

**Mike Veale**  
Chief Constable



Postal Reply to: **HEADQUARTERS**

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31 May 2018

Ms A Turley MP  
10 Millbank Terrace  
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TS10 1ED

Dear Ms Turley

**Your constituent Mr Hopkins and former employee of Cleveland Police**

Thank you for your letter dated 9 April 2018 on behalf of your constituent, Mr Hopkins. The Chief Constable, Mike Veale, has asked that I address the matters raised herein and respond directly to you. This has required me to make further enquiries into a complex set of allegations dating back some seven years. I am now in a position to respond to you and I hope that the following information is of assistance. I should explain that given the passage of time and the fact that Cleveland Police were not responsible for this investigation, this response is based on the remaining available information and enquiries made in respect of your constituent's recent civil claim.

Some of the matters you raise relate to matters connected with the former Cleveland Police Authority, which in common with all local Police Authorities in England and Wales, was abolished in 2012. At this time, Police and Crime Commissioners were established as their successors. In view of the statutory succession arrangements, I have shared my response with Simon Dennis, the Chief Executive to the Police and Crime Commissioner (PCC) for Cleveland.

It may be of assistance if I take each point raised by your constituent, as they arise in your letter. Accordingly, I have adopted the corresponding paragraph numbers.

**At 1 and 2: Steps taken to protect witnesses and evidence during the investigation into corruption allegations at Cleveland Police Authority.**

As you will be aware Operation Sacristy was an independent investigation that took a number of years to complete. As the investigation was not led by Cleveland Police, I am limited in my response to matters relating to the involvement of Cleveland Police and I cannot respond on behalf of the independent investigation team, IPCC or HMIC. Mr Keith Bristow, former Chief Constable of Warwickshire Police and later Director General of the National Crime Agency, was the Senior Investigating Officer of this independent investigation supported by investigators from North Yorkshire.

Those Police Officers and Staff suspected of misconduct or wrongdoing were either suspended and/or subject to misconduct investigations and proceedings under formal notices. Others involved resigned from their position, such as the Chair of the Police Authority.

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The IPCC investigation led to allegations of gross misconduct. In the case of one individual, this related to an allegation of obstructing the investigation. This was dealt with as a misconduct matter. Both the then Chief Constable and Deputy Chief Constable were removed from their positions and dismissed as a consequence of the IPCC's investigation into misconduct, prior to the conclusion of Operation Sacristy.

In relation to Operation Sacristy, the investigation team had access to witnesses, evidence and documentation during a lengthy, investigation process.

Cleveland Police now has a protected disclosure policy which protects those making such disclosures. Once an allegation is received, an appropriate welfare officer is appointed to support the member of staff concerned. Cleveland Police's occupational health professionals are also available to provide advice, information and support to managers dealing with such issues. I attach a copy for information.

In highly sensitive cases, which may lead to criminal or disciplinary matters, special measures may be considered in respect of the witness to provide additional support. In significant cases that are overseen by professional standards investigators, an investigating officer will routinely be appointed and a witness strategy will be incorporated to ensure witnesses are protected. This approach is case specific.

**At point 3 and 10: Individuals charged with perverting the course of justice.**

I can confirm that the IPCC's independent investigation was a criminal/misconduct investigation into individuals with past or then current associations with the Police Authority and that matters relating to individual criminal allegations were referred to the Crown Prosecution Service (CPS) for advice on prosecution. No prosecutions were brought by the CPS following the conclusion of Operation Sacristy.

The Operation Sacristy investigation was referred to the CPS for advice on criminal prosecution and no criminal charges were brought in respect of Cleveland Police officers and staff, which related to perverting the course of justice by either interfering with witnesses or evidence. Misconduct proceedings were commenced following the linked IPCC investigation, however, against a number of senior staff which related to conduct. This resulted in the dismissal of the Chief Constable, and Deputy Chief Constable.

The misconduct proceedings were dealt with by the relevant 'Appropriate Authority' at the time (the then Cleveland Police Authority).

Your constituent was concerned that issues of intimidation relating to him were not considered. This was clarified and considered afresh in the course of the recent civil litigation brought against Cleveland Police in 2017 and renewed consideration of the criminal allegations. The CPS confirmed that they had considered the criminal matters previously.

