

CHESHIRE FIRE AUTHORITY

MEETING OF : GOVERNANCE AND CONSTITUTION COMMITTEE
DATE : 6th JULY 2016
REPORT OF : HEAD OF LEGAL AND DEMOCRATIC SERVICES
AUTHOR : ANDREW LEADBETTER

SUBJECT : REVIEW OF WHISTLEBLOWING

Purpose of Report

1. To note the current position.

Recommended That:

- [1] The content of the report be noted; and
- [2] A further report be presented to the next meeting of this Committee when the current Whistleblowing Policy has been further reviewed and updated.

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.
4. The intention is not only to reassure workers that it is safe and acceptable to make disclosures internally but also to make it more likely that employers will be forewarned of any malpractice or wrongdoing and be given the opportunity to take steps to deal with the problem. Such procedures should act as a deterrent to malpractice, encourage openness, form part of other risk management measures and help to protect the reputation of the organisation and senior management. In the absence of safe mechanisms for raising concerns internally, whistleblowers are more likely to go straight to the press or some other outside body to complain.
5. The Public Interest Disclosure Act (PIDA) 1998 introduced specific rights for workers who disclose information about an alleged wrongdoing in defined circumstances. Its core purpose was to encourage disclosures to be made internally and to protect workers from reprisals after raising a

concern. Despite the title of the Act it was not until 2013, when amendments were made to the legislation, that it became necessary for the disclosure to be “in the public interest”. Prior to this, disclosures had to be made “in good faith” to afford the worker the relevant protections.

Information

The Authority’s policy and procedure on Whistleblowing

6. The Authority’s Whistleblowing Policy and Procedure (attached as an appendix) can be found in the Code of Conduct for Employees.
7. It 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.
8. Since then 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 induction sessions.
9. It is also included in the Annual Statement of Assurance and the local Code of Corporate Governance, which are reviewed each year.
10. The Government has issued further Guidance for Employers and a Code of Practice, and the current Policy will now be further reviewed and updated where necessary.

Whistleblowing Complaints

11. The Authority has not received any complaints under the Whistleblowing Procedure since the last report to this committee in 2014.

Financial Implications

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

Legal Implications

13. The policy and procedure ensure compliance with the legislation and may help to mitigate risks to the Authority’s reputation.

Equality & Diversity Implications

14. 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

15. There are no environmental implications.