



HUMBERSIDE FIRE AND RESCUE SERVICE

# Service Improvement

## Professional Standards Whistleblowing Policy

Owner	Executive Director of Corporate Services
Responsible Person	Head of Corporate Assurance
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What we must  
do well



How we support our  
communities



We value and support  
the people we employ



We efficiently manage  
the Service

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## **1. INTRODUCTION**

Employees are often the first to realise that there may be something wrong within the Authority. However, they may decide not to express their concerns because they feel that speaking up would be disloyal to their colleagues, to their representative body or to the Authority. They may also fear harassment, reprisal or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may be only a suspicion of malpractice.

Humberside Fire Authority (HFA) (including Humberside Fire and Rescue Service) is committed to the highest possible standards of integrity, openness, fairness, inclusivity, probity and accountability. HFA aims to provide a positive and supportive culture to enable employees to raise their concerns.

This Whistleblowing Policy is intended to encourage and enable employees to raise serious concerns within HFA without fear of reprisal, rather than tolerating a problem or pursuing their concerns externally. Members of the public are also encouraged to raise genuine serious concerns in accordance with this Policy.

This Policy has been discussed with the relevant representative bodies and has their support.

### **Core Code of Ethics**

HFRS has adopted the Core Code of Ethics for Fire and Rescue Services. The Service is committed to the ethical principles of the Code and strives to apply them in all we do, therefore, those principles are reflected in this Policy.

### **National Guidance**

Any National Guidance which has been adopted by HFRS, will be reflected in this Policy.

## **2. EQUALITY & INCLUSION**

HFRS has a legal responsibility under the Equality Act 2010, and a commitment, to ensure it does not discriminate either directly or indirectly in any of its functions and services nor in its treatment of staff, in relation to race, sex, disability, sexual orientation, age, pregnancy and maternity, religion and belief, gender reassignment or marriage and civil partnership. It also has a duty to make reasonable adjustments for disabled applicants, employees and service users.

## **3. AIM AND OBJECTIVES**

This Policy aims to:

- Encourage employees to feel confident in raising serious concerns.
- Provide ways for employees to raise those concerns and receive feedback on any action taken as a result.

- Reassure employees that if they raise any concerns in good faith and
- reasonably believe them to be true, they will be protected from possible reprisals or
- victimisation.
- Provide an effective mechanism for members of the public to raise genuine
- and serious concerns.

#### **4. ASSOCIATED DOCUMENTS**

- [Equality Impact Analysis](#)
- Legal References  
There are no specific legislative requirements relevant to this policy.
- National Guidance Reference  
There is no specific National Guidance relevant to this policy.

#### **5. INTERFACE WITHIN OTHER POLICIES AND PROCEDURES**

If issues are in respect of the conduct of a Member of Humberside Fire Authority, these are dealt with by the Monitoring Officer to the Fire Authority. Please refer to the 'Complaints about Members' section on the [Fire Authority](#) webpage for further information or speak to the Monitoring Officer (see [Section 9 for details](#)).

HFA operates a Complaints Policy and Procedure. This enables members of the public to raise any questions or make complaints about the performance of the Service. Members of the public are not precluded from using this Whistleblowing Policy but should only do so where they feel that the Complaints Policy is not appropriate to the concern that they wish to raise.

There are other avenues for employees to raise concerns, for example through the following Professional Standards Policies: Anti-Fraud and Corruption Policy, Grievance Policy, Dignity at Work Policy, Disciplinary Procedure Policy and Performance and Capability Policy.

Where possible, if a staff member has concerns about their personal working situation or circumstances, the policies and procedures mentioned above should be used in the first instance. However, if the individual feels that their circumstances are exceptional and that they feel unable to use the normal route to raise their personal complaint or issue, the Whistleblowing policy may be used.

This Whistleblowing Policy is not an alternative to other HFA policies or to be used as a mechanism for appealing against the outcome of other procedures.

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

All employees of HFA, whether temporary or permanent. Members of the public may also make use of this Policy.

## **What matters does the Policy cover?**

The Policy is primarily aimed at encouraging employees to raise major concerns over any wrong doing, particularly in relation to unlawful or unethical conduct, unfair practices, risk to health and life or financial malpractice. (This list is not exclusive) Members of the public may do so in the same way.