**At 4: Conduct of surveillance using RIPA 2000 powers.**

It is a requirement upon me generally that I am unable to confirm or deny when surveillance is used under the Regulation of Investigatory Powers Act 2000.

#### **At 5: Future prevention of corrupt practices and identification of corruption**

Operation Sacristy was an independent criminal/misconduct investigation which resulted in findings against senior police officers. At the time, there were mechanisms in place to deal with suspected corruption and misconduct. Since 2010-2011, national policing has undergone implementation of a national decision making model and Code of Ethics, and Cleveland Police's (then) Chief Constable, Jacqui Cheer was the Association of Chief Police Officers national lead on such matters. The Code of Ethics provides the benchmark for all police officers and staff and sets out the expected standards of ethical and professional behaviours.

As you may be aware, Cleveland Police have established a Transforming PSD Programme in line with the strategic direction of the PCC, Barry Copping. This programme (led jointly by the Force and the Office of the Police & Crime Commissioner) has been supported by John Armstrong, an independent and highly respected individual with extensive experience in Professional Standards at local and national levels. In addition to this, the programme has been overseen by an independent reference group with membership including the IPCC and its successor body, the Independent Office for Police Conduct. This continues to ensure that Cleveland Police has in place effective complaints, conduct and counter-corruption strategies, in line with current best practice. The new Directorate of Standards and Ethics (formerly Professional Standards Department (PSD) is headed by a senior police staff member.

Cleveland Police and the Office of the PCC work closely on ethics. An independent Ethics Committee provides important scrutiny and advice to the service on matters raised by staff and the senior officer team. Cleveland Police is also scrutinised by the PCC's scrutiny process, with the products of that process then being subjected to oversight by the Police and Crime Panel - the decisions and agenda of all of those sessions are (to the extent that the law permits) open to public scrutiny. This is in addition to the formal statutory role of the Monitoring Officer to ensure that the decisions of the PCC are lawful, including the discharge of his powers and duties to hold the Chief Constable to account.

Cleveland Police and the PCC have publicly committed to transparency and to building confidence in Cleveland Police by addressing past failures and scrutinising matters of public concern. Staff are supported by the policies currently in place, such as the *Reporting Professional Standards Concerns and Protected Disclosure policy* implemented in August 2017.

In respect of learning from Operation Sacristy and the IPCC investigation, you will note that much has now changed in how Cleveland Police supports and leads the work of professional standards. I am confident that the improved mechanisms and greater scrutiny places the force in a strong position to weed out malpractice and corruption. Cleveland Police is assessed on a frequent basis by the inspectorate (HMICFRS) in respect of its legitimacy and the Transforming PSD programme demonstrates significant change since the days of Operation Sacristy in 2010 and 2011.

#### **At point 8 and 9: Past arrangements with Cleveland Police Authority in respect of procurement and outsourcing.**

In relation to the financial corporate governance questions, the Chief Executive and Monitoring Officer has established arrangements in place in the Office of the PCC that are based not only upon a sound statutory and regulatory footing, but are also informed by lessons learned in respect of the shortcomings identified at the time of the Operation Sacristy investigation. In addition to adherence to a comprehensive Code of Corporate Governance (including Contract Standing

Orders) and the system for declaring related party transactions, the following additional checks and balances are in force by way of best practice:

- A rigorous assurance process for pre-signature scrutiny by the Chief Executive in respect of contracts;
- Oversight by the Audit Committee in respect of all instances of exemptions to contract standing orders (such as those in respect of 'single supplier' specialist services);
- Approval by the Chief Finance Officer in respect of chief officer expenses; and
- The PCC's overall commitment to transparency, exemplified by compliance with the Elected Local Policing Bodies (Specified Information) Order and the award in successive years of the CoPaCC Transparency Quality Mark.

In conclusion, I hope that the above adequately addresses the matters raised by your constituent. The issues raised in Operation Sacristy have rightly been tested through the independent investigation at the time and learning from it has shaped current practices now. The lead investigator publicly stated that "Operation Sacristy investigated a complex set of allegations relating to the disposal of assets, allowances, redundancy payments, hospitality, the receipt of favours, contracts and the misuse of public funds. The investigation followed the evidence and in accordance with its terms of reference it had to be necessarily extensive. It was independently reviewed and found to be thorough and focused".

