SERVICE SUPPORT

WHISTLEBLOWING POLICY

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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, probity and accountability. The 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 the 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.

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2. AIM OF THE POLICY

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.

3. INTERFACE WITHIN OTHER POLICIES AND PROCEDURES

In respect to issues of Member Conduct, these are matters which are dealt with through the HFA. Please refer to www.humbersidefire.gov.uk (Complaints about Members) for further information or speak to the Monitoring Officer on (01482) 393100.

The 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 the Anti-Fraud and Corruption Policy, the Grievance Procedure, the Bullying and Harassment Procedure and the Conduct and Performance Procedure.

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 the Humberside Fire Authority, 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 conduct, financial malpractice. 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;
• 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, and
- 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 Service Support.

Alternatively, please go to Public Concern at Work (www.whistleblowing.org.uk).

Anonymous allegations

The 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.

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; and
- the justification for maintaining anonymity.

Confidentiality

The 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.

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.
How to raise a concern under this Policy

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

Alternatively, you may raise a concern directly with:

- Chief Fire Officer & Chief Executive – tel: (01482) 567417*
- Deputy Chief Fire Office/Executive Director Service Delivery – tel: (01482) 567433*
- Executive Director Service Support/S.151 Officer - tel: (01482) 567183*
- The Secretary and Monitoring Officer of the Fire Authority – tel (01482 393101)*
- The Chairperson of the Fire Authority
- Any Director of the HFRS*
- The Head of Internal Audit – tel: (0161) 7432029 (Mersey Internal Audit Agency(MIAA)) This is a private, independent organisation who are employed to audit Humberside Fire Authority.

This contact may be by telephone or face to face, but serious concerns are better raised in writing. Postal addresses can be found in Appendix 3. 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.

* These are Authorised Officers under the Procedure set down in Part B. Your immediate Manager will consult with an Authorised Officer.

Concerns may be put in writing or raised initially orally, and then confirmed in writing. Written allegations should include:

- All relevant background;
- The nature of the malpractice that is alleged;
- Relevant dates where possible;
- The reasons for the concern;
- The names of individuals against whom the allegations are made;
- Any supporting evidence, including documentation.

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.

**Allegation concerning the Chief Fire Officer & Chief Executive**

Where an allegation is made concerning the Chief Fire Officer & Chief Executive, then you should raise this with either the Statutory Officers, the Head of Internal Audit or the Chairperson of the Humberside Fire Authority.

**How the Authority will Respond**

Please refer to Part B which outlines the procedure which will be followed once a disclosure is made in accordance with this Policy.

**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 at www.pcau.co.uk/law/lawregulatorses.htm.**

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,
Salvus House,
Aykley Heads,
Durham, DH1 5TS
Tel: 0191 383 6300
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 they do not disclose any confidential information.

Further advice on making a disclosure is available from Public Concern at Work, an independent charity that provides free advice for employees who wish to express concerns about fraud or other serious malpractice. Their contact details are:

www.whistleblowing.org.uk

or Telephone: 020 7404 6609
or E-mail: helpline@pcaw.co.uk

4. FURTHER ADVICE AND GUIDANCE

A process flow diagram (Appendix 2) and a check list of do’s and don’ts is provided as a quick reference for staff at the end of this policy (Appendix 3).

Who can provide support or advice?

- A colleague;
- A trade union representative;
- The HFA Counselling Service;
- Public Concern at Work. A charity that offers a free, confidential service, available from 9 am to 5 pm Monday to Friday on tel. 020 7404 6609. Details are available on internet page: www.whistleblowing.org.uk.

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.
APPENDIX 1

Postal Addresses for person's listed in Section 19

For persons 1-6 (Fire Authority and Service personnel)

Humberside Fire and Rescue Service
Headquarters
Summergroves Way
Hull
East Riding of Yorkshire
HU4 7BB

For person 7 (Head of Internal Audit)

Mersey Internal Audit Agency (MIAA)
Suite 2 5th Floor,
Business Centre,
St James's House,
Pendleton Way,
Manchester
M6 5FW
APPENDIX 2

WHISTLEBLOWING POLICY – FLOW CHART

1. **Serious concern identified by member of public**
   - Should another procedure be used?
     - Yes
       - Dissatisfaction with service provided by HFRS or body acting for the HFRS? Use HFRS Complaints
     - No
       - Complainant contacts Authorised Officer

2. **Serious concern identified by member of staff**
   - Should another procedure be used?
     - Yes
       - Bullying or harassment? Use “Dignity at Work Procedure”.
     - No
       - Grievance in relation to own employment, use Grievance Procedure

3. **Is it Fraud or corruption?**
   - **YES**
     - Fraud Response Plan invoked
     - Feedback provided to person raising concern
     - Investigating Officer appointed, investigation undertaken and necessary action taken
     - Use of the Policy will be reported through to the Governance, Audit and Scrutiny Committee
   - **NO**
     - Whistleblowing Policy is followed
     - Feedback provided to person raising concern
     - Investigating Officer appointed, investigation undertaken and necessary action taken
     - Use of the Policy will be reported through to the Governance, Audit and Scrutiny Committee
APPENDIX 3

Checklist of Do's and Don'ts

Do

• make an immediate note of your concerns.  
  *Noting any documentary evidence which may exist.*

• 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.
PART B – WHISTLEBLOWING PROCEDURE

Handling a Disclosure under the Whistleblowing Policy

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.

What will happen upon disclosure?

- The Authorised Officer will:
  - Acknowledge receipt in writing within 10 days;
  - Make a record of the details of any oral disclosure and confirm these in writing to the Complainant within 10 days;

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 Humberside Fire and Rescue Service 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 inquiry;
- 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

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 a member of the 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.
Role of the Investigating Officer

The Investigating Officer will:

- Hold a formal meeting with the Complainant to discuss the disclosure;
- Arrange interviews with relevant witnesses;
- Ensure the compliant and any witnesses have the right to be accompanied by a representative/colleague at any meeting;
- Establish the facts/obtain statements/collection documentary evidence;
- Maintain detailed records of the investigation process;
- Report findings in writing to the Authorised Officer;
- Make any recommendations for action;
- Act as a witness at any subsequent disciplinary hearing if required.

(For complaints involving the Chief Fire Officer & Chief Executive the report will be to the Chairperson of the Humberside Fire Authority)

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.

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 Who
--- | --- | ---
Written acknowledgement of disclosure | 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.

#### 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 Conduct and Performance Procedure shall be invoked.

If the disclosure is found to be malicious and not in good faith, then the Investigating Officer may recommend that the Conduct and Procedure be invoked.

**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 Committee**

A summary of the findings of all investigations under this process will be reported to the Committee.

**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 concerned.
SUPPORT DURING AND AFTER AN INVESTIGATION

Support

Where necessary the 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 in writing within 10 days of the notification of the Findings being published. The Authorised Officer will consider the request and respond in writing within 10 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 Act). The Policy sets out the contact details for ease of reference.

If you require any further guidance in relation to this policy, please contact Support Services.