zProfessionalStandardsReferrals;
- I/O to make early contact with the person raising the public interest disclosure and ascertain full details;
- OEL to be updated as investigation progresses with all investigative actions and outcomes. This will facilitate PSD to complete Annual update to Chief Constable and ARAC;
- If they consent, summarise the public interest disclosure in writing and set out proposals to handle it;
- Make clear that PSNI will not tolerate harassment of anyone raising a public interest disclosure and ask them to let you know if this happens;
- Agree expectations with regard to confidentiality, and method & frequency of updates;
- Advise the person raising the public interest disclosure of available sources of support, for example Staff Association, Union or Protect (Formerly Public Concern at Work – PCAW) for advice;
- Consider and discuss with the person raising the public interest disclosure re appointment of a Support / Welfare Officer or advise on self-referral to Wellbeing Peer Support via contacting zWellbeingVolunteerCoordinator;
- Ensure the concern has been notified to Professional Standards on zACUIntelligenceUnit.

Appendix D: Contact Us

Service Instruction Author

Professional Standards Department

PSD Contact:

zProfessionalStandardsReferrals@psni.police.uk