

Review of Whistleblowing Policy

Report of the Treasurer

For further information about this report please contact Rachel Musson, Treasurer, on 01743 252007, Joanne Coadey, Head of Finance, on 01743 260215 or Sharon Lloyd, Corporate Services Manager, on 01743 260210.

1 Purpose of Report

This report requests the Committee to recommend that the Fire Authority re-affirm the Whistleblowing Policy (attached as an appendix), following the annual review conducted by officers.

2 Recommendations

Members are asked to consider the Whistleblowing Policy, attached as an appendix, and to recommend that the Fire Authority re-affirm the Policy (with or without amendment).

3 Background

The Fire Authority has an established Whistleblowing Policy, which is required to be reviewed annually. The purpose of the Policy is to enable workers to raise concerns about unlawful conduct, financial malpractice (including fraud, bribery and corruption), failure to comply with any legal duty, danger to health and safety, damage to the environment and other unethical conduct.

4 Review

Your officers have reviewed the Whistleblowing Policy and propose some minor amendments to bring it up-to-date. A reference has also been included to surgeries with the Treasurer and Monitoring Officer. These will be available to officers, who may wish to discuss a concern with someone, who has knowledge of the Service but who is independent of it.

A copy of the draft Policy is attached as an appendix. Additions to be agreed are shown in bold italics and deletions struck through.

Following approval by the Fire Authority at its April meeting, the Policy will be available for Members to view on the dedicated area of the Authority's website. It will also be brought to the attention of all employees on the Service's weekly newsletter.

5 Financial Implications

There are no direct financial implications arising from this report.

6 Legal Comment

Although the Fire Authority is not legally required to have in place a Whistleblowing Policy, it is considered best practice to do so.

7 Equality Impact Assessment

An Initial Equality Impact Assessment has been completed. .

8 Appendix

Draft Whistleblowing Policy

9 Background Papers

There are no background papers associated with this report.

Brigade Order Human Resources 5

Part 10 – Reporting of Illegality and Malpractice – Whistleblowing

Purpose

The Authority's expectation on propriety and accountability is that Members and all workers will lead by example in ensuring adherence to rules, procedures and recommended practices. Members are bound by the Code of Conduct adopted by the Shropshire and Wrekin Fire Authority and the professional conduct of workers is covered in the respective regulations and procedures relating to firefighters and non-operational personnel.

The purpose of this Brigade Order is to enable workers to raise concerns about unlawful conduct, financial malpractice (including fraud, **bribery** and corruption), failure to comply with any legal duty, danger to health and safety, damage to the environment and other unethical conduct.

If you raise a genuine concern under this policy, in good faith, the Authority and the Chief Fire Officer are committed to ensuring:

- Your safety - you will not be at risk of losing your job or suffering any form of retribution
- Your confidence - the harassment or victimisation of anyone raising a genuine concern will not be tolerated
- That the matter is handled in the most appropriate way and according to the procedures laid out

Separate arrangements are also in place to allow suppliers and contractors to report concerns. These are detailed in Procurement Brigade Orders.

Strategic Aims and Objectives

This Brigade Order specifically assists:

- Strategic Aim 4 ***“To deliver an effective fire and rescue service at a cost that is acceptable to our community”*** ~~“To provide a service that demonstrates quality and Best Value in service provision”~~
- ~~Strategic Aim 5 “To provide a service committed to the highest levels of equality and fairness.”~~

Targets are:

- That concerns are dealt with in accordance with this order (no concerns are mishandled)
- Members and workers adhere to the rules, procedures and recommended practices (concerns raised do not result in proven misconduct).

What is Whistleblowing?

Shropshire Fire and Rescue Service is committed to the highest levels of equality and fairness. Part of that commitment is to develop policies that encourage workers and others, who have serious concerns about illegality or malpractice, to speak up. If someone does speak up in good faith about such concerns, they can do so without fear of reprisal under the Public Interest Disclosure Act 1998.

The Act aims to improve accountability and good governance in all organisations by assuring workers that it is safe to raise their concerns. It also encourages employers to be receptive to such concerns and penalises them, if they respond by victimising a worker, who raises a concern. It applies whether or not the information is confidential.

