

CONFIDENTIAL REPORTING POLICY

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NORFOLK
CONSTABULARY



SUFFOLK
CONSTABULARY

CONFIDENTIAL REPORTING

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Legal Basis

Legislation specific to the subject of this policy document:

- Public Interest Disclosure Act 1998
- Criminal Justice & Public Order Act 1994
- Employment Rights Act 1996
- Police (Efficiency) Regulations 1999
- Police (Conduct) Regulations 2012
- Protection from Harassment Act 1997
- Police Reform Act 2002

Other relevant legislation which you must check this document against (required by law)

- [Human Rights Act 1998 \(in particular A.14 – Prohibition of discrimination\)](#)
- [Equality Act 2010](#)
- [Health and Safety at Work etc. Act 1974 and associated Regulations](#)
- [General Data Protection Regulation \(GDPR\) and Data Protection Act 2018](#)
- [Freedom Of Information Act 2000](#)

Other documentation which you must check this document against:

- [College of Policing – Code of Ethics](#)
- [Norfolk and Suffolk Constabularies' Standards of Professional Behaviour](#)
- [College of Policing – Authorised Professional Practice](#)
- [Grievance Policy](#)
- [Whistleblowing Policy](#)

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1. Introduction

- 1.1 Norfolk and Suffolk Constabularies are committed to high standards of openness, transparency and integrity. It is therefore important that officers and staff understand that they are obligated to, and feel confident in their ability to, appropriately report any wrongdoing that they suspect or become aware of.
- 1.2 Norfolk and Suffolk Constabularies are committed to ensuring the College of Policing 'Code of Ethics' is adopted in full and becomes instilled as the ethical standard required from every officer/staff member.
- 1.3 The Standards of Professional Behaviour for officers and staff (referred to in paragraph 4) reflect the expectations that the police service and the public have of how those serving with the police should behave.

2. Statement of Policy

- 2.1 This policy has been formally agreed via the approved policy development/review process. It will be maintained by the Professional Standards Department in conjunction with the Central Policy Unit.
- 2.2 The policy is intended to promote equality, eliminate unlawful discrimination and actively promote good relations regardless of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, economic or family status.
- 2.3 Managers have a responsibility to ensure this policy is applied fairly, and unless otherwise stated, all policies and procedures are non-contractual.

3. Policy Aims

- 3.1 This policy aims to:
 - Ensure officers and staff understand that they are obligated and feel able to report (actual or suspected) wrongdoing;
 - Provide advice on when and how individuals are able to report wrongdoing;
 - Outline the process of how reports will be dealt with and what the individual can do if they are not satisfied with the outcome.
 - Reassure officers and staff that they are able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
- 3.2 This policy does not cover whistleblowing¹, and the [Whistleblowing policy](#) should be referred to as necessary. Where it is, or becomes, apparent that

¹A whistleblower is an officer/member of police staff/volunteer who reports wrongdoing, risk or malpractice, either internally or externally, by one or more individuals within the organisation. To be defined as a whistleblower the individual must believe they are acting in the public interest in

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a concern reported is reasonably likely to amount to whistleblowing, the Constabularies may transfer the matter to be addressed under the Whistleblowing policy accordingly.

- 3.3 Additionally, this policy does not cover reporting concerns relating specifically to an individual's own engagement or employment. Such matters should be raised through the [Grievance policy](#).
- 3.4 The Constabularies are committed to ensuring this policy complies with relevant legislation and that consultation has been undertaken with all relevant staff/officer groups. Unless we have expressly stated that a policy is contractual, all our policies and procedures are non-contractual. This means we can change them at any time following consultation with UNISON and/or Federation as applicable. Our policies may also be periodically updated to reflect changes in legislation and police regulations.
- 3.5 The Professional Standards Department (PSD) has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.
- 3.6 PSD has day-to-day operational responsibility for this policy, and must ensure that all managers and other officers/staff who may deal with concerns or investigations under this policy receive regular and appropriate training.
- 3.7 This policy will be reviewed in line with the standard policy review schedule.
- 3.8 All officers and staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected unprofessional behaviour. Officers and staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the PSD.