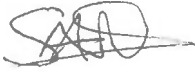
The concerns that Mr Hopkins continued to have after the conclusion of that investigation and the CPS's decision in March 2014, were reconsidered in civil proceedings in 2017 and a fresh review of the criminal allegations made by him was undertaken at his request. Mr Hopkins concerns and claims were not substantiated following scrutiny by the civil courts.

During the judicial process, Cleveland Police complied with their statutory and regulatory obligations and have been lawfully transparent throughout the proceedings and dealings with Mr Hopkins. The case was conducted by in-house and external solicitors and advocated by experienced counsel. The judgment of these proceedings has now been handed down. Mr Hopkins was unsuccessful in his legal claim against Cleveland Police in relation to these matters, which form the basis of these renewed enquiries. These matters are now concluded.

During the recent legal proceedings, matters in relation to Operation Sacristy were examined. During proceedings it is the duty on all parties to the litigation to conduct a reasonable and proportionate search for relevant documents. The issue of disclosure from the Sacristy file was adjudicated upon by the Judge at the start of the hearing, which resulted in a targeted search for documents in a particular time frame. It is important to note that the scope of the search was agreed with both Mr Hopkins' legal team (under his instruction) at the time and was then endorsed by the trial Judge in his written judgment. The Judge confirmed that he felt he had all of the information he needed to make a fair judgment on the issues he was asked to adjudicate on. Any new information which came to light after this was considered in line with legal duties. Mr Hopkins has not sought to appeal the Judge's decision and I am advised that this is the correct procedure to raise any challenge to the outcome of the court process. I can therefore confirm that in the absence of fresh information or evidence, I cannot revisit these matters.

I appreciate this may not be the answer your constituent was looking for, but I trust my detailed explanation helps Mr Hopkins understand the rationale around the complex legalities on such matters.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Nickless', with a horizontal line extending to the right.

Simon Nickless  
Deputy Chief Constable



## Reporting Professional Standards Concerns and Protected Disclosure Policy

<b>Policy Number</b>	196
<b>Policy Owner</b>	Head of Professional Standards
<b>Version</b>	1.7
<b>Last Review Date</b>	August 2017
<b>Next Review Date</b>	August 2019
<b>Date of approval</b>	N/A
<b>Protective Marking</b>	Not protectively marked

<b>This document has been assessed for:</b>	
Compliance with Legislation	<input checked="" type="checkbox"/>
General Equality Duty Assessment	<input checked="" type="checkbox"/>
Freedom of Information issues	<input checked="" type="checkbox"/>
Human Rights compliance	<input checked="" type="checkbox"/>
Health and Safety	<input checked="" type="checkbox"/>
Risk Management	<input checked="" type="checkbox"/>

# Reporting Professional Standards Concerns and Protected Disclosure Policy

## 1. Policy statement

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Cleveland Police is committed to enabling its staff to safely report inappropriate behaviour in the workplace. We will provide a variety of means of reporting such behaviour and a level of support that is appropriate for those concerned and ensures that staff feel protected and valued in having the courage to speak out.

It is important to establish and maintain an open and honest culture which encourages people to report their concerns. Police regulations and the **Code of Ethics** both emphasise that officers, staff and others working in policing should challenge or report improper behaviour.

All staff should feel that they can report corruption, dishonesty and malpractice openly with the support of colleagues and managers. It is our intention to continue to develop a force culture in which such actions are viewed as the right thing to do. This will be driven by the 'Everyone Matters' agenda.

## 2. Purpose

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### Aims

All those who work in policing are expected to report concerns they may have about wrongdoing or poor or improper practice in their force. If you have something to report, you should do so at the earliest opportunity. Your concerns do not need to be proven correct, nor are you required to be able to prove anything yourself.

As a police officer or police staff member, it is your duty to report your concerns. It is the duty of those to whom you report to ensure that those concerns are properly considered and responded to. The duty to report wrongdoing is laid out in the Standards of Professional Behaviour in Police (Conduct) Regulations 2012 and replicated in the police staff disciplinary policy, and for both officers and police staff this is reinforced in the Code of Ethics.

