HUMBERSIDE FIRE AND RESCUE SERVICE

Service Improvement

Whistleblowing Policy

Owner	**Assistant Chief Fire Officer**
Responsible Person	**Head of Corporate Assurance**
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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 and Rescue Service (the Service) is committed to the highest possible standards of integrity, openness, fairness, inclusivity, probity and accountability. The Service 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 or wrongdoing within the Service 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 or wrongdoing in accordance with this Policy. The wrongdoing or concern must be in the public interest. This means it must affect others, for example the general public.

This Policy has been discussed with the relevant representative bodies and has their support.

Core Code of Ethics

The Service has adopted the Core Code of Ethics for Fire and Rescue Services. The Service is committed to the ethical principles of the Code and strives to apply them in all we do; therefore, those principles are reflected in this Policy.

National Guidance

Any National Guidance which has been adopted by the Service, will be reflected in this Policy.

2. EQUALITY, DIVERSITY AND INCLUSION

The Service has a legal responsibility under the Equality Act 2010, and a commitment, to ensure it does not discriminate either directly or indirectly in any of its functions and services or in its treatment of staff, in relation to race, sex, disability, sexual orientation, age, pregnancy and maternity, religion and belief, gender reassignment or marriage and civil partnership. It also has a duty to make reasonable adjustments for disabled applicants, employees and service users.

3. AIM AND OBJECTIVES

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.

4. ASSOCIATED DOCUMENTS

- Equality Impact Assessment
- Legal References
  There are no specific legislative requirements relevant to this policy.
- National Guidance Reference
  There is no specific National Guidance relevant to this policy.

5. INTERFACE WITH OTHER POLICIES AND PROCEDURES

If issues are in respect of the conduct of a Member of Humberside Fire Authority, these are dealt with by the Monitoring Officer to the Fire Authority. Please refer to the 'Complaints about Members' section on the Fire Authority webpage for further information or speak to the Monitoring Officer (see Section 10 for details).

The Service 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 through the following Professional Standards Policies: Anti-Fraud and Corruption Policy, Grievance Policy, Conduct Policy, Disciplinary Policy and Performance and Capability Policy.

Where possible, if a staff member has concerns about their personal working situation or circumstances, the policies and procedures mentioned above should be used in the first instance. However, if the individual feels that their circumstances are exceptional and that they feel unable to use the normal route to raise their personal complaint or issue, the Whistleblowing policy may be used.

This Whistleblowing Policy is not an alternative to other Service policies or to be used as a mechanism for appealing against the outcome of other procedures.

6. WHAT CONSTITUTES WHISTLEBLOWING AND WHO CAN USE THIS POLICY

Who is covered by the Policy?

All employees of Humberside Fire Authority, whether temporary or permanent. Members of the public may also make use of this Policy.

Complaints that count as whistleblowing

This Policy is primarily aimed at encouraging employees or members of the public to

raise major concerns over any wrongdoing, particularly in relation to unlawful or unethical conduct, unfair practices, risk to health and life or financial malpractice, as detailed below (this list is not exclusive):

- Criminal offence (e.g. fraud, corruption or theft).
- Public funds are being used in an unauthorised manner.
- Malpractice of The Constitution (including the Procurement and Financial Rules).
- Serious conflict of interest without disclosure.
- Serious / sustained harassment of an individual or group.
- Professional malpractice.
- Endangering health and safety of employees or the public or damage to the environment.
- Failure to comply with legal obligation.
- The covering up of wrongdoing.
- Sexual harassment

Complaints that do not count as whistleblowing

- Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless your particular case is in the public interest.

Personal grievances should be reported under the Service's Grievance Policy or Conduct Policy.

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.
- 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 of Finance/S.151 Officer (see Section 9 for details) or FRS Speak Up (Powered by Crimestoppers) (see Section 13).

Definition of a protected disclosure

The types of **disclosure** that are eligible for protection against detrimental treatment or dismissal are known as '**qualifying disclosures**'. These are where the worker reasonably believes that the **disclosure** is being made in the public interest and at least one 'relevant failure' is currently happening, took place in the past or is likely to happen in the future.

7. ANONYMOUS ALLEGATIONS

The Service encourages its 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 without contact details.

In considering whether to investigate anonymous allegations, 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
- the justification for maintaining anonymity

8. CONFIDENTIALITY

The Service 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.

9. 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. If the allegation made by a member of public is found to be malicious or vexatious the Service may discontinue, or not enter into any further, correspondence with that individual in line with 'Dealing With Persistent or Unreasonable Complainants' under the Complaints Policy.

10. HOW TO RAISE A CONCERN UNDER THIS POLICY

As a first step, you should normally raise concerns with your immediate manager, who will then consult with an Authorised Officer. This depends, however, on the seriousness and sensitivity of the issues involved and any potential conflicts of interest, in which case you may wish to raise your concern directly with an Authorised Officer.

Contact may be by telephone or face to face, but serious concerns are better raised in writing, whether by email or post. Those raising a concern 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.

