

Title: Increasing the power of the Independent Police Complaints Commission to investigate whistleblowing reports, increasing the rights of police whistleblowers, and providing police whistleblowers with immunity from prosecution and a guarantee of anonymity. IA No: HO0159 Lead department or agency: Home Office Other departments or agencies:	Impact Assessment (IA)		
	Date: 01/12/2014		
	Stage: Consultation		
	Source of intervention: Domestic		
	Type of measure: Primary Legislation		
Contact for enquiries: Police Integrity Consultation Team policeintegrityconsultation@homeoffice.gsi.gov.uk			
Summary: Intervention and Options			RPC Opinion: N/A

Cost of Preferred (or more likely) Option			
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Two-Out? Measure qualifies as
NK	£0	£0	No N/A

What is the problem under consideration? Why is government intervention necessary?
 It is important, given the power they hold, that the police maintain the highest standards of integrity. A key way in which wrongdoing or poor practice in the police can come to light is when the police themselves report it. However these reports are not always made. Police officers and staff may choose not to come forward because they do not believe anything will be done, they do not trust the reporting routes available, or they fear consequences for their career. Government intervention is necessary so that wrongdoing and poor practice in the police are brought to light and can therefore be tackled.

What are the policy objectives and the intended effects?
 The Government aims to increase the confidence of police officers and staff to come forward and report wrongdoing by colleagues and poor practice by their force. The intended effect of this policy is that a greater proportion of potential whistleblowers will come forward with their concerns.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)
 Option 0: Do nothing.
 Option 1: Strengthen reporting routes for whistleblowers by increasing the power of the Independent Police Complaints Commission to investigate whistleblowing reports.
 Option 2: Increase the rights of whistleblowers by giving them the right to be consulted on the way an investigation is conducted, the right to receive feedback and the right to request an independent review of any decision taken by their force to initiate misconduct proceedings against them.
 Option 3: Increase protection for whistleblowers by providing them with immunity from prosecution and a guarantee of anonymity.

 These options are not mutually exclusive, and the Government will be consulting on all three options to gather evidence of the relative merits of each.

Will the policy be reviewed? It will be reviewed. If applicable, set review date: 2019					
Does implementation go beyond minimum EU requirements? No					
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.		Micro	< 20	Small	Medium Large
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)				Traded:	Non-traded:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible : Date:

Summary: Analysis & Evidence

Policy Option 1

Description: Strengthen reporting routes for whistleblowers by increasing the power of the IPCC to investigate whistleblowing reports. Achieve this by allowing the IPCC to record conduct matters and to conduct sealed investigations.

FULL ECONOMIC ASSESSMENT

Price Base Year 2014	PV Base Year 2014	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: N/A	High: N/A	Best Estimate: NK

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	NK	NK	NK
High	NK	NK	NK
Best Estimate	NK	NK	NK

Description and scale of key monetised costs by 'main affected groups'

No costs have been monetised as cost data is not available.

Other key non-monetised costs by 'main affected groups'

Police forces could need to carry out additional investigations if a greater proportion of potential whistleblowers come forward to report wrongdoing.

The Independent Police Complaints Commission could face costs in carrying out preliminary work on whistleblower reports, and conducting additional investigations if a greater proportion of potential whistleblowers come forward with information regarding serious and sensitive matters.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	NK	NK	NK
High	NK	NK	NK
Best Estimate	NK	NK	NK

Description and scale of key monetised benefits by 'main affected groups'

No benefits have been monetised as data is not available.

Other key non-monetised benefits by 'main affected groups'

The wider public may benefit if greater police integrity is achieved.

Police forces may benefit by detecting wrongdoing or poor practice earlier if a greater proportion of potential whistleblowers come forward to the Independent Police Complaints Commission.

Key assumptions/sensitivities/risks

Discount rate (%) 3.5%

It is not possible to determine the exact number of whistleblowers that will come forward or how many more examples of wrongdoing or poor practice will come to light, as a result of implementing these policies. This is because whistleblowing can be a difficult and stressful decision so it is unlikely that individuals will know how they might feel in different scenarios before they exist in practice.