Specific examples of improper conduct or unethical behaviour could include:

- Criminal offence (e.g. fraud, corruption or theft).
- Public funds are being used in an unauthorised manner.
- The Constitution (including the Procurement and Financial Rules).
- Serious conflict of interest without disclosure.
- Serious / sustained harassment of an individual or group.
- Professional malpractice.
- Endangering health and safety of employees or the public or damage to the environment.
- Failure to comply with legal obligation.

## **Assurances for employees making disclosures under this Policy**

If you do raise a concern under this Policy, you will **not** be at risk of losing your job or suffering any form of retribution as a result, provided that:

- your disclosure is made in good faith.
- you reasonably believe that information, and any allegation contained in it, is substantially true.
- you are not acting for personal gain.

The Public Interest Disclosure Act 1998 protects employees against detrimental treatment or dismissal. This Policy has been introduced in accordance with the Act. For further information upon the Act please contact the Executive Director of Finance/S.151 Officer ([see Section 9 for details](#)) or Independent Speak Up (Powered by Crimestoppers) ([see Section 13](#)).

## **Definition of a protected disclosure**

The types of **disclosure** that are eligible for protection against detrimental treatment or dismissal are known as '**qualifying disclosures**'. These are where the worker reasonably believes that the **disclosure** is being made in the public interest and at least one 'relevant failure' is currently happening, took place in the past or is likely to happen in the future.

## **6. ANONYMOUS ALLEGATIONS**

HFA encourage employees to disclose their names when raising concerns. Concerns expressed anonymously are much less powerful and are often more difficult to investigate or substantiate. Feedback cannot be provided without contact details.

In considering whether to investigate anonymous allegation, particular consideration will be given to:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of substantiation from other sources
- the ability to discover the facts
- the justification for maintaining anonymity

## **7. CONFIDENTIALITY**

HFA will treat all disclosures in a confidential and sensitive manner. The identity of the individual may be kept confidential provided this does not hinder or frustrate any investigation. However, there will be occasions where the identity of the individual needs to be revealed. For example, where the individual is required to give a witness statement or give evidence at a formal hearing, where allegations of misconduct or criminal activity are involved.

## **8. UNTRUE ALLEGATIONS**

If allegations are made in good faith, but are not confirmed by the investigation, no action will be taken against the Complainant. If, however, malicious, vexatious, mischievous or reckless allegations are made then disciplinary action may be taken, if the Complainant is an employee. If the allegation made by a member of public is found to be malicious or vexatious the Service may discontinue, or not enter into any further, correspondence with that individual in line with 'Dealing With Persistent or Unreasonable Complainants' under the Complaints Policy.

## **9. HOW TO RAISE A CONCERN UNDER THIS POLICY**

As a first step, you should normally raise concerns with your immediate manager, who will then consult with an Authorised Officer. This depends, however, on the seriousness and sensitivity of the issues involved and any potential conflicts of interest.

### **Authorised Officers**

Alternatively, you may raise a concern directly with one of the following Authorised Officers:

<b>Authorised Officer</b>	<b>Contact number</b>	<b>Contact email</b>	<b>Address</b>
Chief Fire Officer & Chief Executive	(01482) 567509	<a href="#">Click here</a>	Humberside Fire and Rescue Service, Service Headquarters, Summergroves Way,
Deputy Chief Fire Officer & Executive Director of Service Delivery	(01482) 567174	<a href="#">Click here</a>	

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Assistant Chief Fire Officer & Executive Director of Corporate Services	(01482) 567509	<a href="#">Click here</a>	Kingston upon Hull, HU4 7BB
Executive Director of Finance & S.151 Officer	(01482) 567509	<a href="#">Click here</a>	
Executive Director of People & Development	(01482) 567509	<a href="#">Click here</a>	
Area Manager Emergency Response	(01482) 567174	<a href="#">Click here</a>	
Area Manager Prevention, Protection, Fleet & Estates	(01482) 567174	<a href="#">Click here</a>	
Area Manager Service Improvement	(01482) 567174	<a href="#">Click here</a>	

**Alternative Contacts**

If you feel it inappropriate to contact an Authorised Officer, you may raise a concern directly with one of the following representatives of the Fire Authority:

<b>Alternative Contact</b>	<b>Contact details</b>	<b>Address</b>
Chairperson of Humberside Fire Authority	(01482) 393204 Email: ChairpersonHFA@humbersidefire.gov.uk	Humberside Fire Authority, Fire and Rescue Service Headquarters, Summergroves Way, Kingston upon Hull, HU4 7BB
Chairperson of Governance, Audit & Scrutiny Committee	(01482) 393899 Email: ChairpersonGAS@humbersidefire.gov.uk	
Monitoring Officer & Secretary to Humberside Fire Authority	(01482) 393100 Email: committeemanager@humbersidefire.gov.uk	
*The Head of Internal Audit	0845 300 3333 Email: enquiries@tiaa.co.uk	

\* This is a private, independent organisation who are employed to audit HFA.

