

EXTRACT FROM CODE OF CONDUCT SECTION 2

CHESHIRE FIRE AND RESCUE SERVICE

Whistleblowing Policy and Procedure (Confidential Reporting)

Introduction

Cheshire Fire and Rescue Service values its employees and the services they provide to the people of Cheshire. We are working hard to improve the services we deliver and we need our employees, partners and contractors to tell us when anything is not working well or when people are not behaving properly.

As a public service organisation, Cheshire Fire and Rescue Service must use public funds prudently and apply the highest standards of conduct throughout the organisation. This procedure encourages all employees to help maintain these standards, by enabling you to draw attention, within the Service, to any concerns which you may have. Public disclosure may well be justified at some point, but this should not happen before the Service has had the opportunity to investigate the concern. Premature or unnecessary publicity may impede proper investigations or harm individuals.

Within this Authority the Monitoring Officer has overall responsibility for the effective implementation of this policy.

The Law

The Public Interest Disclosure Act 1998, as amended, sets out a framework for a worker to make disclosures about certain categories of wrongdoing, provided they reasonably believe it to be in the public interest to do so.

The disclosure will be protected if it is made to the employer or to a “prescribed person”. There is a statutory list of “prescribed persons”, produced by the Secretary of State, together with the types of matters to be reported to them.

It is unlawful for an employer to dismiss or subject a worker to a detriment for having made a “protected disclosure”. **An employee has the right to take a case to the employment tribunal if they have been victimised at work or have lost their job because they have “blown the whistle”.**

What can I report?

You should report any concerns that you have about the conduct of our employees, elected Members, or contractors that may affect the services we provide or the good name of the Service.

Examples of concerns that may be raised under the procedure are:-

Criminal offence,
Failure to comply with a legal obligation,
Unauthorised use of money,
Fraud and corruption,
Bullying or abuse of employees or service users,
Breaches of Service policies including health and safety issues,
Any neglect of duty,
Miscarriages of justice,
Damage to the environment,
Sexual or physical abuse,
Other unethical conduct,
Information tending to show any of the above has been or is likely to be concealed.

The Service considers that normal management channels are sufficiently open and effective for most concerns to be raised that way. But this will not always be appropriate, or possible, and that is why this procedure has been created. It offers the means to raise concerns you may have about any aspect of service provision, or the conduct of staff or elected Members, or other people acting on behalf of the Service. A concern may arise, for example, from worries about failure to observe standards, Standing Orders, procedures, or policies being circumvented, or improper conduct.

The procedure does not cover concerns that are covered by other procedures. For example, an employment problem may well be covered by the Grievance Procedure or Dignity at Work procedure. If you are in doubt as to which is the appropriate procedure, you should consult your Line Manager or HR Business Partner.

If an employee agrees to settle an employment dispute with the Service by way of a formal settlement agreement, whereby the employee agrees to accept a payment in return for waiving their rights to pursue any claim against the Service, the agreement will not prevent the employee from making a disclosure in the public interest.

Confidentiality

The best way to raise a concern is to do so openly. Openness makes it easier for the Service to assess the issue, work out how to investigate the matter and obtain more information.

Your concern will be treated in strict confidence and everything done to keep your identity secret if this is what you request, unless the Service is required by law to disclose this. However, you may have to be a witness at some point if matters are taken further, following investigations. It might then not be possible to keep your identity fully secret.

Anonymous Allegations

An anonymous concern is likely to carry much less weight than one which is signed; the investigating manager would have to decide whether or not to accept it. This decision would depend on the seriousness of the issue, the credibility of the concern and the likelihood of being able to confirm the allegation in other ways.

The ability of the organisation to ask follow up questions or provide feedback will be limited if the whistleblower cannot be contacted. It may be possible to seek feed back through a telephone appointment or by using an anonymised email address.

It will also be more difficult for an anonymous whistleblower to qualify for the protections given under the legislation because there will be no documentary evidence linking the worker to the disclosure for the employment tribunal to consider.

Raising a Concern - Who to Approach

When deciding who it would be best to approach, take into account the type of matter, its seriousness and its sensitivity, and who may be involved. Some examples are given:-

- The manager for your department/watch or their manager [example - for a local service delivery concern]
- The Head of your Department or another Head of Department [example - for a service delivery concern within the wider department];
- External Audit or the Head of Finance [example - for a concern about financial probity];
- The Monitoring Officer [example – for a concern which has Service wide implications or needs to be raised with someone independent of your work area].
- Safecall – Independent confidential reporting line [example – concerns about fraud, theft, damage to equipment, harassment/bullying, or concerns involving your managers].
- The Monitoring Officer if your concern is in relation to an elected Member.

How to Raise your Concern

If you raise your concern via the freephone helpline your concern will be dealt with in accordance with the procedures agreed between Safecall and the Service.

