



Whistleblowing (Public Interest Disclosure) Policy and Procedure

Policy No. 7

Official – December 2023

| | |
|---|--|
| Title: | Whistleblowing Policy & Procedure |
| Authored by: | K Winter, Assistant Chief Fire Officer Strategic Planning and Resources |
| ELT Approved: | 12th December 2023 |
| FBU Consultation: | 13th December 23 – 11th January 24 |
| Unison Consultation: | 13th December 23 – 11th January 24 |
| Executive Committee Approved under Scheme of Delegation: | 19th January 24 |
| CFA Approved: | Not applicable |
| Policy Register Review Date: | December 2026 |
| Implementing Officer: | C Chisholm, Senior Head of People |

1. Policy

1.1 Policy Statement

Cleveland Fire Authority requires the highest possible standards of openness, integrity, and accountability in line with its 'Values and Ethical Behaviours Framework' and expects everyone, at all levels, to 'do the right thing' and challenge or report improper behaviour.

The Authority is committed to enabling its workers to safely report serious organisational concerns. We will continue to promote a culture in which such actions are viewed as the right thing to do.

All workers should feel that they can report their concerns openly and we will provide a variety of means for doing this and a level of support to ensure that workers feel protected, valued, and have the courage to speak out.

The Authority will respond quickly and thoroughly to concerns raised, acting in a positive manner to ensure that malpractice is not allowed to continue.

This policy re-enforces the obligation on workers to uphold the reputation of Cleveland Fire Brigade and maintain public confidence.

1.2 Policy Aim

The main aim of this policy is to provide a mechanism that enables workers, at all levels, to raise issues of serious concern within the workplace.

1.3 Policy Category

This policy is categorised as '**Authority**' within the Key Document Framework.

1.4 Scope

This policy applies to all employees, elected members of the Fire Authority, contractors, agency staff or anyone working for or on behalf of the Fire Authority (termed 'Workers').

'Whistleblowing' is the term used when an employee passes on information concerning wrong doing. This is generally referred to as 'making a disclosure' or 'blowing the whistle.' Whistle blowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998), and the Enterprise and Regulatory Reform Act 2013.

Anyone who makes a disclosure under 'whistleblowing' must reasonably believe:

- 1) that they are acting in public interest
- 2) that the disclosure tends to show past, present, or likely future wrongdoing

The statutory categories for wrongdoing are:

- a criminal offence (such as insurance fraud or illegal tax evasion)
- a breach of any legal obligation
- a miscarriage of justice
- endangering an individual's health and safety
- damage to the environment
- deliberate concealment of information about any of the above

Examples of wrongdoing might include (but are not restricted to):

- unsafe working conditions
- lack of, or poor, response to a reported safety incident
- inadequate induction or training for staff
- suspicions of fraud
- a bullying culture (across a team or organisation rather than individual instances of bullying)

If the concern is a personal grievance this is not covered by whistleblowing law unless the case is in the public interest. In these cases the matter may be able to be resolved another way, for example through internal reporting processes or through the Authority's 'Complaints' procedure.

2. Organising

The Chief Fire Officer and the Legal Adviser & Monitoring Officer (LAMO) 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 Authority without jeopardising confidentiality.

The LAMO is considered as the Responsible Officer with reference to the Whistleblowing Procedure.

3. Planning and Implementing

- 3.1 This policy is implemented by the Whistleblowing Procedure set out as Appendix 1.
- 3.2 All staff will be provided with a copy of this policy and procedure on induction and on promotion. Existing staff will be informed of this policy, which will be made available on the Brigade's intranet site and external website.

- 3.3 The mechanisms for reporting a wrongdoing (whistleblowing) will be promoted to staff on a regular basis as part of our approach to staff engagement e.g. annual PDR, monthly 'Firewire', signage (e.g. staff noticeboards).
- 3.4 The contents of this policy and procedure will be subject to an 'Integrity Health Check,' where employees are expected to confirm they have read and understood the contents as part of their annual Personal Development Review (PDR).

4. Resource Implications

- 4.1 Indirect costs associated with staff time in responding to any reports received.

5. Equality Impact Assessment (EqIA)

This policy has been assessed in accordance with the Brigade's Equality Impact Assessment Procedure. The findings of the EqIA are contained in the assessment in Appendix 2.