A disclosure to the employer will be protected, if the whistleblower has an honest and reasonable suspicion that illegality or malpractice has occurred, is occurring or likely to occur. The worker is not expected to prove the case but in order to obtain protection, he or she must act reasonably and responsibly, this includes the tone and manner in which the concern is raised. If, for example, a worker makes a rash disclosure to the media of a matter, which should have been raised internally, that worker will **NOT** be protected. Similarly the means by which the concern is raised must not of itself amount to misconduct. If, for example, an individual hacks into an IT system to demonstrate a lack of security, the misconduct (i.e. in this case the hacking) will not be protected.

Under this policy, once a worker has raised a concern, an investigation is carried out under the direction of senior officers or auditors, not by the worker.

What Areas of Concern Should Be Disclosed?

This policy is not intended to replace, for those ~~workers employees~~ covered by it, the grievance procedure which continues to be the appropriate way to raise personal issues relating to your job or employment. The concerns under this procedure are distinct from complaints or grievances. They include concerns about:

- unlawful conduct
- financial malpractice (including fraud, **bribery** and corruption)
- failure to comply with any legal duty
- danger to health and safety
- damage to the environment
- other unethical conduct
- and the cover-up of any of these

Who Can Use the Whistleblowing Policy?

The policy covers any person carrying out work on behalf of the Service / Fire Authority. It applies equally to independent consultants and agency staff, as well as to new recruits and long-term workers.

Separate arrangements are also in place to allow suppliers and contractors to report concerns. These are detailed in Procurement Brigade Orders.

Raising a Concern

In the first instance a worker should disclose any concern, either orally or in writing, to his or her line manager. If it is inappropriate to raise the concern with a line manager (i.e. because of the manager's involvement with the issue being raised), it should be raised with one of the individuals listed in the Procedure Statement (Appendix A). An issue may be raised by a union on behalf of an individual.

In any case where a disclosure is made under this policy the individual (including the union) making the disclosure should provide full and specific details of their concerns together with any supporting evidence at the time that the concern is raised. If full and specific details and supporting evidence are not provided it is likely to affect the extent of any investigation or indeed whether an investigation is possible or realistic.

It is important that these types of issues are dealt with sensitively and quickly. Anonymous disclosures are strongly discouraged, as they are likely to hinder effective investigation. If a worker makes a disclosure in accordance with this Order, in so far as is reasonably practicable, his / her identity will be kept confidential.

Action to Be Taken

The organisation will investigate the concern in accordance with the investigation procedures laid out in Appendix A and deal with it in an open and proper manner. All initial and follow-up investigations will be co-ordinated and recorded, whilst taking into account the need for confidentiality to the individual, as the source of any such information.

Feedback

Wherever possible we will provide the individual with feedback on the issues that they have raised. Feedback will ensure the individual knows the matter has been looked into and, if necessary, sorted out and whether external disclosure is required or not. Please note however that we will be unable to give specific detail on action taken against individuals.

Support and Advice

If you are unsure about raising a concern or you need support and advice, please contact any of the individuals within or associated with Shropshire Fire and Rescue Service and listed in Appendix A, or contact Public Concern at Work on their confidential helpline – 0207 404 6609.

Procedure Statement

Informing about Wrongdoing

Introduction

Usually concerns at work are easily resolved. However, when they are about:

- unlawful conduct (including discrimination and racism)
- financial malpractice (including fraud, **bribery** and corruption)
- dangers to the public
- damage to the environment

it can be difficult to know what to do.

Individuals may be worried about raising such issues or may want to keep the concerns to themselves, perhaps feeling 'it's none of their business' or that 'it's only a suspicion'. They may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. Individuals may decide to say something but find that they have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

Shropshire Fire and Rescue Service has introduced this procedure to enable individuals to raise concerns about such malpractice at an early stage and in the right way. Individuals should raise the matter even if it is just a concern rather than wait for proof.

If something is troubling an individual that they think should be known about or looked into, they should use this 'Whistleblowing' Procedure. If, however, an individual is aggrieved about their personal position, they should use the Grievance Procedure, which can be obtained from the line manager or from the Human Resources Manager. If the issue is about personal harassment or bullying, then an individual should use the grievance procedure as a first step. The "Whistleblowing" Procedure is primarily for concerns where the interests of others or of the organisation itself are at risk.