Contact may be by telephone or face to face, but serious concerns are better raised in writing, whether by post or email. Those making disclosure are asked to set out the background and history of their concern, giving names, dates and places where possible, and the reason why they are particularly concerned about the situation. The earlier the concern is expressed, the easier it is to take action.

**10. IS PROOF OF MALPRACTICE NEEDED?**

When raising a concern, you will not be expected to provide proof beyond reasonable doubt of an allegation, but you will need to be able to demonstrate that there are



reasonable grounds for your concerns. Where possible notes should be kept of what the individual has seen, heard or felt. Notes should be dated, and copies of all relevant information kept.

## 11. ALLEGATION CONCERNING THE CHIEF FIRE OFFICER & CHIEF EXECUTIVE

Where an allegation is made concerning the Chief Fire Officer & Chief Executive or an Executive Director, you should raise this with either the HFA Monitoring Officer, Head of Internal Audit or the Chairperson of HFA – see [Section 9](#) for their contact details.

The Monitoring Officer has dispensation to appoint an external party to carry out this role when the allegations impinge on the roles of the key governance monitoring posts.

## 12. HOW THE AUTHORITY WILL RESPOND

Please refer to [Appendix C - Part B](#) which outlines the procedure to be followed once a disclosure is made in accordance with this Policy.

## 13. RAISING CONCERNS EXTERNALLY

You are encouraged to raise any concerns internally. However, in certain circumstances the Public Interest Disclosure Act 1998 provides protection to employees who make certain disclosures outside the Humberside Fire Authority. An employee may consider this route, for example when they have a justifiable concern that their disclosure would not be dealt with properly by the Authority, or that the Authority may be constrained in its statutory powers to address the concern adequately. The protection relates to financial malpractice, impropriety or fraud, a failure to comply with a legal obligation, criminal activity or a miscarriage of justice.

### You must remember that disclosures must be:

- in good faith
- in the belief that the information shows malpractice
- made to an appropriate regulator with responsibility for the matter raised

Examples of prescribed regulators include the Health and Safety Executive, Environment Agency and External Auditors.

Under the 1998 Act, staff making “protected disclosures” are protected from detrimental action, unfair dismissal and redundancy, and can complain to an employment tribunal.

A full list of persons or bodies which have been prescribed for receiving disclosures on particular matters is set out in the Public Interest Disclosure Act 1998.

### Mazars - External Auditor

Mazars are the external auditors of the Authority. As such, in the first instance, is the most likely body to be considered in instances of **fraud, corruption and misuse/abuse of public funds or powers**. Their local contact details are:

Mazars,  
The Corner  
Bank Chambers  
26 Mosley Street  
Newcastle  
NE1 1DF  
United Kingdom  
Tel: 0191 3836300

Any employee who is considering making an external disclosure is encouraged to first take advice to ensure that the disclosure falls within the provisions of the legislation, and that all internal avenues have been fully explored. If an employee does decide to take the matter outside the Authority, they should ensure that they do not disclose any confidential information.

### **Independent Speak Up (Powered by Crimestoppers)**

This service aims to provide a safe space for staff to speak up when something isn't right in the workplace:

- Discrimination, victimisation and harassment (on gender, sexual orientation, disability)
- Misogyny and violence against women and girls
- Health and safety breaches
- Fraud and corruption
- Poor or unsafe working practices

The service is available online or via phone [here](#).

Service users can remain anonymous or can choose to provide their name and contact details which will then be shared for confidential use by the Fire Service.

A process flow diagram ([Appendix A](#)) and a check list of dos and don'ts ([Appendix B](#)) is provided as a quick reference for staff at the end of this policy.

## **14. WHO CAN PROVIDE SUPPORT OR ADVICE?**

We are committed to maintaining a safe and supportive work environment for everyone. Below are internal and external routes staff can use to speak up, raise a concern and get support.

Most speaking up happens through conversations with supervisors and line managers where challenges are raised and resolved quickly. We strive for a culture where that is normal, everyday practice and encourage you to explore this option it may well be the easiest and simplest way of resolving matters. However, you have other options: Station Managers, Group Managers, TLT and SLT member with responsibility for the subject matter you are speaking up about.

### **Via your line manager**

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Your line manager is a key point of contact for reporting concerns and seeking support. They are here to listen, provide guidance, and ensure that your concerns are addressed appropriately. Whether you have questions about workplace policies, encounter issues with colleagues, or require assistance with personal matters affecting your work, your line manager is there to support you.

If, for any reason, you feel uncomfortable discussing your concerns with your line manager, we have established multiple channels for reporting concerns anonymously or confidentially.

### Through our Policies and our Professional Standards Policies

Various routes are included in our Professional Standards or other Policies listed below:

- Anti-Fraud and Corruption
- Complaints
- Dignity at Work (anti Bullying and Harassment)
- Disciplinary
- Exits From the Service
- Equality and Inclusion
- Grievance
- Menopause
- Mediation
- Personal Relationships at Work Policy
- Safety Event Reporting Recording and Investigation Arrangements

### [Independent Speak Up \(Powered by Crimestoppers\)](#)

See [Section 13](#) above for more details.

### Our internal bullying and harassment hotline

Bullying will not be tolerated within Humberside Fire and Rescue Service. Our Dignity at Work policy clearly defines bullying and how to report it.

The Service's 'Zero Tolerance' campaign has a very simple strapline - **SUPPORT - CHALLENGE - REPORT** - and we encourage our employees to do just that.

### Contact HR

You can contact your HR team, in complete confidence, on: 01482 567572.

This number will take you through to one of our HR advisers who will listen to what has caused you to feel the way you do.

You don't need to provide names and you will receive completely confidential advice as to how to manage any issues you raise.

## **Employee Assistance Programme (EAP)**

As part of an ongoing commitment to employee wellbeing, Humberside Fire and Rescue Service Occupational Health Team are very pleased to offer all employees confidential support, with free access to emotional and practical support through CiC's Confidential Care Service.

The service is provided by CiC, an external organisation, who are entirely independent, so support and advice is completely confidential. You can call the Confidential Care line as often and for as long as you need to discuss any issues you would like support with.

The Confidential Care service is available 24 hours a day, 7 days a week, 365 days a year and is accessed by calling the freephone number: 0800 085 1376.

## **Freedom to Speak Up Guardian (Internal Freedom to Speak Up Routes)**

The Freedom to Speak Up model was developed in health and has six key elements; we have used the model as the basis for the HFRS process. How we implement 'Valuing' and 'Modelling' Speaking Up within HFRS will be developed from the 'ground up' by listening to staff about how line managers and the organisation can value and model Speaking Up.

Our 'Freedom to Speak Up Guardian' can support you to speak up if you feel unable to do so. The Guardian will ensure that people who speak up are thanked for doing so, that the issues they raise are responded to, and that the person speaking up receives feedback on the actions taken. You can find out more about the guardian role [here](#).

Additional information relating to Freedom to Speak Up Routes can be found [here](#).

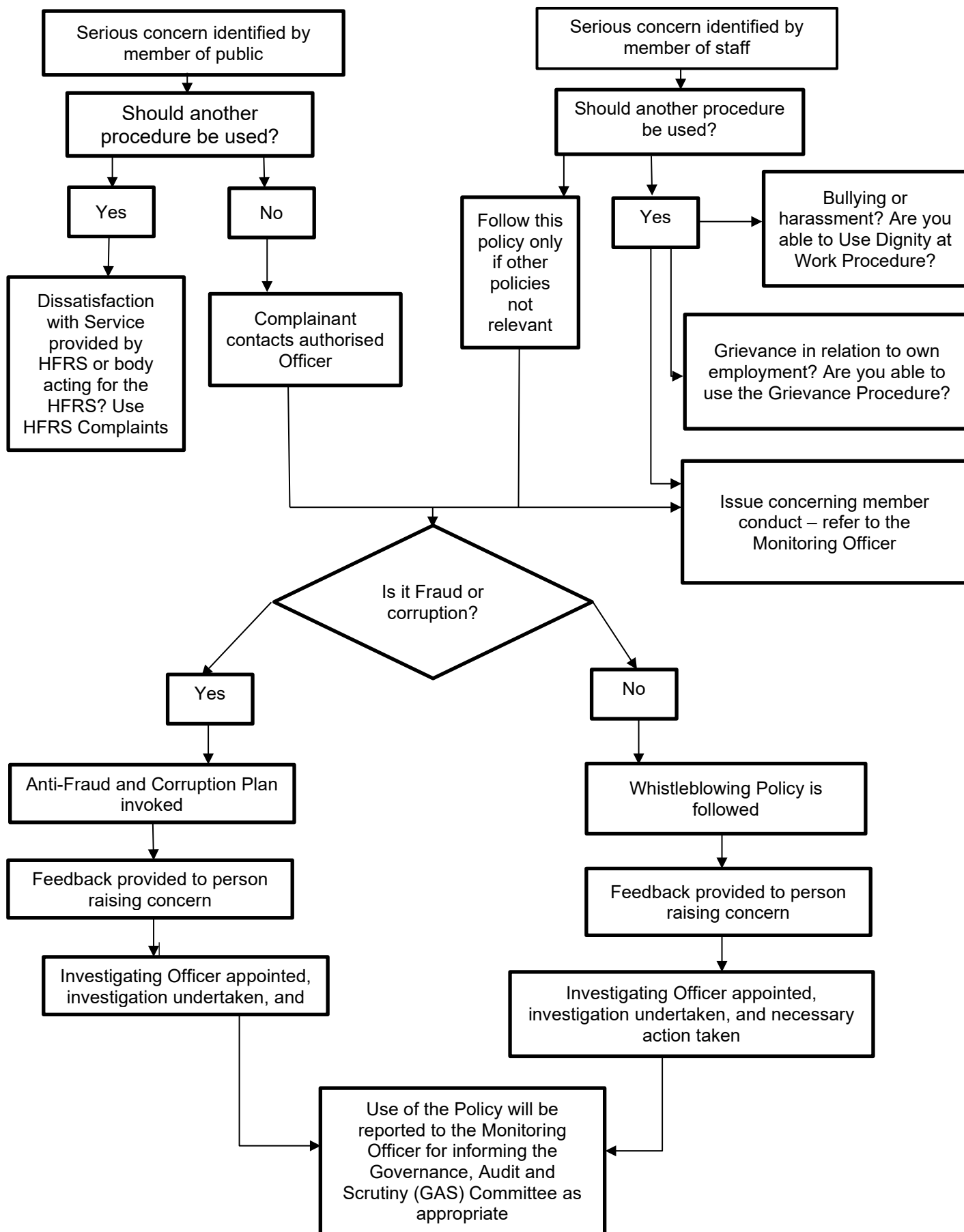
You may also wish to speak to:

- A colleague
- A trade union representative
- The Humberside Fire Authority Counselling Service

You may wish to discuss the concern with a colleague or trade union representative first and may find it easier to raise the matter if there are other colleagues who share the same concerns. A trade union representative or work colleague may accompany a member of staff at any meetings or interviews in connection with the concerns raised.

**If you require any further guidance / information in relation to this policy,  
please contact the Head of Corporate Assurance**

**APPENDIX A - WHISTLEBLOWING POLICY – FLOW CHART**



## APPENDIX B

### CHECKLIST OF s AND DON'Ts

#### **Do**

- Make dated notes of your concerns and retain them.
- Think about the risks and outcomes before you act.
- Follow the guidance provided and contact the appropriate officer.
- Deal with the matter promptly if you feel your concerns are warranted.

#### **Don't**

- Do nothing.
- Be afraid to raise your concerns.
- Approach or accuse any individuals directly.
- Try to investigate the matter yourself.
- Use a Whistleblowing procedure to pursue a personal grievance.

## **APPENDIX C: WHISTLEBLOWING PROCEDURE**

### **Handling a Disclosure under the Whistleblowing Policy**

#### **1. DISCLOSURE**

The disclosure must be made in accordance with the Whistleblowing Policy.

The Policy sets out to whom disclosure should be made. Please refer to the Policy and act accordingly.

#### **2. WHAT WILL HAPPEN UPON DISCLOSURE?**

The Authorised Officer will:

- a. Acknowledge receipt in writing within 10 working days;
- b. Make a record of the details of any oral disclosure and confirm these in writing to the Complainant within 10 working days;
- c. The Authorised Officer will normally consult with a further Authorised Officer and determine whether:
  - The disclosure should be investigated by an Investigating Officer or Internal Audit.
  - The disclosure should be progressed under a different HFRS procedure.
  - The disclosure is of such seriousness to refer to the Police.
  - The disclosure should be referred to External Audit.
  - The disclosure should be the subject of an enquiry.
  - The disclosure is in accordance with the Policy.
  - The disclosure can be resolved without investigation.
  - The disclosure can be dismissed upon substantive grounds, for example the inability to investigate.