6. Monitoring

The Legal Adviser and Monitoring Officer (LAMO) will monitor activities under this policy and procedure.

7. Review

In line with the Brigade's 'Key document Framework', the ACFO SPR will undertake a review of this policy in 2026, to ensure it is taking account of any new or emerging political, social, technological, legislative, environmental, competitive, citizen or reputational factors.

Procedure

1. How to Raise a Whistleblowing Concern

- 1.1 In many circumstances, the easiest way you can get your concern resolved will be to raise it informally or formally with your line manager who should report it to the Authority's 'Responsible Officer.' (See 1.3)
- 1.2 If this is not appropriate as the concern relates to your line manager, or if you do not feel you are able to raise it with them, or if raising it with your line manager does not resolve matter, then you can approach a Professional Officer directly.

1.3 The Authority's Professional Officers are:

- Mr. P. Devlin, Monitoring Officer to the Fire Authority, and **Responsible Officer**:
Tel.no. 01429 874000, email: pdevlin@clevelandfire.gov.uk
- Mr. C. Little, Treasurer to Cleveland Fire Authority: tel. no. 01429 874000
email: clittle@clevelandfire.gov.uk
- Mr. I. Hayton, Chief Fire Officer, and Head of Paid Service: tel. no. 01429 874000
email: ihayton@clevelandfire.gov.uk
- Mr. G. Barker, Mazars LLP, External Auditor: tel. no. 0191 3836302
email: gavin.barker@mazars.co.uk
- Mr. N. Adamson, Head of Internal Audit: tel. no. 01429 523173
email: noel.adamson@hartlepool.gov.uk

1.4 You can report your concern in one of three ways:

- i. by completing the on-line form available on the Brigades intranet site
- ii. by email or in writing to one of the officers detailed in 1.3 above
- iii. by telephone direct to one of the officers detailed in 1.3 above

The information you provide should include the background and history of the concern, giving names, dates, and places where possible, and the reason why you are making the disclosure.

2. Reporting a Concern to an External Body

- 2.1 This procedure is intended to provide a route for you to raise your concern internally. However, if you are unhappy with the outcome of an investigation or if, for any reason you do not feel comfortable raising your concern internally, you can take the matter outside of the Authority to a prescribed person or body or to a Member of Parliament (MP).

2.2 The full list of prescribed persons and bodies can be found on the UK government website at www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies. They include

- HM Revenue & Customs
- the Comptroller and Auditor General
- the Director of the Serious Fraud Office
- the Charity Commission for England and Wales
- the Information Commissioner
- the Equality and Human Rights Commission
- the Health and Safety Executive
- the Care Quality Commission
- the Environment Agency

3 Responding to Whistleblowing Concerns

- 3.1 All concerns raised will be dealt with fairly, timely and in an appropriate way. Once a concern has been submitted, an initial assessment will be carried out to determine the scope of any inquiries and determine what processes may be required. Where it is deemed to fall outside of the scope of 'whistleblowing' then you will be advised of the most appropriate mechanism to raise your concern.
- 3.2 Where the issue raised is deemed to fall within scope, a formal acknowledgement of receipt will be provided to you (where possible) by the Responsible Officer (in consultation with the ACO SPR) within **seven working days**. You will also be provided with information on how to access any relevant staff support mechanisms.
- 3.3 Whilst the Brigade acknowledges that some reporting may be anonymous, every endeavour will be made to inform you of how your concern will be dealt with, which could include instigation of urgent action; referral to the Police or other agency, or that no further action will be taken.
- 3.4 You will also be told, where appropriate, who will be dealing with the matter, how you can contact them, whether any more assistance from you will be required, the progress of the inquiry and its likely timescales. However, sometimes the need for confidentiality may prevent the Brigade providing you with specific details of the inquiry or any action taken as a result.
- 3.5 If your attendance at a meeting to discuss the concern is required, you may invite your representative body or friend to be present. All persons involved in this process should treat any information about the investigation as confidential.
- 3.6 Feedback at the conclusion of responding and dealing with the concern will be provided where appropriate.
- 3.7 A register of all concerns raised is kept by the Responsible Officer.

