

# **WHISTLEBLOWING POLICY**

## **PUBLIC INTEREST DISCLOSURE ACT 1998 GUIDANCE FOR EMPLOYEES AND OFFICERS ON THE PROCEDURE RELATING TO CONFIDENTIAL REPORTING**

### **1. INTRODUCTION**

- 1.1 Employees are often the first to realise that there may be something seriously wrong with the Fire Authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Fire Authority. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Fire Authority is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees, and others that we deal with, who have serious concerns about any aspect of the Fire Authority's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.3 This procedure document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. *This confidential reporting procedure is intended to encourage and enable Employees to raise serious concerns within the Fire Authority rather than overlooking a problem or 'blowing the whistle' outside.*
- 1.4 The procedure applies to all employees and those Contractors working for the Fire Authority on Fire Authority premises. For example, agency employees, builders, drivers. Further guidance can be found within the Ethical Governance Framework at Section 2 – Standards and Partners
- 1.5 These procedures are in addition to the Fire Authority's complaints procedures and other statutory reporting procedures. You are responsible for making service users aware of the existence of these procedures.
- 1.6 This procedure has been discussed with the relevant Representative Bodies and has their support.

### **2. AIMS AND SCOPE**

- 2.1 This procedure aims to:-
- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice.
  - provide avenues for you to raise those concerns and receive feedback on any action taken.
  - ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
  - reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The confidential reporting procedure is intended to cover major concerns that fall outside the scope of other procedures. These include:-

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other Employees
- damage to the environment
- the unauthorised use of public funds
- possible fraud and corruption
- sexual or physical abuse of clients, or
- sexual harassment
- other unethical conduct

2.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of Employees or Members of the Fire Authority or others acting on behalf of the Fire Authority can be reported under the confidential reporting procedure. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Fire Authority subscribes to; or
- is against the Fire Authority's Procedural Rules and policies, or
- falls below established standards or practice, or
- amounts to improper conduct

2.4 This procedure does not replace the existing complaints procedure.

### **3. SAFEGUARDS**

3.1 Harassment or Victimisation.

3.2 The Fire Authority is committed to good practice and high standards and wants to be supportive of Employees.

3.3 The Fire Authority recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your Employer and those for whom you are providing a service.

3.4 The Fire Authority will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

3.5 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

#### **4. CONFIDENTIALITY**

- 4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

#### **5. ANONYMOUS ALLEGATIONS**

- 5.1 This procedure encourages you to put your name to your allegation whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Fire Authority.
- 5.3 In exercising this discretion, the factors to be taken into account would include:-
- the seriousness of the issues raised
  - the credibility of the concern; and
  - the likelihood of confirming the allegation from attributable sources

#### **6. UNTRUE ALLEGATIONS**

- 6.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

#### **7. HOW TO RAISE A CONCERN**

- 7.1 As a first step, you should normally raise concerns with your immediate Line Manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that Management is involved, you should approach the Monitoring Officer to the Fire Authority (Mr Peter Devlin - 01429 872311), Chief Fire Officer and Head of Paid Service (Mr Peter Rickard - 01429 872311), Assistant Chief Fire Officer Service Delivery (Mr Simon Weastell – 01429 872311) or the Assistant Chief Fire Officer Strategic Planning, People and Resources (Ms Kristine Ward - 01429 872311). In matters arising out of paragraphs 2.2.5 of the Fire Authority's Financial Procedure Rules, the Treasurer (Mr Chris Little - 01429 872311) or alternatively, the Head of Internal Audit should be informed, namely: - (Mr Noel Adamson - 01429 523173)

*"The Treasurer is responsible for investigating promptly any fraud or irregularity brought to their attention and report to the Head of Paid Service.*

- 7.2 Concerns may be raised verbally or in writing. Employees who wish to make a written report are invited to use the following format:-
- the background and history of the concern (giving relevant dates)
  - the reason why you are particularly concerned about the situation

- 7.3 The earlier you express the concern the easier it is to take action.
- 7.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 7.5 Obtain advice/guidance on how to pursue matters of concern from:-
- Employer Internal Source (Head of Finance and Procurement, Mrs L Younger – 01429 872311)
  - Prescribed Person External Source (J Collins, Forvis Mazars LLP, External Auditors – 0191 3836302)
- 7.6 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 7.7 You may invite your Trade Union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.
- 7.8 Protect (formerly Public Concern at Work) is an independent charitable body which provides confidential advice and on-going support to individuals (020 311172520)

## **CONTACT NUMBERS**

- **Mr. P. Devlin, Monitoring Officer to the Fire Authority, and Designated Officer: Tel.no. 01429 874000, email: [pdevlin@clevelandfire.gov.uk](mailto:pdevlin@clevelandfire.gov.uk)**
- **Mr. C. Little, Treasurer to Cleveland Fire Authority: tel. no. 01429 874000 email: [clittle@clevelandfire.gov.uk](mailto:clittle@clevelandfire.gov.uk)**
- **Ms. K. Ward, Assistant Chief Fire Officer Strategic Planning and Resources: tel 01429 874005, email: [kward@clevelandfire.gov.uk](mailto:kward@clevelandfire.gov.uk)**
- **Mr. S. Weastell, Assistant Chief Fire Officer: tel: 01429 874004, email: [sweastell@clevelandfire.gov.uk](mailto:sweastell@clevelandfire.gov.uk)**
- **Mr. J. Collins, Director, Public Services, Forvis Mazars (External Auditor): tel. no. 07881283527 Email: [James.Collins@mazars.co.uk](mailto:James.Collins@mazars.co.uk)**
- **Mr. N. Adamson, Head of Internal Audit: tel. no. 01429 523173 email: [noel.adamson@hartlepool.gov.uk](mailto:noel.adamson@hartlepool.gov.uk)**
- **Safecall, Independent Reporting Line, 0800 915 1571 or access their ePortal at [www.safecall.co.uk/report](http://www.safecall.co.uk/report).**

## **8. HOW THE FIRE AUTHORITY WILL RESPOND**

- 8.1 The Fire Authority will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 8.2 Where appropriate, the matters raised may:-
- be investigated by management, Internal Audit or through the disciplinary process
  - be referred to the Police or other agency
  - be referred to the External Auditor
  - form the subject of an independent enquiry
- 8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Fire Authority will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example discrimination issues) will normally be referred for consideration under those procedures.
- 8.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.
- 8.5 Within ten working days of a concern being raised, the recipient of your written allegations will write to you.
- acknowledging that the concern has been received
  - indicating how we propose to deal with the matter
  - giving an estimate of how long it will take to provide a final response
  - telling you whether any initial enquiries have been made
  - supplying you with information on employees support mechanisms
  - telling you whether further investigations will take place and if not, why not, and
  - will inform the Responsible Officer (paragraph 9) of the concern being raised and the action taken
- 8.6 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Fire Authority will seek further information from you.
- 8.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a Trade Union or a Professional Association Representative or a friend.
- 8.8 The Fire Authority 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 Fire Authority will arrange for you to receive advice about the procedure.
- 8.9 The Fire Authority accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

## **9. THE RESPONSIBLE OFFICER**

- 9.1 The Assistant Chief Fire Officer Strategic Planning, People and Resources (Ms K Ward - 01429 872311) has overall responsibility for the maintenance and operation of this procedure. That Officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Fire Authority.

## **10. HOW THE MATTER CAN BE TAKEN FURTHER**

- 10.1 This procedure is intended to provide you with an avenue within the Fire Authority to raise concerns. The Fire Authority hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Fire Authority, the following are possible contact points:-

- the designated Independent Person or organisation (External Auditor)
- your Trade Union
- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation
- the Police

- 10.2 If you do take the matter outside the Fire Authority, you should ensure that you do not disclose confidential information in breach of the Data Protection Act 2018 and the General Data Protection Regulation.