



# Whistleblowing Policy

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3.02	12/10/2017	Minor amendments
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## **Executive Summary**

Hereford & Worcester Fire Authority (the Authority) is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees and others working at or for the Authority who have serious concerns about any aspect of the Service's work to come forward and voice those concerns.

This policy ensures that you will not be treated unfairly by the Authority or lose your job with the Authority because you 'blew the whistle' and it applies to anyone working for or on behalf of the Authority. This policy explains how to raise a concern and how the Authority will handle the matter. It also sets out a list of contacts where further advice can be obtained.

The Authority will make every effort to protect your identity if you so wish and we will not disclose it without your consent. If the situation arises where it is not possible to pursue your concern without revealing your identity (for example, the need to give evidence in court or at a disciplinary hearing), we will discuss with you how and if we can proceed.

The law protects workers who raise legitimate concerns made in the public interest from suffering any detriment. Any victimisation or harassment of a worker raising such a concern will be considered a disciplinary matter and dealt with accordingly.

### **Alternative Formats**

If you require this document in another format please contact the Human Resources and Development Department.

### **Risk Critical Information (if applicable)**

N/A

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# Whistleblowing Policy

## 1. Introduction

- 1.1** It is often people working within organisations, who are the first to realise that there may be something seriously wrong in their place of work. They may be wary of expressing concerns because they feel that to do so would be disloyal to their colleagues. They may also fear harassment or victimisation. In these circumstances it may feel easier to ignore the concern rather than report what may just be a suspicion of malpractice. The Authority is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees and others working at or for the Authority who have serious concerns about any aspect of the Service's work to come forward and voice those concerns.
- 1.2** This Policy is based on a series of comprehensive and inter-related procedures:
- Ethical Framework & Employees Code of Conduct
  - Members Code of Conduct
  - Contract Standing Orders
  - Financial Regulations
  - Disciplinary Procedure
  - Safeguarding Policy

## 2. Aims of the Policy

- 2.1** Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Workers should be watchful for illegal or unethical conduct (including anything that gives rise to concerns over the safeguarding of children, young people or vulnerable adults) and report anything of that nature that they become aware of.
- 2.2** Under the Authority's Financial Regulations, all staff are required to observe the Anti-Fraud, Bribery and Corruption Policy as summarised in paragraph 5.2 below. Any staff involved in entering into contracts should ensure that the values and behaviours described in the Anti-Fraud, Bribery and Corruption Policy are applied and that suppliers are selected in an honest and transparent fashion.
- 2.3** All employees have certain responsibilities to report unlawful or unfair behaviour, as set out in the Ethical Framework and Code of Conduct. This policy is designed to encourage and enable you to raise concerns about such behaviour. It does this by providing you with an opportunity to raise concerns that you reasonably believe point to serious malpractice without fear of victimisation, subsequent discrimination or disadvantage.
- 2.4** The law protects workers who:
- (i) raise legitimate concerns (even if these subsequently prove to be incorrect) about:

- a criminal offence;
- a breach of a legal obligation;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment; or
- concealment of any of the above

that is being, has been, or is likely to be committed by employees, Officers, Members of the Fire Authority or others acting on behalf of the Fire Authority;

(ii) reasonably believe the disclosure to be in the public interest; and

(iii) make the disclosure to:

- to their line manager or other officer mentioned in this policy;
- to an appropriate external regulator if you feel unable to raise it internally (see section 7 below); or
- only if there is evidence to support a genuine belief that the matter cannot or will not be dealt with internally or by a prescribed external regulator, and provided it meets the criteria in sections 7.5 and 7.6 below, to a non-regulatory body such as the Police or the media.

**2.5** Victimisation or harassment of a worker raising such a concern will be considered a disciplinary matter and dealt with accordingly. This means that the continued employment and opportunities for future career progression or training will not be prejudiced because a worker has raised a legitimate concern. If you believe you are suffering detriment or discrimination for having raised your concern you should report this to Human Resources or to the Responsible Officer who is dealing with your case (see paragraph 6.1).

### **3. Who is covered by the Policy?**

**3.1** The policy applies to you if you work for or with the Authority e.g. an employee, contractor, casual worker, secondee, volunteer or young firefighter.

**3.2** This policy is designed to be used for concerns raised in the public interest and not for issues that concern personal interests. If you have concerns over your own personal circumstances you must use the Service Policy/Instructions 1.D.7.7.1 'Grievance Procedure for Uniformed and Support Staff' (Service personnel only), a copy of which is available from the Human Resources Department at Headquarters.

### **4. Who is Responsible for the Policy?**

**4.1** The Chief Fire Officer and the Monitoring Officer (Head of Legal Services) have overall responsibility for the maintenance and operation of this policy. Their role is to ensure that all matters raised are investigated properly and to maintain a record of concerns

raised, together with outcomes; they will report as necessary to the Fire Authority without jeopardising confidentiality.

- 4.2** The Authority's Audit & Standards Committee is responsible for the independent oversight and review of whistleblowing processes and the effectiveness of their application throughout the Authority.

## **5. How to Raise a Concern**

### **Step 1**

- 5.1** If you have a concern about malpractice, the Authority hopes that you will be able to raise the matter with your immediate Manager or his/her Line Manager. If you are not directly employed by the Authority and do not have a Line Manager within the Authority you should raise the matter directly with the Monitoring Officer.
- 5.2** If you suspect fraud, bribery or corruption, please also refer to Service Policy/Instructions 1.B.10 'Anti-Fraud, Bribery and Corruption Policy' which requires staff and managers who suspect fraud, bribery or corruption, or who have such suspicions to report them immediately to the Head of Finance (or to the Treasurer or other officer listed in the Policy– if this would not be appropriate), who will notify the Treasurer. A copy of the SPI is available from the Legal Services Department at Headquarters.
- 5.3** It is best to raise any concern as early as you can. Concerns may be raised verbally and/or in writing and must convey the facts. The following headings may help you organise your thoughts but do not need to be followed exactly:
- why you are concerned and background information about the matter;
  - any other procedures which you have already used and what happened;
  - the people involved and where they work;
  - dates or periods of time; and
  - the names and jobs of any other people who will support your concern.
- 5.4** If you wish to make a written report you should mark it private and confidential.
- 5.5** However, if you feel unable to raise the matter with your Line Manager due to the seriousness and sensitivity of the issues involved or if you believe that your Senior Manager may be involved you should approach the Monitoring Officer for guidance.
- 5.6** If you are personally involved in the matter raised, please inform the Authority at the outset. You may invite your Trade Union representative, a member of staff from Human Resources or a work colleague to be present during any meetings or interviews (which may be arranged away from your normal workplace if you so wish) in connection with the concerns you have raised.

## **Step 2**

- 5.7** If you have followed these channels and you still have concerns or you feel you are unable to discuss the matter with any of the nominated Officers listed above, please contact either the Monitoring Officer (Head of Legal Services) or the Director of Service Support.

## **Step 3**

- 5.8** In most cases there will be an appropriate senior officer e.g. the Chief Fire Officer, Monitoring Officer or Treasurer with whom you should be able to raise your concern. However, if you feel you are unable to discuss the matter with Senior Officers or you have already followed steps 1 and/or 2 and still have concerns, please contact the Chairman of the Authority's Audit & Standards Committee. Committee & Members' Services can provide you with contact details for the current Committee Chairman.

## **6. How will we handle the Matter?**

- 6.1** We will write to you within 7 working days to acknowledge that your concern has been received and to inform you of any relevant support mechanisms. The Authority will respond promptly to your concerns by assessing what action ought to be taken. This may involve an internal investigation or a more formal inquiry. We will tell you who is handling the matter (the Responsible Officer), how you can contact them, how long the investigation is likely to take and whether any more assistance from you will be required.
- 6.2** Some concerns may be resolved by agreed action without the need for an investigation. If urgent action is required this may be taken before any investigation is conducted.
- 6.3** Thereafter, the Responsible Officer will keep you informed of progress and the outcome of any investigations or decisions on the matter, where appropriate.
- 6.4** The Authority will support you and will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Authority will arrange for you to receive advice about the procedure.