4. Confidentiality

- 4.1 The Authority wants all workers to feel comfortable about raising a whistleblowing concern openly and actively encourages individuals to do so.
- 4.2 Any records related to a concern raised will be kept confidential and retained in accordance with the Whistleblowing Policy and Procedure and Data Protection Act 2018 and EU General Data Protection Regulations which requires the release of certain data to individuals on their request.

5. Anonymous Allegations

- 5.1 Individuals raising a concern are encouraged to provide their name whenever possible. Concerns expressed anonymously can be more complex to deal with, however will be considered at the discretion of the Authority.
- 5.2 In exercising discretion, the factors taken into account would include:
- The seriousness of the issue raised
 - The credibility of the concern
 - The likelihood of confirming the allegation from attributable sources
- 5.3 The Authority will make every effort to protect your identity as far as possible. If your identity needs to be disclosed, you will be informed of this by the Brigade.

6. False Allegations

- 6.1 Making a deliberate false allegation against another worker is dishonest and could amount to perverting the course of justice where it relates to a criminal matter. A protected disclosure must, in the reasonable belief of the whistleblower, tend to show that misconduct or malpractice has occurred. Deliberately false allegations will never be protected disclosures and may be assessed as amounting to gross misconduct.
- 6.2 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.

7. Support arrangements

Internal support and advice

- 7.1 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 Authority will take steps to minimise any difficulties which you may experience as a result of raising a concern.

7.2 Upon receipt of a concern, an appropriate welfare officer will be appointed to provide you with support. There are a number of wellbeing services which are also available to provide advice, information and support which include:

- Employee Assistance Programme (EAP)
- Occupational Health services
- Risk assessment (individual, stress)
- Advice and guidance if the employee is required to give evidence in criminal or disciplinary proceedings (HR/Responsible officer)

External support and advice:

7.3 Whilst it is hoped that this policy gives you the confidence to raise a concern with the Brigade or Professional Officers, we would prefer that you raise your concern with proper external regulator rather than not at all.

7.4 In circumstances where you genuinely believe that the matter cannot or will not be dealt with internally you may consider it appropriate to contact a non-regulatory external body, for example the Police. You may also contact the following prescribed regulators:

- Health & Safety Executive (HSE) for health and safety concerns
- Environment Agency for environmental dangers
- Information Commissioner's Office (ICO) for data protection or information security concerns

7.5 You also may wish to seek independent advice before you raise any issue outside the Authority. For example, **Protect**, who are the UK's Whistleblowing Charity. Their free, confidential advice is available to support any worker who wishes to raise concern about malpractice, risk, or wrongdoing in the workplace.

Contact details are:

- **Telephone: 020 3117 2520**
- whistle@protect-advice.org.uk
- **Website:** www.protect-advice.org.uk

7.6 Alternatively, more information and advice from is readily available from:

- UK government advice on 'Whistleblowing for employees'
www.gov.uk/whistleblowing
- ACAS guidance on 'Whistle-blowing – Public Interest Disclosure'
<https://archive.acas.org.uk/index.aspx?articleid=1919>

EQUALITY IMPACT ASSESSMENT – INITIAL SCREENING

EQIAs enable us to consider all the information about a service, policy, practice, or activity from an equalities perspective and then put an action plan in place to achieve the best outcome for our employees and service users. EQIAs analyse how the work that we undertake can impact different groups. This will help us to make better decisions and evidence how we have reached these decisions.

| | | | | | | |
|---|------------|--|--------------|--|--------------|---|
| Analysis Rating: please tick one box (the analysis rating is identified after the analysis has been completed – See EQIA procedure) | RED | | AMBER | | GREEN | ✓ |
|---|------------|--|--------------|--|--------------|---|

SECTION 1 – INITIAL SCREENING

| | |
|---|-----------------------------------|
| | |
| Directorate: | Strategic Planning and Resources |
| Department/Section: | Human Resources |
| Title of EQIA – Name of Service or Policy Conducted on: | Whistleblowing Policy & Procedure |
| Date Of Assessment: | 3 rd Nov 2023 |
| Assessment carried out by: | C Chisholm, Senior Head of People |

Is this Policy/Service/Project:

Existing ☐

New/Proposed ☐

Changing ☒

Other ☐

Applicable to: Our staff ☒

Our Communities ☐

Other ☒ (anyone working for the Authority)