If you raise your concern other than via the freephone helpline, you can do this orally [i.e. face to face or over the phone], or in writing. If you make your

disclosure in writing, mark the envelope “personal and confidential” and send to the Health, Safety and Wellbeing Manager. Whichever way you choose, please give as much information as you can. Remember also to give your name, job and where you work and say if you do not want to be contacted at work [if so, give your home address and phone number].

The following headings should help you organise your thoughts, but you do not have to follow them exactly:

- Why you are concerned and the background information
- Any other procedures, which you have already used, and what happened
- The people who are involved and where they work
- Dates or periods of time
- The names and jobs of any other people who will [or may] support your concern

The earlier a concern is raised the better. Whilst you will not be expected to prove that allegations are true, you will need to show that you have a reasonable basis for your concern and that you believe it to be in the public interest to raise it.

You may want to discuss the matter with one or two colleagues first. Their support could be helpful. There is nothing to stop two or more of you putting your names to a concern.

Involvement of your Trade Union or Professional Association

You may ask your trade union or professional association to raise a matter on your behalf. In this case, if you wish, you can remain anonymous when the concern is first raised. But you may have to be involved personally if the matter goes further.

You may also have your trade union, professional association or a friend at any meeting or interview.

Help with the Procedure

Any of the following will help you to understand the procedure:

Health, Safety and Wellbeing Manager
The Monitoring Officer
The manager for your department/watch
An HR Business Partner
Head of Finance
A trade union representative
Equality and Diversity Officer

Further information and advice on how to make a whistleblowing complaint can be obtained from ACAS, the Government, Public Concern at Work and your trade union.

How your Concern will be dealt with

The Service is committed to treating all disclosures appropriately, consistently, fairly and professionally.

On receipt of the disclosure the Health, Safety and Wellbeing Manager will identify the appropriate manager and initial discrete enquiries will be made to decide whether an investigation is needed and if so, how it should be carried out. This will help protect everyone concerned. The overriding principle will be the public interest.

It may be necessary to involve other agencies, for example the police or the external auditors. It may be possible, of course, to sort out the concern without a detailed investigation.

What you will be told

Within ten working days of your concern being received, the manager who carried out the initial enquiries will write to you confirming:

- How and by whom the concern has been handled
- What initial enquiries have been made
- How long any further action may take [as far as this can be known]
- What further work is planned and how you may be involved

Updates will be provided to the employee who has registered the concern at regular intervals throughout any investigation.

The amount of contact you have with the people considering the matter will depend on many things. These include the type of concern, the potential difficulties of investigating it and the availability of information. You may need to provide more help. Wherever possible, you will be told the final outcome of the investigation.

Personal Support

The Service will do all it can to minimise any difficulties which you may have because you have mentioned your concern.

As far as possible, you will be offered personal support and this will be arranged by an HR Business Partner. For example, if you had to give evidence in disciplinary or criminal proceedings, full advice about the procedure would be given to you.

Reprisals

You may be put off raising a concern because you are worried about reprisals. If you raise a concern and reasonably believe it to be in the public interest to do so, you should have nothing to fear. You will be doing your duty to the Fire Authority and the public.

The Service will not tolerate any harassment or victimisation and you should not suffer any detriment because you have “blown the whistle”. This means any disadvantage including, for example, a failure to be promoted or a denial of a training opportunity. The Service will do all it can to protect you.

If you believe that you are suffering a detriment for having raised the concern you should report this.

Anyone who subjects you to any detriment because you have raised a concern may be disciplined. Furthermore, if you happen to be involved in any disciplinary or other procedures, these will be kept quite separate from the investigation or any matter you raise under this procedure.

You will not be penalised in any way where you make an allegation which you reasonably believe to be in the public interest which is not confirmed after it has been investigated. A concern which is raised frivolously, maliciously or for personal gain may result in disciplinary action.

If you are not satisfied with the Service`s Response

This procedure is meant to give everyone an effective way to raise a concern within the Service and if possible, to resolve it internally. You should not feel that you have to take an issue outside the Service to get satisfaction.

If you are still unhappy after using the procedure and getting a final response you are entitled to consider taking your concern elsewhere.

Disclosure to Prescribed Persons

The Prescribed Persons Order 2014 (which was updated in 2015) sets out a list of over 60 organisations and individuals that an employee can approach outside their workplace to report suspected or known wrongdoing.

A complete list can be found at

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies-2>

The organisations on the list have usually been designated as prescribed persons because they have an authoritative or oversight relationship with the sector, often as a regulatory body.

In making a disclosure to a prescribed person the issue is escalated beyond the Service to a regulatory body who can investigate and make recommendations.

An employee can report an issue to a prescribed person after raising it with the Service or instead of doing so. In order to have the same protection in law the employee must not only have a reasonable belief that there has been wrongdoing and that it is in the public interest to make the disclosure but also

that the matter falls within the remit of the prescribed person and the information disclosed is substantially true.

External Disclosure in other cases

If you raise the matter with an external organisation which is not a prescribed person there are further conditions which you will need to satisfy in order to have the same statutory protection. You must also take into account the rules about disclosing confidential information.

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