If in doubt - raise it!

Assurances to individuals

Your safety

If you raise a genuine concern under this procedure, you will **not** be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in good faith, it does not matter if you are mistaken. Of course, this assurance cannot be extended to someone who acts maliciously and raises a matter they know is untrue.

Your confidence

The harassment or victimisation of anyone raising a genuine concern will not be tolerated. You may nonetheless prefer to raise a concern in confidence under this policy. If you ask that your identity be protected, it will not be disclosed without your consent. If the situation arises where the concern cannot be resolved without revealing your identity (for instance because your evidence is needed in court or in disciplinary procedures), this will be discussed with you and whether and how your concerns can proceed.

Remember that if you do not tell a manager who you are, it will be much more difficult to look into the matter, to protect your position or to give you feedback. Accordingly, while anonymous reports will be considered, this procedure is not appropriate for concerns raised anonymously.

How the matter will be handled

Within ten working days of your having raised a concern a letter will be sent to you, summarising your concern and setting out how we propose to handle it. You will be told who is handling the matter, how you can contact him or her and whether your further assistance may be needed. An initial assessment will see what action should be taken. This may involve an internal inquiry or a more formal investigation. When you raise the concern you may be asked how you think the matter might best be resolved. If you have any personal interest in the matter, we do ask that you state this at the outset. If your concern falls more properly within the Grievance Procedure, you will be advised of this.

Throughout the process you will be given as much feedback as properly possible. Please note, however, that you may not be informed of the precise action taken where this would infringe a duty of confidence owed to someone else.

How to raise a concern internally

Step one

If you have a concern about malpractice, you should first feel able to raise it with your manager. This may be done orally or in writing.

Please note that the Service's Anti Fraud, **Bribery** and Corruption Strategy states that, in the event of financial malpractice, an employee should inform their line manager or a senior manager, who in turn would refer to the Treasurer, or, if not appropriate, Internal Audit. If you are unsure where to raise your concern, please speak to your manager in the first instance. If you are unable to contact your manager, then please refer to a senior manager as shown at Step two below.

Step two

If you feel unable to raise the matter with your manager, for whatever reason, please raise the matter with any of the following:

Title

Contact details

Treasurer

**Shropshire Council
Shirehall, Shrewsbury
Telephone: 01743 252007**

Monitoring Officer

**Telford & Wrekin Council
Civic Offices, Telford
Telephone: 01952 383200**

Both of the above officers will also be available for private surgeries on the day of Fire Authority meetings.

<u>Title</u>	<u>Contact Details</u>
Any Brigade Manager) Contact via Control or
Human Resources Manager) Brigade Headquarters
Head of People Development)
Head of District Performance)
Head of Performance and Risk)
Head of Fire Prevention)

Should an individual wish to raise concerns outside normal office hours, the Duty Principal Officer should be the first point of contact.

When you raise your concern please say if you want to raise the matter in confidence, so that the appropriate arrangements can be made.

Step three

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact:

- The “Standards Hotline” provided by Shropshire Council on 01743 **252627** ~~252000~~
- OR
- Internal Audit at Shropshire Council on 01743 252027 (**Audit Services Manager**
Chief Internal Auditor)

Independent advice and external contacts

If you are unsure whether to use this procedure or you want independent advice at any stage, you may contact:

- *if applicable*, your Trade Union
- the independent charity “Public Concern at Work” on 0207 404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work

While we hope this policy gives you the reassurance to raise such matters internally, there may be circumstances where you can properly report matters to outside bodies, such as regulators or the police. Public Concern at Work (or, *if applicable*, your Union) will be able to advise you on such an option and on the circumstances in which you may be able to contact an outside body safely.

If you are dissatisfied

If you are unhappy with a response, remember you can go to the other levels and bodies detailed in this policy. While there is no guarantee that any response to matters will be in the way that you might wish, there is an intention to handle all matters fairly and properly. By applying this policy and process, you will help to achieve this.