

SERVICE POLICY

Whistleblowing Policy, Procedure and Guidance

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Owner
Service Assurance

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1 Policy

- 1.1 The Combined Fire Authority (CFA) and the Chief Fire and Rescue Officer is committed to running the organisation in the best way possible, supporting employees reporting things they believe are improper or illegal as this helps put things right and stops potential wrongdoing.
- 1.2 This policy reassures employees that it is safe and acceptable to speak up and it enables you to raise any concerns you may have at an early stage, and in the right way.
- 1.3 Employees are encouraged to report issues as soon as they can when they believe things are happening within the Service which could be:
 - Criminal offences (Fraud, Corruption, Bribery etc.);
 - Failure to comply with legal obligations;
 - Actions which endanger the health or safety of any individual;
 - Actions which may cause damage to the environment; or
 - Actions which are intended to conceal any of the above.
- 1.4 Employees and any volunteers we use who tell us of a genuine concern under this policy will not be at risk of losing their job. They will not be disadvantaged or subjected to any retaliation, such as harassment, victimisation or bullying. If anyone experiences problems after telling us their concerns, it will be treated as a disciplinary matter.
- 1.5 It does not matter if the issues reported turn out to be nothing serious, providing they have acted with honesty.
- 1.6 If anyone tells us things they know is untrue, we will treat it as a disciplinary matter.
- 1.7 Any issues identified will be dealt with swiftly, effectively and fairly as possible.
- 1.8 The way that issues are handled will be in accordance with relevant legislation including the Public Interest Disclosure Act 1998 (PIDA).
- 1.9 We will take a zero tolerance approach to matters associated with fraud and corruption, as laid out in the Anti Fraud and Corruption statement detailed in the CFA Constitution (Section K).
- 1.10 The “whistleblowing” procedure will only be used to cover concerns that fall outside the scope of established procedures relating to Health and

Safety, Complaints, Safeguarding, Debrief and Employment.

2 Looking after Employees

2.1 Employee Safety

It is recognised that you may be worried about formally raising a concern. We want to assure you that we are committed to looking after your health, safety and welfare.

2.2 Your Confidence

We want to assure you that if you raise a concern:

- 'Openly' – we will protect you from reprisal;
- 'Confidentially' – we will not disclose your identity, without your consent, unless required by law.

2.3 We will try to protect your identity wherever possible. There may be times when this is not possible, e.g. if you are an essential witness and further investigation would be prevented without revealing your identity. We will discuss directly with you, whether and how the matter can best proceed.

2.4 If you raise a concern 'anonymously', we will not be able to protect you as we will not know who you are. We will not be responsible for your identity becoming known if you report a concern in this manner.

3 Responsibilities

3.1 Employees

Should raise concerns at an early stage when they have reasonable suspicion. They should not wait and investigate the issue themselves, or wait to prove that their concern is well founded.

3.2 Managers Receiving the Whistleblowing Concern

All instances of whistleblowing need to be reported to the Monitoring Officer using the procedures within this document. Any concerns relating to the Monitoring Officer need to be reported to one of the posts below:

- The Deputy Monitoring Officer
- The Treasurer
- The Chief Fire and Rescue Officer

Managers need to do the things in the procedure section of this document.

3.3 **Designated Officers**

The Treasurer, the Monitoring Officer and Deputy Monitoring Officer have responsibilities to ensure that the receipt of whistleblowing concerns are dealt with appropriately and involve regulatory agencies as necessary.

3.4 **Responsible Officer**

The Monitoring Officer has overall responsibility for the maintenance and operation of this Whistleblowing Policy. This officer maintains a confidential record of concerns raised and the outcomes, reporting as necessary to the Corporate Governance Committee.

4 Procedure

This procedure provides information of how you can report any concerns you may have. It tells you how any concerns raised will be handled.

5 Tell Your Manager

5.1 Raise the issue with your line manager. If this is not practical (for whatever reason), feel confident to raise it with a member of Senior Management Team.

5.2 It is best to pass on the things you know by talking directly to them, either by face to face, or over the telephone. You can email or send them a letter if you feel more comfortable doing it that way.

6 What If You Cannot Tell Your Manager?

6.1 If you are feel that you cannot tell a manager about the concerns that you have (for whatever reason) raise the matter with one of the following designated officers:

- Monitoring Officer: Telephone (0116) 305 6240
Director of Law and Governance
Leicestershire County Council
- Deputy Monitoring Officer: Telephone (0116) 454 1401
City Barrister and Head of Standards
Leicester City Council
- Treasurer: Telephone (0116) 454 4001
Director of Finance
Leicester City Council

6.2 These people have been given special responsibilities in dealing with whistleblowing concerns. If these individuals are unable to speak with you immediately, tell the person answering the phone you have a whistleblowing concern. They will take your details so that you can be contacted as soon as the designated officer is free.

7 Tell an Independent Organisation

7.1 If you have concerns after you have told a manager or a designated officer, or you feel that the matter is so serious that you cannot discuss it with them, you can report it to an outside body. We would prefer you to raise the matter with the appropriate regulator than not at all. There is a list of bodies to whom you can refer matters to on the GOV.UK website, search for "Whistleblowing: list of prescribed people and bodies".

7.2 Further information is contained within the Guidance section.

8 What Should You Tell Them

8.1 You will need to explain as fully as you can the information or circumstances that gave rise to your concern. Include everything that you feel is relevant including:

- Background
- History
- Names
- Dates
- Places
- Whether you have any personal interest in the matter

9 How The Matter will Be Handled

9.1 Once you have told us of your concern, it will be looked at to see if any further action is needed. This could be to check the facts that you have told us or to investigate the issues. We might need to involve the Police or other outside body. Any decisions will be made confidentially.

9.2 We will tell you who will be handling the matter, how you can contact them, and what else we may need from you. We will tell you if we think your concern should be dealt with using our complaint or employment policies and procedures.

9.3 We will give you feedback on the outcome of any actions we take, providing we are able to do so. We will not tell you what we did if this goes against relevant legislation or would infringe a duty of confidence we owe to another person.

9.4 We cannot guarantee that we will respond to all matters in the way that you might wish.

9.5 We will strive to handle the matter fairly and properly.

10 Managers Actions

10.1 Listen carefully to the concern being raised and avoid pre-judging the issue.

10.2 Encourage the employee to raise the concern with someone more senior or a designated officer if it is felt necessary.

10.3 Establish the details of the concern.

10.4 Fully capture the details of the concern using the Whistleblowing Report Form as set out in Appendix A.

10.5 Forward the Whistleblowing Report Form to the Monitoring Officer, unless the concern relates to them, in which case it should go a different designated officer, as detailed in Section 6.

- 10.6 Explain to the employee what happens next.
- 10.7 Discuss the content of the Whistleblowing Form with the Monitoring Officer (or other Designated Officer) and agree a course of action to take.
- 10.8 Keep the employee updated with progress where able to do so.

11 **Guidance**

This guidance note has more detail to help everyone understand what Whistleblowing is and how it should be applied.

12 **What Is A Whistleblower**

You're a whistleblower if you're a worker and you report certain types of wrongdoing. This will usually be something you've seen at work - though not always. The wrongdoing you disclose must be in the public interest. This means it must affect others, e.g. the general public. As a whistleblower you're protected by law - you shouldn't be treated unfairly or lose your job because you 'blow the whistle'. You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

13 **Who Is Protected By Law?**

You're protected if you're a worker, e.g.

- a. an employee performing any role in the Service
- b. a trainee or employee subject to a probationary period
- c. an agency worker or temporary appointee
- d. volunteer workers

You can get independent advice if you're not sure you're protected. If you report your concern to the media, in most cases you'll lose your whistleblowing law rights.

14 **Complaints That Count As Whistleblowing**

- a criminal offence, e.g. fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- an organisation is breaking the law, e.g. doesn't have the right insurance
- you believe someone is covering up wrongdoing

15 **Complaints That Don't Count As Whistleblowing**

Personal grievances (e.g. bullying, harassment, discrimination) aren't covered by whistleblowing law, this is reported under the Grievance policy, or other employment policy, unless your particular case is in the public interest.

Whistleblowing arrangements are not intended to give you a further opportunity to pursue a grievance once other relevant employment procedures have been exhausted.

16 **Who To Tell**

The whistleblowing procedure tells you who to tell and what to expect if you report your concern. You can get independent legal advice if you

don't want to report your concern yourself, allowing your legal representative to do it for you.

17 Making Your Claim Anonymously Or Confidentially

You or a prescribed person can report a concern without giving your name. The claim may not be able to be taken further if all of the information needed to look into it is not available. You can give your name but request that it is not revealed. Every effort will be made to protect your identity.