4. Challenging and Reporting Improper Conduct – Code of Ethics

- 4.1 All persons serving with the police are under a duty to report any improper conduct and to not remain silent if they witness or become aware of an area of concern about the behaviour or actions of another person serving in policing. Taking action in these circumstances is an important part of the responsibilities of a professional in policing and is critical in upholding public trust and confidence. This duty extends to both reporting the improper conduct of colleagues as well as organisational impropriety, where it is found.
- 4.2 The **Standards of Professional Behaviour for Officers**, as set out in Schedule 2 to the Police (Conduct) Regulations 2012, includes the standard: Police Officers report, challenge or take action against the

reporting the wrongdoing, in that it affects others. It may also, however, be possible to demonstrate a public interest if the wrongdoing is very serious, criminal, or involves a very senior or influential person, even if it only affects one person.

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conduct of colleagues which has fallen below the standards of professional behaviour.

- 4.3 The **Standards of Professional Behaviour for Police Staff**, as set out in Guidance Note 9 to the Police Staff Council handbook, includes the standard: Police staff whilst at work report, challenge or take action against the conduct of colleagues which have fallen below the standards of professional behaviour expected.
- 4.4 The ethical policing principles, within the code of ethics, are a series of guiding statements that should be used to help people in policing do the right things, in the right way, for the right reasons. One such principle is Courage - making, communicating and being accountable for decisions, and standing against anything that could bring our profession into disrepute.
- 4.5 According to these standards and principles, officers and staff must never ignore unethical or unprofessional behaviour by a policing colleague, irrespective of the person's rank, grade or role.
- 4.6 Officers and staff have a positive obligation to question the conduct of colleagues that they believe falls below the expected standards and, if necessary, challenge, report or take action against such conduct.
- 4.7 If officers/staff feel they cannot question or challenge a colleague directly, they should report their concerns through a line manager, a Force reporting mechanism or other appropriate channel.
- 4.8 The policing profession will protect whistleblowers according to the law (see [Whistleblowing policy](#) for further guidance) and nothing in this policy prevents the proper disclosure of information to a relevant authority in accordance with the Public Interest Disclosure Act 1998.
- 4.9 Officers/staff will be supported if they report any genuinely held concern over the behaviour of someone working in policing which they believe has fallen below the standards expected. Officers/staff will not be supported, and may be subject to disciplinary procedures, if their report is found to be malicious or otherwise made in bad faith.
- 4.10 The police service will not tolerate harassment, victimisation or any disadvantageous treatment against anyone who makes a report of unprofessional behaviour or wrongdoing in good faith.
- 4.11 Given the overriding duty to report wrongdoing, the appropriate reporting of genuine concerns can never be deemed to bring the policing profession into disrepute.

Supervisors

- 4.12 According to these standards and principles, supervisors must:

- Ensure that their staff carry out their professional duties correctly;

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- Challenge and address any behaviour that falls below the standards of professional behaviour, and report it where appropriate;
- Assess, take positive action, or otherwise escalate appropriately any report of unprofessional behaviour or wrongdoing made by someone for whom they are responsible.

5. Methods of Reporting

5.1 It is important that concerns are reported as soon as practicable.

5.2 A report can be made:

- **Openly** – This is where the identity of the individual making the report and the details of the report can be made known to the subject(s) of the report (but not the individual's colleagues);
- **In Confidence** – This is where the identity of the individual making the report is kept confidential from the subject(s) of the report and the individual's colleagues.
- **Anonymously** – This is where the identity of the individual making the report is not known.

5.3 It is hoped that in many cases an individual would be able to raise concerns with their line manager in order to resolve concerns quickly and effectively. If this is not the case however (e.g. the individual would prefer not to raise it with them for any reason) or it is felt that the line manager has not addressed the concern, then they should contact one of the following:

- PSD via e-mail to PSD-ACU (not anonymous);
- The 2-way electronic [Confidential Reporting System](#);
- The Confidential Telephone Line*. 01953 423502;
- The Police Federation;
- UNISON**;
- The Superintendent's Association;
- The Office of the Police & Crime Commissioner;
- The Independent Office for Police Conduct (Phone: 08458 770061 (open 0900 – 1700 with voicemail facility after hours) E-mail: reportline@policeconduct.gov.uk).

*Calls made to the confidential telephone line are received within the secure office of the Anti-Corruption Unit (ACU) and will only be answered by ACU staff. Calls will only be answered during office hours.

**Other trade unions may in future be formally recognised by the Constabularies and may subsequently be engaged.

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- 5.4 The 2-way electronic Confidential Reporting System is encrypted, to protect identity and can only be read by members of the ACU who are nominated key-holders and the reports cannot be traced. When submitting a confidential electronic report it does not have to be anonymous. If the sender identifies themselves this allows the ACU to make discreet contact with the person reporting if necessary. This system is only monitored during office hours. When using this facility, the person reporting will need to save the generated username and password in order to receive updates where appropriate.

6. Confidentiality

- 6.1 Where a concern is raised in confidence but is not able to be resolved without revealing the identity of the person who reported it, this will be discussed with the reporting person.
- 6.2 It is hoped that officers/staff feel able to raise concerns openly under this policy, but if an individual wishes to raise a concern confidentially and in good faith, then PSD will make every effort to keep their identity covert.

7. Action upon Receipt of a Report

- 7.1 Following receipt of a report, whether open, confidential or anonymous, an assessment of the action required will be taken.
- 7.2 After the initial assessment, where the identity of the reporting person is given, PSD will usually arrange a meeting between the individual and a PSD Investigating Officer to discuss their concern. The individual may bring a colleague or representative from UNISON or the Police Federation to this meeting, but the companion must respect the confidentiality of the disclosure and any subsequent investigation.
- 7.3 The PSD Investigating Officer will take down a written record of the concern and provide the individual with a copy following the meeting. PSD will also aim to give an indication of how the matter will be dealt with at the end of the meeting.
- 7.4 Where a report is made openly or in confidence, contact with the individual reporting will be made (in a way that protects their identity if appropriate) as soon as possible in order to:
- Acknowledge that the concern has been received;
 - Confirm how it is to be dealt with;
 - Agree how the individual is to be kept informed.

8. Investigation and outcome

- 8.1 The PSD Investigating Officer will inform the individual, whether directly or through the 2-way confidential reporting line, once the scope of any investigation has been determined. The reporting individual, where identity

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has been given, may be required to attend additional meetings in order to provide further information.

- 8.2 The PSD Investigating Officer will aim to keep the individual informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the Constabularies giving specific details of the investigation or any disciplinary action taken as a result. Officers/staff should treat any information about the investigation as confidential.
- 8.3 The PSD Investigating Officer may make recommendations for change to enable the Constabularies to minimise the risk of future wrongdoing.
- 8.4 If the PSD Investigating Officer concludes that the reporting individual has made false allegations maliciously, the individual will be subject to disciplinary action.

9. What to do if not satisfied

- 9.1 The Constabularies will try to deal with the concern fairly and in an appropriate way, but cannot always guarantee the outcome the reporting individual is seeking. By using this policy, officers and staff can help the Constabularies to achieve this.
- 9.2 Anyone dissatisfied with the way in which their concern has been handled, should raise this with the DCC in writing. The DCC will consider whether the investigation has been conducted appropriately and that the outcome is reasonable, with representations from the individual in person as necessary. The DCC's decision is final and concludes the internal process.

10. Support, Advice & Guidance

- 10.1 It is understandable that officers/staff are sometimes worried about possible repercussions of reporting a concern. The Constabularies aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 10.2 Officers/staff must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If an individual believes that they have suffered any such treatment, they should inform their line manager immediately, or PSD if the concern relates to their line manager. If the matter is not remedied they should raise it formally using the Grievance policy.
- 10.3 Officers and staff must not threaten or retaliate against anyone who has reported a concern in any way. Officers/staff involved in such conduct may be subject to disciplinary action.
- 10.4 Individuals who report a concern are entitled to seek advice and representation from their UNISON representative or Police Federation representative.

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- 10.5 UNISON representatives/Police Federation representatives can play a key role in acting as an agent through which members can express their concerns in an informal environment and receive advice on the options available.
- 10.6 Support is also available from both Constabularies' staff support networks, details of which can be obtained from the Professional Standards Department or from each Force's intranets.
- 10.7 Where necessary, when an officer or member of staff reports inappropriate behaviour or misconduct, they will be assigned a Senior Officer (Inspector or above) as a single point of contact to provide relevant support.
- 10.8 PSD will work with all parties to ensure an appropriate level of support and guidance is available throughout the process.
- 10.9 The individual who reported the concern may experience increased stress or anxiety as a result, therefore it is important that this is monitored and appropriate support mechanisms are put in place to minimise the problem. Other individuals who may also be affected by the report should be monitored and offered appropriate support as well. The ACU will identify an appropriate line manager to be a 'Welfare Representative'.
- 10.10 Where individuals are absent from work as a result of the stress/anxiety caused by the reporting of a concern, the Welfare Representative together with a Workplace Health Advisor should facilitate the return to work in line with the joint [Sickness Absence Management policy](#).

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