The main aim of this policy is to provide a mechanism that complies with legislative requirements and enables staff at all levels to raise issues of concern regarding wrongdoing and inappropriate behaviour within the workplace. This policy is integral to creating a climate in which staff at all levels feels a genuine obligation to maintain the integrity of the police service by reporting wrongdoing, and is underpinned by procedures that provide direction for all those involved in its deployment.

This policy follows the principles and guidance set out in the College of Policing's **Reporting Concerns** (2016).

## **Objectives**

The main objectives are to:

- a) Promote a working environment where staff are free from harassment or discrimination from others
- b) Increase public confidence in Cleveland Police by demonstrating the highest level of personal and professional standards of behaviour
- c) Provide a safe environment for staff to challenge and report inappropriate behaviour.

## **Application and Scope**

All police officers and police staff, including the extended police family and those working voluntarily or under contract to Cleveland Police must be aware of, and are required to comply with, all relevant policy and associated procedures.

The Chief Officer lead for this policy is the Deputy Chief Constable.

## **Outcome Evaluation**

Outcomes will reflect specific objectives and be measured against these objectives on a routine annual basis by the Head of Professional Standards Department (PSD). Measurement will include analysis of any quantitative/qualitative data to identify themes/trends and enable prevention measures to be put in place and lessons to be learnt. This will also focus on reflective practices and individual learning.

In general terms the policy should:

- a) Ensure compliance with legislative requirements.
- b) Raise level of professionalism

## **3. Underpinning procedures**

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### **1. Context**

#### **1.1 Changes to Legislation**

1.1.1 The Public Interest Disclosure Act 1998 (PIDA) was introduced to ensure that information in the public interest was brought to the attention of an appropriate person in order that wrongdoing could be dealt with promptly. The legislation provided statutory protection against victimisation and unfair dismissal to individuals who make 'protected' disclosures in good faith about certain acts of wrongdoing or work place dangers. These are summarised as:

- a) Criminal offence
- b) Breach of a legal obligation



- c) Miscarriage of justice
- d) Danger to the Health & Safety of an individual
- e) Damage to the environment
- f) Deliberate covering up of information relating to the above

1.1.2 The Police Reform Act 2002 and amendments to the Police (Conduct) Regulations 2012 extended the provisions to police officers.

1.1.3 Legislation covering disclosures was reformed under the provisions of the Enterprise & Regulatory Reform Act 2013 (ERRA) which stipulates disclosures must be in "the public interest" and not simply "in good faith".

1.1.4 The ERRA also clarified the position on vicarious liability and protects whistleblowers from any detriment at the hands of co-workers as well as their employer. However, if an employer can show they took reasonable steps to prevent the detriment then it will not be held liable for the actions of co-workers.

## 1.2 **Police (Conduct) Regulations 2012, Standards of Professional Behaviour**

1.2.1 This legislation introduced updated Standards of Professional Behaviour to the police service, and placed a regulatory obligation upon all police officers to **challenge and reporting improper conduct**, which provides that, *"Police officers report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behaviour."*

1.2.2 This standard is explained in greater detail in the **Code of Ethics**. A breach of these standards can lead to action for misconduct, and in serious cases can result in dismissal.

1.2.3 The Police (Conduct) (Amendment) Regulations 2015 provided that for the purposes of these Regulations, the making of a protected disclosure by a police officer is not a breach of the Standards of Professional Behaviour.

## 2. **Reporting**

2.1.1 It is not possible to define the point at which a member of staff should make a decision to provide information in the form of a Professional Standards Report. However if a member of staff has reason to believe that they have information which indicates a breach of professional standards then it should be reported as soon as practicable. The methodology for making such reports is set out in the following paragraphs

2.1.2 Provided you are raising a genuine concern, it does not matter if you are mistaken. If you raise a genuine concern using this guidance or your force's policy or procedure, you will not be at risk of losing your job or suffering any form of reprisal as a result. The harassment or victimisation of anyone raising a genuine concern will not be tolerated. It is a disciplinary matter to victimise anyone who has raised a genuine concern. If at any stage you experience reprisal, harassment or victimisation for raising a genuine concern, you should

seek advice and report it to the appropriate body (i.e. professional standards or human resources) immediately.

## 2.2 **Direct Report to Line Management**

- 2.2.1 In the first instance, you should normally make a report to your line manager. This enables an immediate response, and feedback can be given directly, especially if the matter is something your line manager can deal with themselves. Your line manager can also provide support and guidance throughout the reporting process. Should you wish to make a report regarding your line manager, or if for any other reason it is more appropriate to report to another manager, then this is also possible.
- 2.2.2 In cases where the breach of professional standards is believed to involve the individual's Line Manager, or if it is felt more appropriate to make the report to another manager, this may be done. In cases of doubt, advice can be sought from the PSD or other methods included below.
- 2.2.3 In cases involving a suspected breach / breach of Information Security, a report could be submitted direct to the information security manager.

## 2.3 **Direct Report to Professional Standards**

- 2.3.1 You may also report to Cleveland Police PSD directly. Such a report will be dealt with by officers and staff experienced in dealing with sensitive and confidential matters.

## 2.4 **Confidential Reporting**

- 2.4.1 Internal Contacts - Unison, The Police Federation, Superintendent's Association, LGB and T Chair, Welfare Officer, Force Chaplain, *Everyone Matters* Team, can and do play a key role. The nature of their role means they have considerable expertise in dealing with confidential matters.
- 2.4.2 Anonymous contact via a confidential e mail system which can be found on the Force's intranet home page.
- 2.4.3 Crimestoppers - provides a further alternative for the anonymous provision of information relating to criminal activity. The Force would prefer whenever possible for staff to identify themselves when providing information but recognises there are limited occasions when anonymity is sought Crimestoppers will be a valid alternative. Crimestoppers has a dedicated Integrity reporting telephone line number of 0800 111 4444 or the main line **0800 555 111**. Crimestoppers can also be contacted online at <https://crimestoppers-uk.org/misc/contact-us/>
- 2.4.4 The Independent Police Complaints Commission (IPCC) Report Line - is a dedicated and secure phone line and email address that enables police officers and police staff to report concerns about a colleague committing a criminal offence or behaving in a way that would justify disciplinary action in addition to any inappropriate behaviour. Police officers and staff can contact the Report Line between the hours of 10am and 5pm

Contact details are:

Phone: 0845 8770061

Email: [enquires@ipccreportline.gsi.gov.uk](mailto:enquires@ipccreportline.gsi.gov.uk)

- 2.4.5 Reports can also be submitted confidentially via the OPCC office, or direct to HMICFRS
- 2.4.6 If you are unsure about raising a concern, you can get independent advice at any stage of the process. Some organisations which may be able to assist you are your staff association or union. The independent whistleblowing charity Public Concern at Work can be contacted for free confidential advice on 020 7404 6609 or by email at [helpline@pcaw.org.uk](mailto:helpline@pcaw.org.uk).
- 2.4.7 The options outlined above are not exclusive or exhaustive in allowing staff to make Professional Standards Reports. It is acknowledged that there are a number of other ways such as the Occupational Health Unit or local Personnel Units as examples available for staff to make reports.
- 2.4.8 In all instances, it is essential that the initial response is positive, robust and supportive. Additionally all reports received will be treated in the utmost confidence whilst providing assistance to the individual concerned to make the report in the most appropriate way.

### **3. Support**

- 3.1 Reporting a concern can be a stressful process, and it is essential that support mechanisms are in place for those who decide to come forward. The PSD will be responsible for ensuring appropriate support is provided to those who come forward. Where someone comes forward, we will value their action.
- 3.2 Upon receipt of a report, PSD will appoint an appropriate welfare officer to support the member of staff concerned. The Force Occupational Health professionals are also available to provide advice, information and support to managers dealing with such issues.
- 3.3 Where the person reporting wrongdoing wishes, and where confidentiality provisions allow, they should be kept updated on the progress of any investigation by the appointed welfare officer.
- 3.4 In addition to consultation at key stages, the investigating officer must also keep a reporting person updated with the progress of an investigation triggered by their report. Updates may include information about the stage reached in the investigation, what has been done, what remains to be done, together with timescales and, where it cannot compromise the investigation, a summary of any significant evidence obtained.
- 3.5 Managers at all levels must be aware of the importance of provision of such support to members of staff who make a report of concerns. During the feedback and de-briefing process which should be held at the conclusion of any investigation, the level of managerial support will be subject of discussion and assessment.

