

DEVON AND SOMERSET FIRE AND RESCUE AUTHORITY

“WISTLEBLOWING” CODE
(CONFIDENTIAL REPORTING POLICY)

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1. PREAMBLE

- 1.1 As an employee, you may be the first to suspect there may be something seriously wrong within the Devon and Somerset Fire and Rescue Authority (hereafter referred to as “the Authority”). However, you may be reluctant to express your concerns because you feel that speaking up would be disloyal to your colleagues or to the Authority. You may also fear harassment or victimisation. In these circumstances it may be easier to ignore your concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Authority is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees - and others we deal with - who have serious concerns about any aspect of the Authority’s work to come forward and voice those concerns.
- 1.3 Consequently, the Authority has adopted this “Whistleblowing” Code (Confidential Reporting Policy) – which applies statutory provisions contained in the Public Interest Disclosure Act - so that you can report any serious concerns you have either about any aspect of Service provision or the conduct of officers or Councillors serving on the Authority. Examples of the type of concern you may wish to raise under this Code are:-
- conduct which is either a criminal offence or a failure to comply with a legal obligation
 - disclosures related to miscarriages of justice
 - health and safety risks, including risks to the public as well as other employees
 - damage to the environment
 - the unauthorised use of public funds
 - possible fraud and corruption (*NOTE: the Authority has a specific Policy for dealing with such allegations – a copy of which is accessible to all employees via the Service Intranet and is available to the public on request*)
 - other unethical conduct including the deliberate concealment of any information relating to any of the above points.
- 1.4 Put more generally, you should raise any concern under this Policy that:
- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Authority subscribes to; or
 - is against the Authority’s Standing Orders and policies, or
 - falls below established standards of practice; or
 - amounts to improper conduct.

- 1.5 The Authority wants you to be assured that, provided you are acting genuinely and in good faith, you may raise any issue covered by this Code without fear of victimisation, subsequent discrimination or disadvantage.
- 1.6 ***This “Whistleblowing” Code is intended to encourage and enable employees to raise serious concerns within the organisation rather than overlooking a problem or ‘blowing the whistle’ outside. Consequently, issues raised under this Code will – as far as is practicable – be treated in the strictest confidence – see Section 4 below.***
- 1.7 This Code has been discussed with and has the support of the relevant trades unions and professional organisations.

2. SCOPE AND AIMS OF THIS CODE

- 2.1 This Code applies to all employees and those contractors working for the Authority on any Authority premises, for example, agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the Authority. This Code will be drawn to the attention of all persons/organisations the Authority deals with directly on a contractual basis. Similarly, contractors will be required to draw this Code to the attention of any sub-contractors they may employ.
- 2.2 This Code aims to:
- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
 - provide avenues for you to raise those concerns and receive feedback on any action taken;
 - ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied; and
 - reassure you that you will be protected from possible reprisals or victimisation **IF** you have a reasonable belief that you have made any disclosure in good faith.
- 2.3 Please note that this Code does **NOT** cover:-
- Issues relating to the quality of a service provided/failure to provide a service, where a separate **COMPLAINTS PROCEDURE** exists (*NOTE* it is more likely that this would be used by a member of the public rather than an employee of the Service);
 - Issues solely concerned with your personal position in the Service, where a separate **APPROVED GRIEVANCE PROCEDURE** exists;
 - Issues relating to bullying or harassment in the workplace which are subject to a separate procedure;
 - Issues relating to allegations of discrimination which are subject to separate policies and statutory provisions.

- 2.4 This Code is primarily for concerns where the interests of others or of the Service itself are at risk. **IF IN DOUBT – RAISE IT.**

3. SAFEGUARDS

Harassment or Victimisation

- 3.1 The Authority is committed to good practice and high standards and wants to be supportive of employees.
- 3.2 The Authority recognises that the decision to report a concern can be a difficult one to make. If you have reasonable grounds for believing that what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.
- 3.3 The Authority will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.
- 3.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

4. CONFIDENTIALITY

- 4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. If, however, a situation arises where it is not possible to resolve a concern without revealing your identity (e.g. because your evidence is needed in court) we will discuss with you whether and how we can proceed.
- 4.2 You should also be aware that the Data Protection and Freedom of Information Acts both **REQUIRE** the service to disclose certain types of information. This may include disclosure of the fact that a disciplinary investigation is under way and the nature of the allegation.
- 4.3 These Acts **DO NOT REQUIRE**, however, disclosure of a copy of the letter, envelope or information which could lead to the identification of an informant. This is third party personal data and as such is exempt from disclosure.

5. ANONYMOUS ALLEGATIONS

- 5.1 This Code encourages you to put your name to your allegation whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Authority.

- 5.3 In exercising this discretion the factors to be taken into account would include:
- the seriousness of the issues raised;
 - the credibility of the concern;
 - the likelihood of confirming the allegation from attributable sources;
 - the Authority's best interests; and
 - the protection of the Authority's assets.
- 5.4 You should also bear in mind that if you do choose to raise a concern anonymously it will be more difficult for this to be investigated and to provide you with feedback.
- 5.5 Please refer also to Section 4 above concerning confidentiality.

