

## Confidential Reporting (Whistleblowing)

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### 1. Introduction

It is often people working within organisations, who are the first to realise that there may be something seriously wrong in their place of work. They may be wary of expressing concerns because they feel that to do so would be disloyal to their colleagues. They may also fear harassment or victimisation. In these circumstances it may feel easier to ignore the concern rather than report what may just be a suspicion of malpractice. Hereford & Worcester Fire and Rescue Authority is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees and others working at or for the Fire and Rescue Authority (FRA) who have serious concerns about any aspect of the Services' work to come forward and voice those concerns.

### 2. Aims of the Policy

2.1 This policy is designed to encourage and enable you to be able to raise concerns you might have about the way the FRA and in turn the Fire and Rescue Service, conducts its business. It does this by providing you with an opportunity to raise concerns which you reasonably believe point to serious malpractice within the FRA and employees of the Fire and Rescue Service in a confidential way, without fear of victimisation, subsequent discrimination or disadvantage. Your concerns may relate to the improper, unethical or illegal conduct of employees, Officers, Members of the Fire and Rescue Authority or others acting on behalf of the FRA. Some examples of serious malpractice include:

- conduct which is an offence or a failure to comply with a legal obligation;
- disclosures on miscarriages of justice;
- endangering the health and safety of members of the public as well as other employees;
- damage to the environment;
- the unauthorised use of public funds;
- possible fraud and corruption;
- sexual or physical abuse;
- any concern over the welfare of work experience children/young people; and
- other unethical conduct.

This list is not exhaustive.

2.3 Victimisation or harassment of anyone using this policy or if anyone tries to discourage others from coming forward will be considered a disciplinary matter.

2.4 This policy complements complaints and statutory reporting procedures already in place for service users and non-employees. It is not designed to be used for concerns you may have over your own personal circumstances. If you have concerns of this nature, please use the Service's Grievance Procedure (Service personnel only), a copy of which is available from the Personnel Department at Headquarters.

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

The policy applies to you if you are an employee, a Member of the Fire and Rescue Authority, contractor or anyone working for or on behalf of the FRA.

### **4. Who is Responsible for the Policy?**

The Chief Fire Officer and the Clerk to the Authority or delegated Officer have overall responsibility for the maintenance and operation of this policy. Their role is to ensure that all matters raised are investigated properly and to maintain a record of concerns raised, together with outcomes; they will report as necessary to the FRA without jeopardising confidentiality.

### **5. How to Raise a Concern**

#### **5.1 Step 1**

5.1.1 If you have a concern about malpractice, the FRA hopes that you will be able to raise the matter with your immediate Manager or his/her Line Manager or directly with the Personnel Department. Concerns may be raised verbally and/or in writing. If you wish to make a written report, the FRA recommends that you include in your letter the background and history (giving relevant dates) and give the reason why you are particularly concerned about the matter.

5.1.2 However, if you feel unable to raise the matter with your Line Manager due to the seriousness and sensitivity of the issues involved or if you believe that your Senior Manager may be involved or you are not an employee and do not have a Line Manager within the FRA, you should approach the Personnel Department for guidance.

5.1.3 If you are personally involved in the matter raised, please inform the FRA at the outset. You may invite your Trade Union representative, a member of staff from Personnel or a work colleague to be present during any meetings or interviews (which may be arranged away from your normal workplace if you so wish) in connection with the concerns you have raised.

#### **5.2 Step 2**

If you have followed these channels and you still have concerns or you feel you are unable to discuss the matter with any of the nominated Officers listed above, please contact either the Clerk to the Authority or the Director of Corporate Services.

## 6. How will we Handle the Matter?

6.1 The FRA will respond promptly to your concerns by assessing what action ought to be taken. This may involve an internal investigation or a more formal inquiry. We will tell you who is handling the matter (the Responsible Officer), how you can contact them and whether any more assistance from you will be required. Within seven working days of a concern being raised, the Responsible Officer will write to you acknowledging that your concern has been received. The letter will also inform you of any relevant staff support mechanisms.

