

CHESHIRE FIRE AUTHORITY

MEETING OF : GOVERNANCE AND CONSTITUTION COMMITTEE
DATE : 5th OCTOBER 2016
REPORT OF : HEAD OF LEGAL AND DEMOCRATIC SERVICES
AUTHOR : ANDREW LEADBETTER

SUBJECT : REVIEW OF WHISTLEBLOWING POLICY AND PROCEDURE

Purpose of Report

1. The purpose of this report is to ask Members:

To note the Government's Guidance for Employers and Code of Practice for Whistleblowing; and

To consider and approve changes to the Authority's current Whistleblowing Policy and Procedure.

Recommended That Members:

[1] note the report; and

[2] approve the updated Whistleblowing Policy and Procedure.

Background

2. "Whistleblowing" is the term used to describe the raising of a concern by a worker who considers that there has been wrongdoing or malpractice by his employer or fellow workers and where it is in the public interest to do so.
3. The legislation, initially introduced in 1998, is designed to reduce malpractice in organisations and to ensure individuals can report malpractice without fear of reprisals. Provided they satisfy certain conditions in the way they report the wrongdoing, workers are protected from dismissal or detriment.

Information

The Authority's Whistleblowing Policy and Procedure

4. The Authority has a Whistleblowing Policy and Procedure which was last reviewed in 2014 when changes were made to reflect the recommendations made in a report produced by Public Concern at Work, the leading whistleblowing charity.

5. Since 2014 the Employee Handbook for Support Staff has been updated to include a section on Whistleblowing and this is given to all new starters and is covered in the induction training sessions for all staff.
6. The Government has issued further Guidance for Employers and a Code of Practice (the Guidance and Code) and a copy of this is attached to this report as Appendix 1.
7. The Government had made a commitment to provide best practice guidance for employers which it has now done, although it has not provided a model whistleblowing policy as expected, nor has it issued a statutory code of practice. It has instead issued a non statutory code which does not have the same legal force but which still contains recommended good practice.
8. The Authority's Policy and Procedure have been revised to reflect the contents of the Guidance and Code and the amended version is attached to this report as Appendix 2 with the amendments shown in red.
9. The main changes are as follows:
 - Some additional detail has been inserted in the legal section to describe the right to pursue a case to an employment tribunal
 - The Guidance and Code suggest that policies should make it clear that so called "gagging clauses" in settlement agreements do not prevent workers from making disclosures in the public interest and this has been added.
 - Some further details have been included on anonymous allegations, as recommended.
 - Details of where further information can be obtained have been added to assist employees who are considering making a disclosure.
 - It is suggested that every whistleblowing policy should contain a clear commitment from the organisation to treat disclosures appropriately, consistently, fairly and professionally and this is now stated.
 - The Government has also published Prescribed Persons Guidance and the policy has been amended to include some additional information about Prescribed Persons and their role in the whistleblowing process.
 - An additional paragraph has been added to cover external disclosures
 - The names of those on the list of contacts have been added as have details of the Authority's internal and external auditors.

Whistleblowing Complaints

10. The Authority has not received any complaints that have been handled under the Whistleblowing Procedure since the last report to this committee in 2014. It has, however, received two related referrals from Safecall (both concerned with an employment matter).

Further Publicity

11. The updated Whistleblowing Policy and Procedure will be publicised.

Financial Implications

11. There are no additional resource implications arising from this report.

Legal Implications

12. The policy and procedure ensure compliance with the legislation and mitigate risks to the Authority's reputation.

Equality & Diversity Implications

13. The policy and procedure minimise the risk of reprisals against those raising concerns and allow possible concerns about discriminatory practices to be raised internally and dealt with appropriately without recourse to litigation.

Environmental Implications

14. There are no environmental implications.

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BACKGROUND PAPERS: