Dear Bernard,

Strengthening protections for police whistleblowers

Following the PASC inquiry early this year, and the concerning findings of the Ellison Review, I told the House on 6 March that I wanted to strengthen protections for whistleblowers in the police. Police officers and staff coming forward to report misconduct and malpractice is key to ensuring the highest standards of integrity in the police. When I wrote to you on 18 November, I set out proposals that can be implemented within this Parliament to protect police whistleblowers from unfair disciplinary action and make clear that reprisals against whistleblowers will not be tolerated.

I want to go further, so that police officers and staff can come forward with confidence. So today I have launched a further consultation, outlining longer term proposals to improve the reporting routes available to police whistleblowers, and ensure those who do come forward are protected. The consultation proposes:

- Removing the requirement for the IPCC to go back to the force to record concerns reported to it by whistleblowers, creating a genuinely independent route for officers to report concerns externally. I know you raised this issue at the PASC inquiry and at the follow up debate in October, and whilst officers can already report concerns directly to the IPCC, I am acting to remove the situation whereby those reports must be referred straight back to the whistleblower’s force. Under the new system, the IPCC will control how concerns are dealt with from the start.

- Allowing the IPCC to restrict who in force is notified of an independent investigation, and what details are provided. The IPCC might choose, in certain circumstances, to carry out a ‘sealed investigation’ of matters reported to them in order to prevent collusion and destruction of evidence within the force and to protect the identity of the whistleblower.

- Giving police whistleblowers the right to be consulted over how their concern is dealt with and receive feedback on progress, to increase their confidence in the system.
• Giving police whistleblowers the right to an independent review before any disciplinary proceedings can be instigated against them.
• Considering whether police whistleblowers could be offered a guarantee that their identity will be protected.
• Considering whether police whistleblowers could be offered immunity from prosecution in return for information about serious criminality.

The consultation also proposes reforms to the police complaints system, giving those Police and Crime Commissioners that wish to do so the opportunity to lead on complaints in their area. In line with the recommendation from your Committee’s report “More Complaints Please”, the Consultation invites views on removing the practice of non-recording of complaints so that all complaints against the police will be recorded. Chief Constables will retain responsibility for investigating the conduct of their own officers, but wide-ranging changes will make the disciplinary system more independent and transparent, following the recommendations of the Chapman Review on police disciplinary procedures. The powers of the IPCC will be strengthened to enable it to oversee the complaints system and investigate serious and sensitive cases more effectively. Subject to consultation, these measures, including those on whistleblowing, would be implemented through primary legislation in the next Parliament.

Today’s consultation outlines how I intend to deliver the commitment I made in March to strengthen protections for whistleblowers in the police. I would like to thank you, and your constituent James Patrick, for your contribution in bringing to light failings in police recording of crime and in supporting this work on police whistleblowing.

The Rt Hon Theresa May MP