Authorised Officer's Role	Contact details
Monitoring Officer & Secretary to Humberside Fire Authority	Email: monitoringofficer@humbersidefire.gov.uk Tel: (01482) 414797

Authorised Officer's Role	Contact details
Chairperson of Humberside Fire Authority*	Email: ChairpersonHFA@humbersidefire.gov.uk Tel: (01482) 393204
Chairperson of Governance, Audit & Scrutiny Committee*	Email: ChairpersonGAS@humbersidefire.gov.uk Tel: (01482) 393899
Chief Fire Officer & Chief Executive *	Visit: https://humbersidefire.gov.uk/contact-us/strategic-leadership-team
Deputy Chief Fire Officer *	
Assistant Chief Fire Officer *	
Executive Director of Finance & S.151 Officer*	

* These inboxes are also monitored by personal assistants.

Or write to any of the above at:

Humberside Fire and Rescue Service,
Service Headquarters,
Summergroves Way,
Kingston upon Hull,
HU4 7BB

11. 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.

12. ALLEGATION CONCERNING THE CHIEF FIRE OFFICER AND CHIEF EXECUTIVE OR AN EXECUTIVE DIRECTOR

Where an allegation is made concerning the Chief Fire Officer & Chief Executive or an Executive Director, you should raise this with the Monitoring Officer & Secretary, the Chair of the GAS Committee or Chair of the Fire Authority – see Section 10 for their contact details.

The Monitoring Officer has dispensation to appoint an external party to carry out this role when the allegations impinge on the roles of the key governance monitoring posts.

13. HOW THE AUTHORITY WILL RESPOND

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

14. 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 Service. 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 ofjustice.

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.

Forvis Mazars - External Auditor

Forvis 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:

Forvis Mazars,
The Corner
Bank Chambers
26 Mosley Street
Newcastle
NE1 1DF
United Kingdom
Tel: 0191 3836300

FRS Speak Up (Powered by Crimestoppers)

This service aims to provide a safe space for staff to speak up when something isn't right in the workplace:

- Discrimination, victimisation and harassment (on gender, sexual orientation, disability)
- Misogyny and violence against women and girls
- Health and safety breaches
- Fraud and corruption
- Poor or unsafe working practices

The service is available online or via phone here.

Service users can remain anonymous or can choose to provide their name and contact details which will then be shared for confidential use by the Fire Service.

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 that they do not disclose any confidential information.

A process flow diagram (Appendix A) and a check list of dos and don'ts (Appendix C) is provided as a quick reference for staff at the end of this policy.

15. WHO CAN PROVIDE SUPPORT OR ADVICE?

We are committed to maintaining a safe and supportive work environment for everyone. Below are internal and external routes staff can use to speak up, raise a concern and get support.

Most speaking up happens through conversations with supervisors and line managers where challenges are raised and resolved quickly. We strive for a culture where that is normal, everyday practice and encourage you to explore this option it may well be the easiest and simplest way of resolving matters. However, you have other options: Station Managers, Group Managers, TLT and SLT member with responsibility for the subject matter you are speaking up about.

Via your line manager

Your line manager is a key point of contact for reporting concerns and seeking support. They are here to listen, provide guidance, and ensure that your concerns are addressed appropriately. Whether you have questions about workplace policies, encounter issues with colleagues, or require assistance with personal matters affecting your work, your line manager is there to support you.