PURPOSE AND OBJECTIVES

| | |
|---|--|
| What are the aims of the service/policy? | The main aim of this policy is to provide a mechanism that enables workers, at all levels, to raise issues of concern regarding wrongdoing and inappropriate behaviour within the workplace. |
| Who is responsible for the service / policy? | Chief Fire Officer /Legal Advisor & Monitoring Officer |
| Who is responsible for the assessment? | Human Resources |
| Who implements the policy? | Senior Head of People |
| Are external contractors involved? | Yes, those that may be working for the Authority |
| Are there any related policies or processes that will need to be changed associated to this one? | This policy and procedure signpost all employees to other mechanisms, policies and procedures which enable staff to raise concern. These are all referenced within the document |
| To what extent does the service / policy have an impact on people? Who is affected by it and how? | It applies to all employees, Members and those working on behalf of the Authority, regardless of role, role level or conditions of service. |
| What analysis has been done to identify if the service / policy is meeting the needs of all these groups of people? | Best practice has been sought from other FRSs, and Cleveland Police. Guidance from Government website https://www.gov.uk/whistleblowing |

ESTABLISHING RELEVANCE

In this section you should review the data and evidence above and consider the actual and potential impact of the policy, service, activity or practice on employees, residents, groups, and other service users. Findings should be noted in the table below. You should also consider whether the decision will, or is likely to, influence CFB's ability to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act and other relevant legislation.
- Advance equality of opportunity between different groups of people
- Foster good relations between people who share a protected characteristic and those who do not.

Using the information available, identity the impact of this service / policy in relation to people across the Protected Characteristics:

| Protected characteristics groups from the Equality Act 2010 | Negative Impact | Neutral Impact | Positive Impact | Explain your answer |
|--|---|----------------|-----------------|--|
| Age | | X | | Available to all employees of the authority regardless of age |
| Disability | | | X | Available to all employees of the authority regardless of disability. Mechanisms to raise concerns include options for verbal or in writing which may support those employees with specific disabilities such as neurodiverse conditions |
| Gender Reassignment | | X | | Available to all employees of the authority |
| Pregnancy and Maternity | | X | | Available to all employees of the authority |
| Race | | | X | Mechanisms to raise a concern offer the employee the opportunity to raise their concern verbally and in writing. Options for other languages can be made available upon request |
| Religion and Belief | | X | | Available to all employees of the authority regardless of religion or belief |
| Gender | | X | | Available to all employees of the authority |
| Sexual Orientation | | X | | Available to all employees of the authority |
| Marriage and civil Partnerships | | X | | Available to all employees of the authority |
| Is a full Equality Impact Assessment required? Yes, or no? If not, why? | <p><i>If you have identified a negative potential impact for the group, then you must complete a full Equality Impact Assessment. If you have identified a neutral or positive impact on any groups, then no further action is required.</i></p> <p>No – this policy and associated procedure provides a mechanism for any employee of the Authority (or those working on behalf of the Authority) to raise a concern, either in writing or verbally. In addition, the policy sets out clear support mechanisms for those employees who raise a concern. Positive impacts arise from the ways in which concerns can be raised and the ability to access information in a different language on request.</p> | | | |

MONITORING AND REVIEW

| | |
|---|--|
| What procedures are in place to monitor the impacts outlined in the analysis? | Will be monitored as part of routine review of policy and procedures in line with key document framework. The 'Responsible Officer will maintain a register of concerns raised and will monitor issues to see if any trends etc. are emerging which may require a review of the policy prior to the review date. |
| How often will this take place? | Three years unless trigger event-initiated review |
| Date of next planned review? | November 2026 |

| | |
|--|--|
| Proceed to Full EQIA Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
|--|--|

SIGNATURE OF PERSON COMPLETING THIS SCREENING

| | |
|------------|--------------------------|
| Name: | C Chisholm |
| Job Title: | Senior Head of People |
| Date: | 3 rd Nov 2023 |

SIGNATURE OF LINE MANAGER – MINIMUM HEAD OF DEPARTMENT

| | |
|------------|----------|
| Name: | As above |
| Job Title: | |
| Date: | |

SIGNATURE OF EQUALITY AND DIVERSITY OFFICER – HR DEPARTMENT

| | |
|----------------------------|------------|
| Name: | R Anderson |
| Date published to internet | |
| Date published to fish | |