The exact extent of the impact whistleblowers have on maintaining police integrity or the public perception of the police is also difficult to assess precisely.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			In scope of OITO?	Measure qualifies as
Costs: N/A	Benefits: N/A	Net: N/A	No	N/A

Summary: Analysis & Evidence

Policy Option 2

Description: Increase the rights of whistleblowers by giving them the right to be consulted on how an investigation is conducted, the right to receive feedback, and the right to request an independent review of any decision made by the force to bring misconduct proceedings against them.

FULL ECONOMIC ASSESSMENT

Price Base Year 2014	PV Base Year 2014	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: N/A	High: N/A	Best Estimate: NK

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	NK	NK	NK
High	NK	NK	NK
Best Estimate	NK	NK	NK

Description and scale of key monetised costs by 'main affected groups'

No costs have been monetised as cost data is not available.

Other key non-monetised costs by 'main affected groups'

Police forces could need to carry out additional investigations if a greater proportion of potential whistleblowers come forward to report wrongdoing. There will be a cost in carrying out independent reviews of disciplinary decisions.

The Independent Police Complaints Commission could face costs in conducting additional investigations if a greater proportion of potential whistleblowers come forward with information regarding serious and sensitive matters.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	NK	NK	NK
High	NK	NK	NK
Best Estimate	NK	NK	NK

Description and scale of key monetised benefits by 'main affected groups'

No benefits have been monetised as data is not available.

Other key non-monetised benefits by 'main affected groups'

The wider public may benefit if greater police integrity is achieved.

Police forces may benefit by detecting wrongdoing or poor practice earlier if a greater proportion of potential whistleblowers come forward to make a report. There is also a benefit in reducing the likelihood of employment tribunals arising as the result of unfair treatment of whistleblowers by their organisation or colleagues.

Police whistleblowers may benefit from a reduced likelihood of unfair treatment by their organisation.

Key assumptions/sensitivities/risks	Discount rate (%)	3.5%
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It is not possible to determine the exact number of whistleblowers that will come forward or how many more examples of wrongdoing or poor practice will come to light, as a result of implementing these policies. This is because whistleblowing can be a difficult and stressful decision so it is unlikely that individuals will know how they might feel in different scenarios before they exist in practice.

The exact extent of the impact whistleblowers have on maintaining police integrity or the public perception of the police is also difficult to assess precisely.

BUSINESS ASSESSMENT (Option 2)

Direct impact on business (Equivalent Annual) £m:			In scope of OITO?	Measure qualifies as
Costs: N/A	Benefits: N/A	Net: N/A	No	N/A

Summary: Analysis & Evidence

Policy Option 3

Description: Increase protection for whistleblowers by offering them immunity from prosecution and providing them with a guarantee of anonymity

FULL ECONOMIC ASSESSMENT

Price Base Year 2014	PV Base Year 2014	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: N/A	High: N/A	Best Estimate: NK

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	NK	NK	NK
High	NK	NK	NK
Best Estimate	NK	NK	NK

Description and scale of key monetised costs by 'main affected groups'

No costs have been monetised as cost data is not available.

Other key non-monetised costs by 'main affected groups'

Police forces could need to carry out additional investigations if a greater proportion of potential whistleblowers come forward to report wrongdoing.

The Independent Police Complaints Commission could face costs in conducting additional investigations if a greater proportion of potential whistleblowers come forward with information regarding serious and sensitive matters.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low			
High			
Best Estimate	NK	NK	NK

Description and scale of key monetised benefits by 'main affected groups'

No benefits have been monetised as data is not available.

Other key non-monetised benefits by 'main affected groups'

The wider public may benefit if greater police integrity is achieved.

Police forces may benefit by detecting wrongdoing or poor practice earlier if a greater proportion of potential whistleblowers come forward to make a report.

Police whistleblowers may benefit from a reduced likelihood of unfair treatment by their organisation as a consequence of guaranteed anonymity.

Key assumptions/sensitivities/risks

Discount rate (%) 3.5%

It is not possible to determine the exact number of whistleblowers that will come forward or how many more examples of wrongdoing or poor practice will come to light, as a result of implementing these policies. This is because whistleblowing can be a difficult and stressful decision so it is unlikely that individuals will know how they might feel in different scenarios before they exist in practice.

The exact extent of the impact whistleblowers have on maintaining police integrity or the public perception of the police is also difficult to assess precisely.