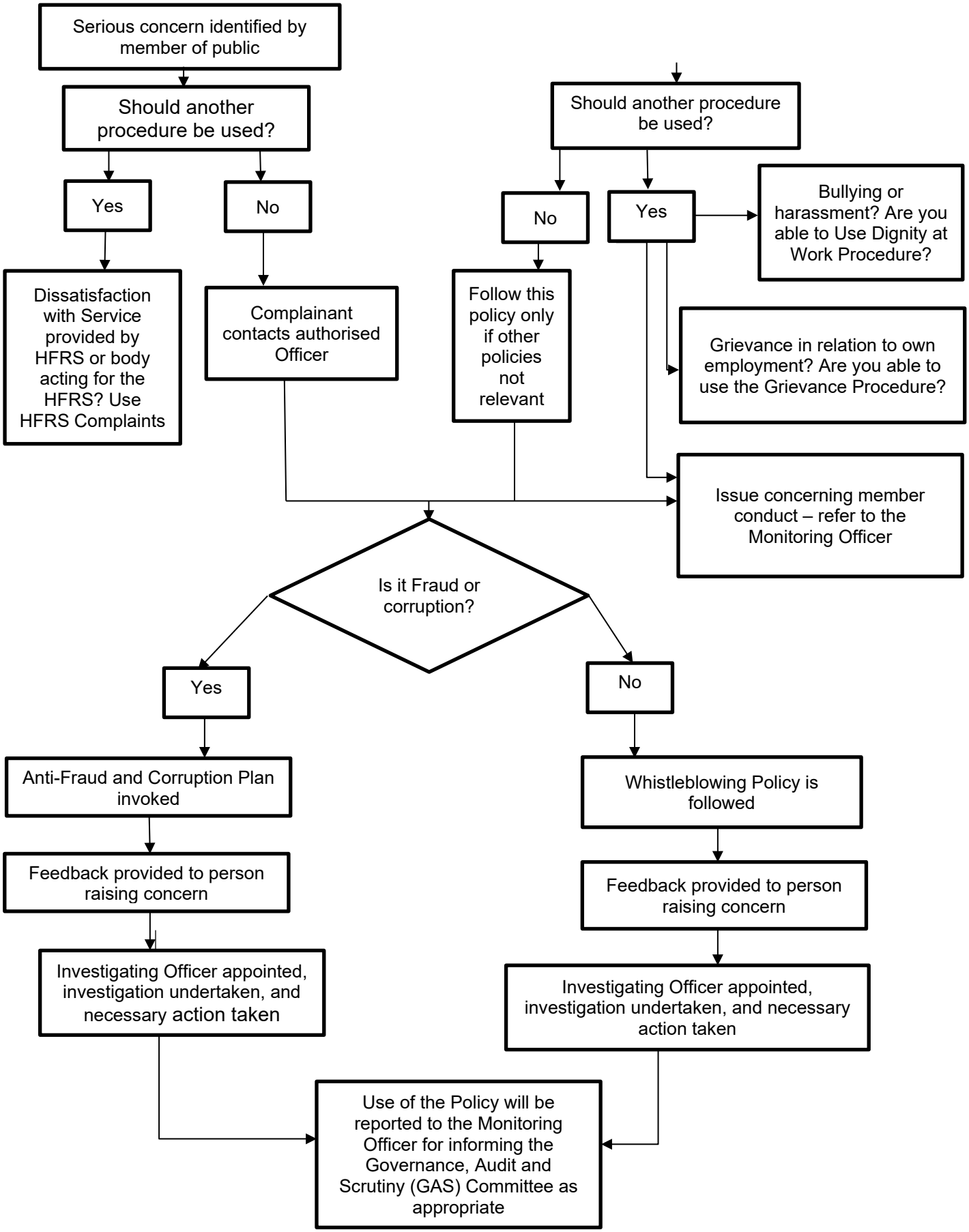
If, for any reason, you feel uncomfortable discussing your concerns with your line manager, we have established multiple channels for reporting concerns anonymously or confidentially.

Through our Policies

Various routes are included in our Professional Standards or other Policies.

If you require any further guidance / information in relation to this policy, please contact the Head of Corporate Assurance

APPENDIX A - WHISTLEBLOWING POLICY – FLOW CHART



APPENDIX B: WHISTLEBLOWING PROCEDURE

Handling a Disclosure under the Whistleblowing Policy

1. 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.

2. WHAT WILL HAPPEN UPON DISCLOSURE?

The Authorised Officer will:

a. Acknowledge receipt in writing within 10 working days;
b. Make a record of the details of any oral disclosure and confirm these in writing to the Complainant within 10 working days;
c. The Authorised Officer will normally consult with a further Authorised Officer and determine whether:

- The disclosure should be investigated by an Investigating Officer or an independent external investigator.
- The disclosure should be progressed under a different HFRS 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 enquiry.
- 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.

3. 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 can be undertaken by an external third party.

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 and the matter passed directly onto the Police.

4. 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 Complainant and any witnesses are given the option to be accompanied by a representative/colleague at any meeting.
- Establish the facts/obtain statements/collect documentary evidence.
- Maintain detailed records of the investigation process.
- Report findings in writing to the Authorised Officer.
  (For complaints involving the Chief Fire Officer & Chief Executive the report will be to the Chairperson of the Humberside Fire Authority)
- Make any recommendations for action.
- Act as a witness at any subsequent disciplinary hearing if required.

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.

5. 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 Whom
Written acknowledgement of disclosure	Within 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

Action	Timescale	By Whom
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.

6. 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 relevant Professional Standards Policy shall be invoked (for example the Disciplinary Policy or Performance and Capability Policy) by an Authorised Officer.

If the disclosure is found to be malicious and not in good faith, then the Investigating Officer may recommend that the relevant Professional Standards Policy (for example the Disciplinary Policy) be invoked against the Complainant (if an employee) by an Authorised Officer.

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 (GAS) Committee

Reporting the use of this policy and a summary of the findings of any investigations under this process will be reported to the Committee via the Monitoring Officer as appropriate.

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/s concerned.

7. SUPPORT DURING AND AFTER AN INVESTIGATION

Support

Where necessary the Service 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 made in writing within 10 working days of the notification of the Findings being published. The Authorised Officer will consider the request and respond in writing within 10 working 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 1998)

APPENDIX C

CHECKLIST OF s AND DON'Ts

Do

- Make dated notes of your concerns and retain them.
- 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.