#### **3. INVESTIGATING OFFICER**

Subject to paragraph 2(c), the Authorised Officer will identify an appropriate person (the Investigating Officer) to carry out any investigation, according to the nature of the issue. This will normally be undertaken by the Authority's Internal Audit Service.

Where, however, the Authorised Officer considers that the suspected fraud is of such seriousness to warrant referral to the Police, then an Investigating Officer may not be appointed.

#### **4. ROLE OF THE INVESTIGATING OFFICER**

**The Investigating Officer will:**

- Hold a formal meeting with the Complainant to discuss the disclosure.

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- Arrange interviews with relevant witnesses.
- Ensure the Complainant and any witnesses are given the option to be accompanied by a representative/colleague at any meeting.
- Establish the facts/obtain statements/collect documentary evidence.
- Maintain detailed records of the investigation process.
- Report findings in writing to the Authorised Officer.  
(For complaints involving the Chief Fire Officer & Chief Executive the report will be to the Chairperson of the Humberside Fire Authority)
- Make any recommendations for action.
- Act as a witness at any subsequent disciplinary hearing if required.

The Investigating Officer will confirm in writing to the Complainant:

- How the matter will be dealt with.
- The names of any other investigating officers.
- An estimate of the timescale for responding to the concerns raised.
- Whether the complainant will be required to attend an investigatory interview and the right to be accompanied by a trade union representative or work colleague.
- Any further information or evidence that the discloser is required to provide.
- Details of employee support mechanisms and where further advice on the procedure can be obtained.

**5. WITNESSES**

Where the investigation involves interviews with any witnesses, it will be the responsibility of the Investigating Officer to write to them confirming details of:

- The allegations under investigation.
- The procedure under which the investigation will be conducted.
- The right to be accompanied by a trade union representative or colleague at any investigation interview.
- Details of employee support mechanisms

Action	Timescale	By Whom
Written acknowledgement of disclosure	Within 10 working days	Authorised Officer
Notice to attend investigation interview	At least 5 working days	Investigating Officer
Investigation interviews	Within 20 working days of receipt of complaint	Investigating Officer
Report of Findings/ Communicate outcome to complainant	30 working days of receipt of complaint	Investigating Officer



Whilst the Investigating Officer will need to adhere to the timescales indicated, the nature of some serious concerns may require the investigation to take longer than a month. Some matters can be dealt with more speedily. The Complainant will be kept informed as to progress.

## **6. DEALING WITH THE OUTCOME OF THE INVESTIGATION**

### **Misconduct**

Where the investigation concludes that there is a case of misconduct to answer against an employee, then the relevant Professional Standards Policy shall be invoked (for example the Disciplinary Procedure Policy or Performance and Capability Policy) by an Authorised Officer.

If the disclosure is found to be malicious and not in good faith, then the Investigating Officer may recommend that the relevant Professional Standards Policy (for example the Disciplinary Procedure Policy) be invoked against the Complainant by an Authorised Officer.

### **If the case is groundless**

If it is decided that the disclosure was groundless, the Investigating Officer will explain this to the person who made the disclosure.

### **Governance, Audit and Scrutiny (GAS) Committee**

Reporting the use of this policy and a summary of the findings of any investigations under this process will be reported to the Committee via the Monitoring Officer as appropriate (following communication by an Authorised Officer/Head of Corporate Assurance).

### **Communicating the Outcome**

The aim of this Policy is to assure employees that their concerns are properly addressed. The Authorised Officer will inform the person who made the disclosure of the outcome of the investigation, any action taken and their right of appeal.

In addition, actions arising from a Whistleblowing investigation will be made available to all staff in order to further promote and build trust and confidence in the process. Such information will not identify the person who made the disclosure, or the employee/s concerned.

## **7. SUPPORT DURING AND AFTER AN INVESTIGATION**

### **Support**

Where necessary Humberside Fire Authority will provide support, counselling or mediation to any person affected by an investigation in order to ensure normal working relationships are resumed as effectively as possible.

## **Appeal**

If the person who made the disclosure is dissatisfied with investigations outcome, they may request that the Authorised Officer review the findings. This request must be made in writing within 10 working days of the notification of the Findings being published. The Authorised Officer will consider the request and respond in writing within 10 working days, setting out whether or not sufficient grounds exist for the disclosure to be investigated further.

### **NOTE:**

Nothing shall prevent the person concerned from making representations to the External Auditors (a prescribed 'person' under the Public Interest Disclosure A