BUSINESS ASSESSMENT (Option 3)

Direct impact on business (Equivalent Annual) £m:			In scope of OITO?	Measure qualifies as
Costs: N/A	Benefits: N/A	Net: N/A	No	N/A

A: Problem under consideration

1. Whistleblowing¹ occurs when police officers or staff raise a concern about wrongdoing or poor practice in their force, whether with a line manager, the force Professional Standards Department (PSD), the Independent Police Complaints Commission (IPCC), or occasionally, when necessary, elsewhere. Whistleblowing is not just about addressing misconduct. Individuals may come forward with concerns about wider poor practice, allowing the force to pick up potential problems at an early stage and to learn and improve as an organisation.
2. The Standards of Professional Behaviour set out in the Police (Conduct) Regulations 2012² and the Code of Ethics³, launched by the College of Policing in July 2014, include a positive obligation for police officers and staff to challenge or report the conduct of colleagues that falls below the expected standards.
3. Many police officers and staff are already prepared to take a stand and become whistleblowers. Police PSDs receive an estimated 3,900 reports a year⁴ from concerned officers and staff. There is currently no data available on the outcome of each report but approximately 88% of cases against police officers that are investigated as gross misconduct arise from internal reports, without a public complaint having been made⁵. However, there are likely to be times when officers choose not to come forward.

B: Rationale for intervention

4. There are a number of reasons why officers may choose not to come forward, including the quality and clarity of the reporting options available to them, a lack of confidence that anything will be done, the fear of disciplinary action, career damage or reprisals by colleagues, and the culture of the organisation⁶.
5. A reluctance to come forward and report wrongdoing is not unique to the police: similar reluctance can be found in other organisations. Research into whistleblowers across all professions by the charity Public Concern at Work shows that the response individuals most commonly say they fear is dismissal. At the first time of reporting a concern, 66% of those who feared a specific type of response feared dismissal.⁷ The same research found that 24% of individuals are actually dismissed after raising a concern once.
6. Whistleblowers in the police will usually report their concerns internally, to a line manager or the force PSD. However there will be occasions when an external route is needed. This could be because the force system did not address the issue when raised originally, or because the whistleblower lacks confidence in the ability of the force system to address the issue or to protect their identity. Some concerns, for example those relating to senior officers or to a widespread problem, may be harder to raise and address internally. The IPCC currently provides a reporting line. This line received 30 reports last year, of which only one related to a conduct matter.
7. It is essential that officers and staff have confidence that the reporting routes available to them will deal with their concern effectively, and that reporting wrongdoing will not result in detrimental treatment by their force. If officers do not come forward it may be more difficult to resolve problems, which in turn may harm public confidence and trust in the police.

¹ Based on the definition in the Public Interest Disclosure Act (PIDA) 1998: <http://www.legislation.gov.uk/ukpga/1998/23/contents>

² Police (Conduct) Regulations 2012: http://www.legislation.gov.uk/uksi/2012/2632/pdfs/uksi_20122632_en.pdf

³ Code of Ethics: <http://www.college.police.uk/en/20972.htm>

⁴ Data from a 2014 Home Office survey of Police Forces. This data has not previously been published and is unverified.

⁵ Data returned to the Home Office for the period November 2012 – November 2013

⁶ Loyens, K. (2013) Why police officers and labour inspectors (do not) blow the whistle: A grid group cultural theory perspective. *Policing: An International Journal of Police Strategies & Management*, Vol. 36 No. 1.

⁷ Whistleblowing: the inside story. <http://www.pcaw.org.uk/files/Whistleblowing%20-%20the%20inside%20story%20FINAL.pdf>

C: Policy objective

8. Our objective is to increase the proportion of potential whistleblowers that come forward with their concerns. To achieve this objective, it is necessary to increase the confidence of police officers and staff to come forward and report wrongdoing by colleagues and poor practice by their force.

D: Description of options considered

Option 0: do nothing

9. Current reporting routes and disciplinary processes will remain unchanged.

Option 1: Strengthen reporting routes for whistleblowers by increasing the power of the IPCC to investigate whistleblowing reports

(i) Allow the IPCC to record conduct matters

10. This is an enabling power. This would strengthen the existing route for whistleblowers to go directly to the IPCC by allowing the IPCC, rather than the force, to record the conduct matter raised. The IPCC will have the power to choose to record the matter instead of the force, in those cases where they consider it necessary to have greater independence. This will allow the IPCC to direct the initial assessment, preliminary inquiries and take a referral decision on the whistleblower's allegation, rather than the force.