## **7. Raising a Concern Externally**

- 7.1** Whilst it is hoped that this policy gives you the confidence to raise your concern with the Authority, if you feel you are unable to do this we would prefer that you raised your concern with an external regulator rather than not at all.
- 7.2** You can refer your concern to an external regulator and still be protected by the law if you reasonably believe that:

- the information you are disclosing is substantially true; and
- your concern falls within the remit of one of the prescribed external regulators as listed by the Department for Business, Innovation and Skills.

**7.3** If you report an issue to an external regulator you must ensure that you have chosen the correct body or person for the issue concerned. The Department for Business, Innovation and Skills has published guidance on the list of prescribed persons and bodies to whom concerns can be raised in certain circumstances ([Blowing the Whistle to a Prescribed Person: List of Prescribed Persons and Bodies](#)).

**7.4** Finally, in circumstances where you genuinely believe that the matter cannot or will not be dealt with internally or by a prescribed external regulator and you have evidence to back up your concern, you may consider it appropriate to contact a non-regulatory external body, for example the Police.

**7.5** To be protected under the law you will need to meet the following conditions:

- you reasonably believe that the information disclosed and any allegation contained within it are substantially true;
- your concern is not raised for personal gain; and
- it is reasonable to disclose the information.

**7.6** To retain protection under the law you must:

- a) reasonably believe at the time of the disclosure that you will be subject to detriment if you make your concern known to the Authority or the prescribed external regulator; or
- b) where there is no relevant prescribed external regulator and you reasonably believe that evidence will be concealed or destroyed if you put forward your concerns to the Authority; or
- c) have previously made the same disclosure of information to the Authority or the prescribed external regulator to no avail.

**7.7** You are strongly advised to seek independent advice before you raise any issue outside the Authority. A list of contacts is given in the section to follow entitled 'Further Advice and Contacts'.

## **8. Confidentiality**

**8.1** The Authority will make every effort to protect your identity and we will not disclose it without your consent. If the situation arises where it is not possible to pursue your concern without revealing your identity (for example, the need to give evidence in court or at a disciplinary hearing), we will discuss with you how and if we can proceed.

**8.2** An anonymous concern will be assessed as best it can to establish whether there is substance to the concern and whether it can be addressed. The Authority will be unable to reassure or protect a worker who discloses information anonymously.



## 9. Untrue Allegations

- 9.1** If you make an allegation in good faith but it is not substantiated by the evidence produced during the investigation, no action will be taken against you. If, however, you are an employee or statutory office holder and you make an allegation maliciously or for personal gain, this may result in disciplinary action being taken against you. If you are a contractor or you are employed by another organisation but working on behalf of the Authority and you make an allegation maliciously or for personal gain, this may result in you being removed from the approved list of contractors or the Authority may discontinue using your services.

## 10. Further Advice and Contacts

- 10.1** You may of course seek advice from any of the following:

<b>Monitoring Officer (Head of Legal Services) -</b> Nigel Snape	Hereford & Worcester Fire Authority Hindlip Park Worcester WR3 8SP Tel: 01905 368242
<b>Internal Auditor</b> Worcestershire Internal Audit Shared Service South Wing, Guildhall, High Street Worcester WR1 2EY Tel: 01905 722 051	<b>External Auditor</b> Grant Thornton UK LLP Colmore Plaza, Colmore Circus Birmingham B4 6AT Tel: 0121 212 4000

- 10.2** If you want independent advice at any time you may contact your Trade Union or the independent charity, "Public Concern at Work" on 020 7404 6609 or email them at [helpline@pcaw.demon.co.uk](mailto:helpline@pcaw.demon.co.uk). Their lawyers will give you free confidential advice at any time on how to raise a concern about serious malpractice at work.