18 What Management Or A Prescribed Person Will Do

- Listen to your concern and decide if any action is needed
- Ask for further information from you to be able to understand who and what is involved
- Treat the matter confidentially, as long as you tell them straight away that you don't want anyone else to know it was you who raised the concern
- Keep you informed about the action that is being taken, as long as there are no reasons why you cannot be told
- A prescribed person can't help you with your relationship with your employer

19 Not Satisfied With How Your Concern Was Dealt With

Tell a more senior manager or a prescribed person if you believe your concern wasn't taken seriously or the wrong doing is still happening. There are a wide range of organisations you can contact to get independent advice. Many of these will be easily found on the internet.

It should be noted that Public Sector Audit Appointments (PSAA) is not a prescribed person under the Public Interest Disclosure Act and their role in this is only to signpost individuals to the external auditor appointed to the local authority in question. To make a disclosure to the Comptroller and Auditor General, please contact the National Audit Office.

20 Disclosure That Are In The Public Interest

The Public Interest Disclosure Act (PIDA) 1998 provides protection to "workers" making disclosures in the public interest and allows such individuals to claim compensation for victimisation following such disclosures. Further protection was afforded by The Enterprise and Regulatory Reform Act 2013 (ERRA) which came into force in July 2013.

In order for a "worker" to be provided with protection under the legislation, a "worker" must make a "protected disclosure" to an employer, legal adviser, prescribed person or other appropriate person. The disclosure does not need to be made in "good faith" but under ERRA a whistleblower must demonstrate a reasonable belief that the disclosure is in the public interest. Any disclosures made in "bad faith" can be protected but the amount of any compensation received by the whistleblower (eg, for unfair dismissal etc) may be reduced accordingly.

While the legislation protects those making a disclosure either internally in the organisation or externally, the internal channels for whistleblowing should be exhausted before resorting to external whistleblowing.

21 Further Information

The Ethics Advisory Service can provide advice on the specific guidance that applies to members of the Institute of Chartered Accountants in England and Wales (ICAEW) via its helpline 01908 248 250 or email ethics@icaew.com.

Protect is a charity concerned with whistleblowing issues. Their helpline number 020 3117 2520 or website can be used by anyone for free. They provide advice and confidential support to people who are not sure whether or how to raise their concerns. They help enquirers to identify how to best raise the concern while minimising any risk to the whistleblower and maximising the chances for the misconduct to be properly addressed.

Appendix A – Whistleblowing Report Form

Name of manager receiving concern:		
Department:		
Date:		
Name of employee raising concern:		
Has the employee requested confidentiality?	<u>Yes</u>	<u>No</u>
If above answer is yes, please explain caveat*		

*We will not disclose your identity, without your consent, unless required by law. For example, if you are an essential witness and further investigation would be prevented without revealing your identity or the concern could only have come from one service. Should this situation arise, we will discuss directly with you, whether and how the matter can best proceed.

Questions

<u>Q1</u>	Please provide me with some background and history of the concern, stating where possible: <ul style="list-style-type: none"> • Names; • Dates; • Places; • Whether the information is first hand or hearsay; and • If the concern on-going
<u>Notes</u>	

<u>Q2</u>	When did the concern first arise and where relevant, what is prompting the decision to speak up now?
<u>Notes</u>	

Q3	What is alleged by the employee? What is their concern?
Notes	

Q4	Has the employee raised this matter with anyone before now, if so, who and with what effect
Notes	

Q5	Is the employee is anxious about reprisal?
<p>Please reassure:</p> <p>If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any reprisal such as harassment, victimisation or bullying. Provided you are acting honestly, it does not matter if you are mistaken or if there is an innocent explanation for your concerns.</p> <p>If you do experience problems, we will treat any reprisals as a disciplinary matter. But please note, that the above assurance is not extended to those who maliciously raise a concern that they know is untrue.</p> <p>Does the employee understand this?</p> <p>Signature of employee</p>	

Q6	Is there anything else relevant the employee should mention?
Notes	

Next Steps

- Now that we have listened to and recorded your concern, we will assess it and consider what further action may be needed;
- Initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take – but you will not be involved in this process;
- We will tell you who will be handling the matter, how you can contact them, and what further assistance we may need from you;
- If we think your concern falls more properly within our existing complaint or employment policies and procedures, we will let you know.

Feedback

- Whenever possible, we will give you feedback on the outcome of any investigation. We will aim to investigate and respond to you within 28 working days;
- BUT we may not be able to tell you about the precise actions we take where this would infringe a duty of confidence we owe to another person.

<u>Manager receiving concern</u>	<u>Employee reporting concern</u>
Print	Print
Signature	Signature
<u>Date</u>	<u>Date</u>

The completed form and the outcome of the investigation should then be sent to the Monitoring Officer or the Chief Fire Officer if the concern relates to the Monitoring Officer