(ii) Allow the IPCC to conduct sealed investigations

11. Enable the IPCC to carry out an independent investigation, with assistance from designated force contacts, without formally notifying the force. This is an enabling power, allowing the IPCC to take an operational decision to limit who is told about the investigation.

Option 2: Increase the rights of whistleblowers by giving them right to be consulted on how an investigation is conducted, the right to receive feedback, and the right to request an independent review of any decision made by the force to bring misconduct proceedings against them

(i) Give whistleblowers a right to be consulted

12. Give whistleblowers that go directly to the IPCC a right to be consulted on how they, and their complaint, are dealt with at certain points in the process. This might include consulting the whistleblower on any action that might reveal their identity, on whether the matter should be recorded by the force or by the IPCC, on any part of the force that should not be involved in the investigation, and giving the whistleblower a right of reply on the findings of the final investigation. The IPCC will make the final decision in each instance, considering the views of the whistleblower alongside all other relevant factors.

(ii) Give whistleblowers a right to feedback

13. Give whistleblowers that report concerns to their force, or directly to the IPCC, a right to feedback on progress at regular intervals. The frequency of these intervals will be determined following the consultation.

(iii) Independent reviews

Give whistleblowers the right to request an independent review of the force's decision to begin misconduct proceedings against them in cases of contention between the whistleblower and the force. This would involve a paper based review of the case file on completion of the investigation, providing a second opinion on the force's decision. An individual who can prove they blew the whistle prior to the allegation being made against them, and who believes the force will make an unfair decision about disciplinary action, would be able to request a review. It is proposed the review function be carried out by one of the approved list of independent legally qualified panel chairs we propose introducing as part of this consultation (see impact assessment on the Reform of the Police Disciplinary System following the Chapman Review). By making the system completely independent of the police, we will ensure that there is no possible bias in the review process. A whistleblower that

requests such a review will already believe that their force is treating them unfairly, and is unlikely to be confident in the ability of another force to make an impartial decision.

Option 3: Increase protection for whistleblowers by offering them immunity from prosecution and providing them with a guarantee of anonymity

i) Immunity from prosecution

14. The Government is seeking views on whether it might be possible for the CPS to make special provision for offering police whistleblowers immunity from prosecution if they come forward with information about serious wrongdoing. Although the CPS can already offer immunity from prosecution, they do so very rarely (only 7 times between 2006 and 2012, across all crime types⁸). Special provision for police whistleblowers to receive immunity from prosecution could take the form of guidance or legislation, setting out the circumstances under which the CPS would consider offering immunity to police whistleblowers.

(ii) Protecting whistleblowers' identity

15. The Government is seeking views on whether it might be possible to offer police whistleblowers a guarantee that their identity will not be revealed if they come forward with information about serious wrongdoing. This could take the form of guidance or legislation preventing any action being taken by the police or the Crown Prosecution Service (CPS) that would reveal the whistleblower's identity. There could be exceptions, to allow identity to be revealed if there is a risk of harm or of damaging an investigation or prosecution. Alternatively, an absolute guarantee could be offered.

⁸ http://www.cps.gov.uk/publications/docs/dpp_letter_ag_on_socpa.pdf

E: Monetised and non-monetised costs and benefits of each option

16. We have attempted to identify all of the relevant costs and benefits of the proposals within this impact assessment, but at this stage we have not been able to fully monetise these due to a lack of available data. We will attempt to gather information during consultation to enable us to more accurately estimate the impact of these measures.

Option 0: do nothing

17. There will be no impact.

Option 1: Strengthen reporting routes for whistleblowers by increasing the power of the IPCC to investigate whistleblowing reports

Costs

18. Costs will be limited to the public sector.

(i) Allow the IPCC to record conduct matters

19. This is an enabling power, allowing the IPCC to take greater control from the point an allegation is received from a whistleblower by recording the matter instead of referring the matter to be recorded by the force. Where the IPCC decide to record a matter themselves, they will need to direct any preliminary inquiries that are necessary to ascertain whether the conduct matter should be subject to a full investigation. Directing these inquiries would incur a cost to the IPCC. There will be no additional cost to forces. It is not possible to assess the exact cost to the IPCC at this stage, because the extent and nature of preliminary inquiries would be different for every case. Given that this is an enabling power, any costs arising as a result of implementing this policy would not be imposed upon the IPCC.

20. There will be limited training costs for the IPCC, who will need to familiarise themselves with the change in process. No training or familiarisation will be required for the police, who will continue to access information to investigate the allegation as they do already, but under the direction of the IPCC.

21. From the point where a conduct matter would usually be referred by the force to the IPCC, there will be no additional cost to the IPCC as the IPCC already deals with cases from this point on. The cost to the IPCC of assessing the initial evidence gathered and the cost of investigating are therefore not affected.

(ii) Sealed investigations

22. This is an enabling power, allowing the IPCC to take an operational decision to carry out an independent investigation without formally notifying the force as a whole. This method of investigating would not incur any additional costs to forces or the IPCC over an ordinary independent investigation. The same techniques would be applied, with the IPCC working with the force to get the information they require, but with a smaller number of people aware of the investigation. Where covert techniques are required to investigate a suspect, this is currently done by the host force, or another force, on behalf of the IPCC. This will continue if covert techniques are required as part of a sealed investigation.

Costs applicable to both parts of this proposal

23. If these proposals increase the confidence of police officers and staff to come forward and report wrongdoing then police forces may need to carry out additional investigations. We estimate that each additional investigation will cost the police approximately £1200 to £1800.

24. This estimate is based on two pieces of information, firstly the estimated number of man hours that went into conducting an investigation: 43.6 hours. Secondly, an estimated weighted average cost per man hour of £35. This cost per hour is calculated using two elements:

- Standard costs per hour for police staff, police officers of rank Sergeant and below and senior police officers, which are £20.94, £36.51 and £58.79 respectively.⁹
 - The estimated share of these ranks within police complaints functions. We have used Police Workforce data to estimate the average split between police staff and police officers, which we estimate to be 43% police staff and 57% police officers.¹⁰ We have then had to make a further assumption regarding the proportions of police officers in complaints functions who are Sergeant and below and who are senior officers (i.e. Inspector and above). Police complaints teams regularly deal with serious allegations of misconduct and corruption and there can be a need to manage difficult and complex investigations, including some covert operations. These investigations will necessarily require involvement and oversight by senior officers. In addition, where investigations involve senior officers it is likely that other senior officers will need to carry out part or all of those investigations. Although every police complaints team is likely to vary in the make up of its staff, it is reasonable to assume therefore that there will be a significant presence at senior officer level in these teams. We estimate, for the sake of identifying costs, that the proportion of police officers that are Inspector or above could therefore be around 40%, with the remaining 60% of officers Sergeant or below. The result is an assumed split of police complaints teams as follows: 43% police staff; 34% police officers of rank Sergeant and below; and 23% police officers of rank Inspector and above. Multiplying these percentages by the individual costs per hour above gives a weighted average hourly cost of just under £35.
25. We use data on the estimated number of man hours that went into completing the two different activities, obtained from a Home Office survey of police forces. This data gives an average length of a local resolution as 16.5 hours and an average length of a local investigation as 43.6 hours. Multiplying the estimated length of an investigation with our weighted hourly cost allows us to come to an estimated cost of an investigation of £1,516.
26. We apply an uncertainty range of 20% either side of this central estimate to give an approximate range of £1,200-£1,800 for an investigation. This figure should be treated as indicative for two reasons. Firstly it is based on the estimated composition of police force complaints teams, for which we do not know the actual figures. Secondly, the survey which provided the man hours information was only completed by 18 out of 43 forces, and many respondents emphasised that their figures were only indicative estimates, as they did not regularly record this information. As a result these estimates should be treated with care.
27. In addition, should the reports pertain to serious or sensitive matters then the IPCC may need to conduct additional investigations. The IPCC estimate that the average cost of conducting an independent investigation is £120,000.¹¹
28. It is not possible to determine the exact number of whistleblowers that will come forward or how many more examples of wrongdoing or poor practice will come to light, as a result of implementing these policies. This is because whistleblowing can be a difficult and stressful decision so it is unlikely that individuals will know how they might feel in different scenarios before they exist in practice. For this reason, we have not been able to fully monetise these costs.