6.2 Some concerns may be resolved by agreed action without the need for an investigation. If urgent action is required this may be taken before any investigation is conducted.

6.3 Thereafter, the Responsible Officer will keep you informed of progress and the outcome of any investigations or decisions on the matter.

6.4 The FRA will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the FRA will arrange for you to receive advice about the procedure.

## 7. Step 3 – Raising a Concern Externally

7.1 Whilst it is hoped that this policy gives you the confidence to raise your concern with Service Officers, we would prefer that you raised your concern with the proper external regulator rather than not at all.

7.2 If you act in good faith and genuinely and reasonably believe that the malpractice falls within the remit of a regulator and the information disclosed is substantially true, you may also contact the following prescribed regulators:

- the Health and Safety Executive for health and safety dangers;
- the Environment Agency for environmental dangers;
- the Audit Commission or External Auditor for concerns associated with conduct of business, value for money, fraud and corruption; or
- the Information Commissioner (formerly the Data Protection Registrar).

7.3 Finally, in circumstances where you genuinely believe that the matter cannot or will not be dealt with externally because either your complaints have been ignored, you believe that information will be concealed or destroyed or you will be subjected to victimisation and have evidence to back up your concern, you may consider it appropriate to contact a non-regulatory external body, for example the Police. You may wish to seek independent advice before you raise any issue outside the FRA. A list of contacts is given in the section to follow entitled 'Further Advice and Contacts'.

7.4 Please refer to Service Policy/Instructions No. 1, Section D, Part 1, Part 1.9 'Fraud and Corruption Policy' (Section 2) – The Chief Internal Auditor is responsible to the Treasurer for advising the Director of Financial Services on financial investigations and (if appropriate) carrying out investigations.

## 8. Confidentiality

The FRA will make every effort to protect your identity and we will not disclose it without your consent. If the situation arises where it is not possible to pursue your concern without revealing your identity (for example, the need to give evidence in court or at a disciplinary hearing), we will discuss with you how and if we can proceed.

## 9. Untrue Allegations

If you make an allegation in good faith but it is not substantiated by the evidence produced during the investigation, no action will be taken against you. If, however, you are an employee or statutory office holder and you make an allegation maliciously or for personal gain, this may result in disciplinary action taken against you. If you are a contractor or you are employed by another organisation but working on behalf of the FRA and you make an allegation maliciously or for personal gain, this may result in you being removed from the approved list of contractors or the FRA may discontinue using your services.

## 10. Further Advice and Contacts

10.1 You may of course seek advice from any of the following:

The Clerk to the Authority, the Treasurer to the Authority, the Internal Auditor, the External Auditor or Assistant Chief Fire Officer (Service Support), the Deputy Chief Fire Officer or the Director of Financial Services at Headquarters.

<b>Clerk to the Authority</b> Mrs A Brown Hereford & Worcester Fire & Rescue Authority 2 Kings Court Charles Hastings Way Worcester WR5 1JR Tel: 0845 1224454	<b>Treasurer to the Authority</b> Mr T Wood Hereford & Worcester Fire & Rescue Authority 2 Kings Court Charles Hastings Way Worcester WR5 1JR Tel: 0845 1224454
<b>Chief Internal Auditor</b> Mr G Smith Worcestershire County Council Internal Audit Division County Hall, Spetchley Road Worcester WR5 2NP Tel: (01905) 763763	<b>External Auditor</b> Audit Commission The Business Centre Blackpole Road Worcester WR3 8SQ Tel: 0844 798 7552

10.2 However, if you want independent advice at any time you may contact your Trade Union or the independent charity, "Public Concern at Work" on 020 7404 6609 or email them at [helpline@pcaw.demon.co.uk](mailto:helpline@pcaw.demon.co.uk). Their lawyers will give you free confidential advice at any time on how to raise a concern about serious malpractice at work.