## **4. Responsibilities**

### **4.1 Line Management**

4.1.1 Line Managers have an individual and collective responsibility to take whatever immediate action is necessary to investigate the initial report and preserve any evidence. They also have a duty of confidentiality to the person making the report. They should ensure that:

- a) A positive message is given to the individual that they are doing the right thing and offer the right level of support.
- b) The individual is aware that they may be required as a witness in any relevant formal proceedings
- c) Confidentiality will be respected throughout any investigation and only those who need to know are made aware of the circumstances
- d) Protection against harassment and victimisation is offered immediately via PSD through its capacity to appoint a welfare officer and to consider where necessary, whether or not the parties involved can remain within their current work location, always taking in to account the wishes of the reporting person.
- e) Actions are taken to provide support to the member of staff and details are provided to the Investigating Officer.

### **4.2 Professional Standards Department**

4.2.1 Responsibility to take necessary immediate action should always remain with immediate line managers. However the PSD should act as a focal point for Professional Standards reporting. The Department will:

- a) Provide support, guidance and advice at all stages as required unless it is a misconduct investigation.
- b) As appropriate liaise with local Line Manager / Personnel Manager
- c) Assist in identifying the method to take the issue forward
- d) Appoint a welfare officer to support the member of staff concerned
- e) Ensure that any covert response is appropriate, necessary and proportionate
- f) Monitor the progress of all cases reported to the Department
- g) Compile statistical Data in respect of reported cases for dissemination as required
- h) Ensure the principles of the policy are complied with and that the staff member making the report is kept informed

### 4.3 **Head of Professional Standards Department**

4.3.1 The Head of Professional Standards is responsible for the application of this policy and procedure. The post holders will review annually; seek such reports as are necessary to ensure compliance.

### 4.4 **Inclusion Meeting**

4.4.1 In any investigation into a suspected breach of professional standards that has arisen as a result of a member of staff reporting the matter consideration should be given to arranging a meeting between the Investigating Officer and the respective Line Manager.

4.4.2 The purpose of this meeting is to inform the manager of the existence of the investigation and determine appropriate support. The Investigating Officer is responsible for arranging the meeting.

### 4.5 **Feedback / Debriefing**

4.5.1 At the conclusion of any investigation, a full debrief should take place with the individual who raised the concern. This will provide an opportunity to identify positive and negative aspects of the policy and procedure and make any necessary improvements.

4.5.2 Responsibility for ensuring this takes place should remain with the Investigating Officer who is responsible for reporting issues to the Head of the Professional Standards Department

## 4. Appendices

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Appendix	Description
1.	Not applicable

## 5. Compliance and monitoring

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The Head of Professional Standards is responsible for the accuracy and integrity of this document. This policy will be continuously monitored, and updated when appropriate, to ensure full compliance with legislation.

The Head of Professional Standards will review this process to ensure that all aspects are being adhered to in accordance with the framework of this policy.

## 6. Version control

This policy will be reviewed and updated at least every two years by the owner, and more frequently if necessary.

The Head of Tasking, Coordination and Performance Command will ensure this document is available on the Force intranet, including any interim updates.

The following identifies all version changes.

<b>Version</b>	<b>Date</b>	<b>Reason for update</b>	<b>Author</b>
0.1	Jan 2010	Inclusion in Governance Framework	Head of PSD
1.0	Jan 2010	Published policy	Head of PSD
1.1	Nov 2012	Policy amended to reflect introduction of PCC, statement only	Gill Currie
1.2	May 2013	Policy Review	Head of PSD
1.3	July 2014	Policy Review	D.I. 506 Rock
1.4	May 2016	Policy Reviewed and renamed from Whistle Blowing	T/Supt. Bev Gill
1.5	June 2016	Further amendments	T/Supt. Bev Gill
1.6	June 2016	Final version following consultation	Supt. Bev Gill
1.7	August 2017	Review and inclusion of updated regulatory provision	John Armstrong