⁹ These are hourly costs in 2013 prices and take into account standard data on pay, hours, expenses, pensions, National Insurance contributions and police workforce statistics.

¹⁰ Police Workforce, England and Wales 31st March 2014, tables at: <https://www.gov.uk/government/statistics/tables-for-police-workforce-england-and-wales-31-march-2014>. There are 637 staff and 828 officers in 'Complaints and Discipline' functions.

¹¹ Information provided by the IPCC to the Home Affairs Select Committee
<http://www.publications.parliament.uk/pa/cm201213/cmselect/cmhaff/494/494.pdf>

Benefits

29. A greater proportion of potential whistleblowers may come forward as a result of implementing this policy option. This might result in more incidents of wrongdoing, poor practice or reprisals coming to light. It is not possible to obtain a meaningful estimate of the potential increase in numbers. This is because whistleblowing can be a difficult and stressful decision so it is unlikely that individuals will know how they may react to different scenarios before they exist in practice. However, the Government would consider any increase in the proportion of potential whistleblowers coming forward to be a beneficial outcome, as they would be expected to allow forces to address problems.
30. The measures may increase the integrity of the police by deterring wrongdoing, thereby reducing the impact that wrongdoing in the police has upon the confidence that the public place in the police. These measures are therefore expected to increase the trust that the public place in the police, enabling them to carry out their role with greater efficacy. If the policies act as a deterrent to wrongdoing it may also mean fewer investigations are required in the long run, reducing investigation costs.
31. There is a cost associated with not dealing with wrongdoing and poor practice. Legal action is taken against forces for the actions of their officers and for wider failings to meet the force's statutory duties. By encouraging whistleblowers to come forward, we expect that forces will be more able to deal with wrongdoing and poor practice, which should reduce these costs.
32. Any costs incurred by the IPCC, should they choose to use their new powers to investigate whistleblowing reports, will equate to a saving made by police forces, which would otherwise need to conduct these investigations. These policies may therefore benefit police forces.

Option 2: Increase the rights of whistleblowers by giving them right to be consulted on how an investigation is conducted, the right to receive feedback, and the right to request an independent review of any decision made by the force to bring misconduct proceedings against them.

Costs

(i) Give whistleblowers a right to be consulted

33. There is minimal additional cost to the IPCC, because a whistleblower going directly to the IPCC under the existing process would already be consulted informally. These proposals will provide certainty for the whistleblower and ensure contact is made at particular points, but they will not introduce any new processes for the IPCC. These proposals will not impose any requirements on how the IPCC undertake the consultation, allowing existing processes to be used. There may be a minimal additional cost associated with having to contact the whistleblower more frequently. We are consulting on the frequency of contact that will be required.

(ii) Give whistleblowers a right to feedback

34. There is minimal additional cost to forces or the IPCC, because a whistleblower going to their force or directly to the IPCC under the existing process would already be given some form of feedback. These proposals will provide certainty for the whistleblower and ensure contact is made at particular points, but they will not introduce any new processes for the IPCC or forces. Forces and the IPCC already have mechanisms in place to meet their statutory requirements to give members of the public who make a complaint feedback. These proposals will not impose any requirements on how the IPCC or forces deliver the feedback to whistleblowers, allowing existing processes to be used. There may be a minimal additional cost associated with having to contact the whistleblower more frequently, however the frequency will not be determined until after the consultation.

Costs applicable to both parts of this proposal

35. If these proposals increase the confidence of police officers and staff to come forward and report wrongdoing then the police and the IPCC may need to conduct additional investigations. Please see paragraphs 23-28 for further detail on these costs.

(iii) Independent review

36. Currently, following an investigation of a contentious case, the head of Professional Standards may refer the case file to another force to review, before confirming their decision about whether the

officer under investigation has a case to answer for misconduct. There will be an increased cost to the originating forces if this review function is moved from other forces to legally qualified panel chairs. Here we consider the possible net increase in the overall cost of these reviews.

37. Police forces estimate that the time taken for peer review of a case is between 4 hours and 10 days, depending on the complexity of the investigation. The maximum length of an investigation handed to an independent panel is likely to be 5 days as only an extremely complex investigation, inappropriate for an independent panel, would run beyond this. One day is taken as the most likely estimate of the amount of time for an average investigation.
38. The additional cost per review of using independent panel chairs, rather than the police to carry out reviews is £235. This is calculated by subtracting the opportunity cost of using a Superintendent for one day (£430)¹² from the independent panel chair daily rate of £665¹³.
39. The most likely cost per case is therefore £235 but the shortest case (estimated at 4 hours) will only require half a day costing an additional £118 whilst the longest cases (estimated at 5 days) will cost an additional £1,175 per case.
40. It is not possible to fully monetise this cost because it is not known how many of the cases which are currently reviewed by another force might need to be sent to an independent panel chair instead, incurring the additional cost calculated above. The number of contentious cases sent for review under the current process is not recorded by forces. We will use the consultation process to gain an improved understanding of the number of existing cases that may be affected through the consultation process.
41. In addition the number of cases may increase. Giving whistleblowers the right to request a review may result in more cases being sent for review than at present. It is not possible to estimate how many whistleblowers subject to disciplinary proceedings would request a review. However an independent review will not produce an improved outcome for the whistleblower unless they are genuinely being treated unfairly by the force, which may limit the numbers who apply. We are consulting on how the process can be designed to ensure a full review is only carried out when necessary.

Benefits

42. A greater proportion of potential whistleblowers may come forward as a result of implementing this policy option. This might result in more incidents of wrongdoing, poor practice or reprisals coming to light. It is not possible to obtain a meaningful estimate of the potential increase in numbers. This is because whistleblowing can be a difficult and stressful decision so it is unlikely that individuals will know how they may react to different scenarios before they exist in practise. However, the Government would consider any increase in the proportion of potential whistleblowers coming forward to be a beneficial outcome, as they would be expected to allow forces to address problems.
43. The measures may increase the integrity of the police by deterring wrongdoing, thereby reducing the impact that wrongdoing in the police has upon the confidence that the public place in the police. These measures are therefore expected to increase the trust that the public place in the police, enabling them to carry out their role with greater efficacy. If the policies act as a deterrent to wrongdoing it may also mean fewer investigations are required in the long run, reducing investigation costs.
44. There is a cost associated with not dealing with wrongdoing and poor practice. Legal action is taken against forces for the actions of their officers and for wider failings to meet the force's statutory duties. By encouraging whistleblowers to come forward we expect that forces will be more able to deal with wrongdoing and poor practise, reducing these costs.
45. There is a cost associated with failing to treat whistleblowers fairly. If other colleagues treat a whistleblower unfairly, and the force has failed to take sufficient measures to prevent this from happening, then employment tribunals may award the whistleblower uncapped compensation. We have not been able to obtain specific information pertaining to payouts awarded to whistleblowers at employment tribunals, as the Courts and Tribunals Service do not collect this information. Giving

¹² Based on average salaries for 2013, including a 17.8% adjustment for non-wage labour costs in line with Eurostat average.

¹³ Based on the fees of legally qualified chairs at Police Appeals Tribunals for a three day hearing.

whistleblowers the right to request an independent review of any decision taken to bring misconduct proceedings against them, should reduce these costs.

Option 3: Increase protection for whistleblowers by offering them immunity from prosecution and providing them with a guarantee of anonymity

Costs

(i) Offering immunity from prosecution

46. It is already possible to offer immunity from prosecution, so familiarisation costs for the CPS associated with introducing special provision for police whistleblowers would be small. It is not possible to separate the cost to the CPS of carrying out work to grant immunity from the wider consideration made by the CPS in every case over whether and how to prosecute offenders, witnesses and accomplices. The process for granting immunity will be considered as part of the consultation, so we are unable to assess at this stage what the cost to the CPS would be. We are also unable to assess what cost there might be to the police as a result of their role in the process, but would expect it to be minimal as they would simply be passing information to the CPS. The criteria for considering immunity for whistleblowers will be considered as part of the consultation, so at this stage we are unable to assess how frequently immunity might need to be considered by the CPS.

(ii) Providing a guarantee of anonymity

47. Protecting the identity of intelligence sources is standard practice in the police and the Criminal Justice System as a whole, and would already be considered in any case where an individual has concerns regarding the protection of their identity. Therefore there would be no additional cost to the police, or the CPS, in applying existing practice to cases involving police whistleblowers.