6. UNTRUE ALLEGATIONS

- 6.1 If you make an allegation in good faith which subsequently is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

7. HOW TO RAISE A CONCERN

- 7.1 As a first step, you should normally raise concerns with your immediate line manager or their superior who should then alert the Clerk to the Authority to the issue. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.
- 7.2 For example, if your concern is about your line manager you may wish to approach directly either the Chief or Deputy Chief Fire Officer or other Senior Management Board member with overall responsibility for the functional area in which your line manager works. If you suspect that a Senior Management Board member is involved you may wish to approach one of the Councillors serving on the Authority and/or Internal Audit or the Audit Commission. Details of how to contact these people are set out in the Appendix to this Code.
- 7.3 While concerns may be raised verbally they are best made in writing. You are encouraged, therefore, to make your allegations in writing setting out, in as much detail as possible, the following information:
- the background and history of the concern (giving any appropriate names, places and dates where possible),
 - the reason why you are particularly concerned about the situation.
- 7.4 The earlier you express the concern the easier it is to take action.

- 7.5 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 7.6 If you require advice/guidance on the scope and operation of this Code you should, in the first instance, contact either:-
- the Clerk (and Monitoring Officer) to the Authority; or
 - the Treasurer to the Authority; or
 - the Head of Human Resources Management and Development
- contact details for which are set out in the appendix to this Code.
- 7.7 Alternatively, if you would prefer to seek independent advice/guidance on how to pursue matters of concern you may wish to contact Public Concern at Work (telephone 020 7404 6609 or e-mail: <mailto:whistle@pcaw.co.uk> OR helpline@pcaw.co.uk), a registered charity whose services are free and confidential. The PCAW office is open and the helpline staffed from 9am to 6pm, Monday to Friday, with an answering machine operating out of hours.
- 7.8 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 7.9 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

8. HOW THE AUTHORITY WILL RESPOND

- 8.1 The Authority will respond to your concerns but please be aware that testing out your concerns is not the same as either accepting or rejecting them.
- 8.2 Where appropriate, the matters raised may:
- be investigated by management, internal audit, or through the disciplinary process
 - be referred to the police
 - be referred to the external auditor
 - form the subject of an independent inquiry.
- 8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Authority will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, discrimination issues; grievances etc.) will normally be referred for consideration under those procedures. In this event, you will be notified accordingly.

- 8.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 8.5 Within ten working days of a concern being raised, the Clerk to the Authority (or his/her designated representative) will write to you:
- acknowledging that the concern has been received
 - indicating how it is proposed to deal with the matter
 - giving an estimate of how long it will take to provide a final response
 - telling you whether any initial enquiries have been made
 - supplying you with information on staff support mechanisms, and
 - telling you whether further investigation will take place and if not, why not.
- 8.6 The amount of contact between those considering the issues you raise and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Authority will seek further information from you.
- 8.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.
- 8.8 The Authority 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 Authority will arrange for you to receive advice about the procedure.
- 8.9 The Authority accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

9. THE RESPONSIBLE OFFICER

- 9.1 The Clerk to the Authority has overall responsibility for the maintenance and operation of this policy. The Clerk maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Authority.

10. HOW THE MATTER CAN BE TAKEN FURTHER

- 10.1 This policy is intended to provide you with an avenue within the Authority to raise concerns. The Authority hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Authority, the following are possible contact points:

- Internal Audit and/or the Audit Commission (contact details as set out in the Appendix to this Code) (if you believe there has been financial impropriety);
- your Trades Union;
- your local Citizens Advice Bureau;
- a relevant professional body or regulatory organisation (e.g. the Health and Safety Executive) (if you feel professional misconduct has taken place);
- a relevant voluntary organisation;
- the police (if you feel a criminal act has been committed);
- your solicitor.

10.2 If you do decide to take the matter outside the Authority you should ensure that, in making your allegation, you do not make public any confidential or sensitive information that it is not necessary to reveal. You may, therefore, wish to seek the advice of a solicitor or someone else from the list of contacts set out in paragraph 10.1 above.

APPENDIX TO “WHISTLEBLOWING” CODE
(CONFIDENTIAL REPORTING POLICY)

CONTACT POINTS

(A) SENIOR MANAGEMENT BOARD OF THE DEVON AND SOMERSET FIRE AND RESCUE SERVICE

NAME	POSITION	TEL. NO.
Lee Howell	Chief Fire Officer	01392 872201
Neil Gibbins	Deputy Chief Fire Officer	01392 872202
Peter Smith	Assistant Chief Fire Officer (Community Safety)	01392 872203
Trevor Stratford	Assistant Chief Fire Officer (Operations)	01392 872203
Mike Pearson	Head of Corporate Support (and Clerk and Monitoring Officer to the Authority)	01392 872231
Kevin Woodward	Head of Finance (and Treasurer to the Authority)	01392 872217
Jane Sherlock	Head of Human Resources Management and Development	01392 872149
Mary Bartlett	Head of Service Planning and Review	01392 872251
Derek Wensley	Head of Physical Assets	01392 872319

(B) MEMBERS OF THE AUTHORITY

An up to date list of Members of the Authority can be accessed via the Service Intranet and Internet.

Alternatively, details of membership of the Authority can be obtained on request from the Democratic Services Section:-

- Steve Yates (Democratic Services Manager) (syates@dsfire.gov.uk; tel: 01392 872329); OR
- Sam Sharman (Democratic Services Officer) (ssharman@dsfire.gov.uk; tel: 01392 872393)

(C) OTHER CONTACT POINTS

NAME	POSITION	TEL. NO.
Rob Hutchins	Internal Audit	01392 382438
Steve Brown	Audit Commission	0844 798 5691

(D) PUBLIC CONCERN AT WORK

Suite 301
16 Baldwins Gardens
London
EC1N 7RJ

Telephone (general enquiries and helpline) - 020 7404 6609

Fax - 020 7404 6576

Email

UK enquiries: whistle@pcaw.co.uk

UK helpline: helpline@pcaw.co.uk