Costs applicable to both parts of this proposal

48. If these proposals increase the confidence of police officers and staff to come forward and report wrongdoing then the police and the IPCC may need to conduct additional investigations. Please see paragraphs 23-28 for further detail on these costs.

Benefits

49. A greater proportion of potential whistleblowers may come forward as a result of implementing this policy option. This might result in more incidents of wrongdoing, poor practice or reprisals coming to light. It is not possible to obtain a meaningful estimate of the potential increase in numbers. This is because whistleblowing can be a difficult and stressful decision so it is unlikely that individuals will know how they may react to different scenarios before they exist in practice. However, the Government would consider any increase in the proportion of potential whistleblowers coming forward to be a beneficial outcome, as they would be expected to allow forces to address problems.

50. The measures may increase the integrity of the police by deterring wrongdoing, thereby reducing the impact that wrongdoing in the police has upon the confidence that the public place in the police. These measures are therefore expected to increase the trust that the public place in the police, enabling them to carry out their role with greater efficacy. If the policies act as a deterrent to wrongdoing it may also mean fewer investigations are required in the long run, reducing investigation costs.

51. There is a cost associated with failing to treat whistleblowers fairly. If other colleagues treat a whistleblower unfairly, and the force has failed to take sufficient measures to prevent this from happening, then employment tribunals may award the whistleblower uncapped compensation. We have not been able to obtain specific information pertaining to payouts awarded to whistleblowers at employment tribunals, as the Courts and Tribunals Service do not collect this information. Providing whistleblowers with a guarantee of anonymity should help to protect whistleblowers from mistreatment by their force or colleagues, which should reduce these costs.

Rationale and evidence that justify the level of analysis used in the IA (proportionality approach);

52. Obtaining cost-data for many of these proposals would require information on the time taken to conduct specific stages of whistleblowing investigations, for example, initial report assessment stages. The IPCC do not record the cost or the time taken to conduct specific stages of the assessment/investigative process, partially because there are significant variations from case to case. Even if these data were available, this variation could prevent us from obtaining a useful estimate. To date, the IPCC have only progressed a small number of cases reported by whistleblowers. The methods of assessing the allegation and liaising with the whistleblower also vary too widely to draw any meaningful estimate.
53. It is not possible to determine the exact number of whistleblowers that will come forward or how many more examples of wrongdoing or poor practice will come to light, as a result of implementing these policies. This is because whistleblowing can be a difficult and stressful decision so it is unlikely that individuals will know how they might feel in different scenarios before they exist in practice.
54. These proposals will be subject to a public consultation process, during which further information and evidence will be sought in order to add to and strengthen the analysis presented here.

Risks and assumptions

55. It has not been possible to reliably assess how many more whistleblowers will come forward, or how many more misconduct matters will come to light, as a result of implementing these policies. There is therefore a risk that these policies will not affect the number of whistleblowers who are willing to come forward, though the environment for whistleblowing should be improved.
56. It is also extremely difficult to precisely quantify the impact of whistleblowing on police forces. It is an important part of ensuring police integrity and trust but the exact benefit of each additional whistleblower is unknown. It is possible that the additional benefit does not exceed the cost of investigation, especially if the issue would be addressed anyway due to an existing whistleblower.

Wider impacts

57. These changes may have a wider impact on police culture, by sending a clear message on how whistleblowers should be treated by the disciplinary system and by their force in general.
58. These proposals are specific to the reporting and disciplinary mechanisms in place for police conduct matters. The wider impact beyond the police will be any benefit arising to the public from greater police integrity.

Preferred option and implementation

59. At this stage, we do not have sufficient information regarding the relative costs and benefits of these policy options to specify a preferred option. We are consulting on these proposals to gain a better understanding of what the costs and benefits are likely to be. In addition, the consultation process will allow us to test the principle of the proposals listed under policy option three (immunity from prosecution and a guarantee of anonymity).
60. Following analysis of responses to the public consultation, primary legislation will be required, to be introduced in the next Parliament.
61. A review of the policy would take place four years after implementation. This would be expected to be proportionate to the likely impact of the policy, with the aim of establishing that the policy was adopted as expected and, where possible, assessing what actual impact the policy had on whistleblowing practice in the police.