

CONSIDERED AND APPROVED WITHOUT AMENDMENT BY AUDIT COMMITTEE 25TH MARCH 2009

23 WHISTLEBLOWING POLICY FOR STAFF OF THE LANCASHIRE FIRE AND RESCUE SERVICE

This Policy aims to meet the responsibility of the Combined Fire Authority under the Public Interest Disclosures Act 1998.

23.1 PREAMBLE

Employees are often the first to realise that there may be something seriously wrong within the organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Lancashire Fire and Rescue Service. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Lancashire Combined Fire Authority is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the work of the Combined Fire Authority or Lancashire Fire and Rescue Service to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

The policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing policy is intended to encourage and enable employees to raise serious concerns rather than overlooking a problem or 'blowing the whistle' outside.

The policy applies to all employees, (including those designated as casual hours, temporary, agency) and contractors and suppliers working for the Lancashire Fire and Rescue Service.

These procedures are in addition to the complaints procedures.

This policy has been discussed with the relevant trade unions and has their support.

23.2 AIMS AND SCOPE OF THIS POLICY

This policy 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

- 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

There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- conduct which is an offence or a breach of law
- 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
- other unethical conduct

Thus, any serious concerns that you have about any aspect of service provision or the conduct of staff or members of the Combined Fire Authority, Lancashire Fire and Rescue Service or others acting on behalf of the Combined Fire Authority or Lancashire Fire and Rescue Service can be reported under the Whistleblowing Policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Lancashire Fire and Rescue Service subscribes to,
or
- is against the Standing Orders and policies,
or
- falls below established standards of practice,
or
- amounts to improper conduct

This policy does **not** replace the complaints procedures.

23.3 SAFEGUARDS

Lancashire Combined Fire Authority

- is committed to good practice and high standards and wants to be supportive of employees.
- recognises that the decision to report a concern can be a difficult one to make. If 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.
- 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.

- gives a commitment that any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

23.4 CONFIDENTIALITY

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

23.5 ANONYMOUS ALLEGATIONS

This policy encourages you to put your name to your allegation whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Lancashire Combined Fire Authority.

In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

23.6 UNTRUE ALLEGATIONS

If you make an allegation in good faith, but it 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.

23.7 HOW TO RAISE A CONCERN

As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved you can approach the Clerk to the Combined Fire Authority, Lancashire Fire and Rescue Service Headquarters, Garstang Road, Fulwood, Preston. If you don't feel able to approach your line manager you can contact the Deputy Chief Officer or Director of People and Development (see end of Section 24).

Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:

- the background and history of the concern (giving relevant dates)
- the reason why you are particularly concerned about the situation

The earlier you express the concern the easier it is to take action.

Although you are not expected to provide proof beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

Obtain advice/guidance on how to pursue matters of concern from:

- The Clerk to the Fire Authority – 01772 866908
- Deputy Chief Officer – 01772 866801
- Director of People and Development – 01772 866804
- Head of Internal Audit – 01772 534898.

If, ultimately you feel you have to take the matter externally, possible contacts are listed at the end of Section 24.

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.

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.

23.8 HOW THE LANCASHIRE COMBINED FIRE AUTHORITY WILL RESPOND

The Combined Fire Authority will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

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 enquiry

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 Lancashire Combined Fire Authority will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example discrimination issues) will normally be referred for consideration under those procedures.

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.

Within ten working days of a concern being raised, the responsible person will write to you:

- acknowledging the concern has been received

- indicating who we propose 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 investigations will take place and if not, why not

If it is decided to proceed with the investigation it will then be necessary at this stage to inform the person against whom the accusation has been made. Details relating to the procedure and estimated timescales for the investigation and any subsequent reports will also be provided to the accused person.

The amount of contact between the person considering the issues 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 Lancashire Combined Fire Authority will seek further information from you.

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.

The Lancashire Combined Fire 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 Combined Fire Authority will arrange for you to receive advice about the procedure.

The Lancashire Combined Fire 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.

23.9 THE RESPONSIBLE OFFICER

The Chief Fire Officer has overall responsibility for the maintenance and operation of this policy. The Chief Fire Officer will maintain a record of concerns raised and the outcome (but in a form which does not endanger your confidentiality) and will report as necessary to the Lancashire Combined Fire Authority.

23.10 HOW THE MATTER CAN BE TAKEN FURTHER

This policy is intended to provide you with an avenue to raise concerns and it is hoped that 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 Service, the organisations listed below are possible contact points (they can also be contacted at a first step if you wish):

- Public Concern at Work (tel: 020 7404 6609), a registered charity whose services are free and strictly confidential and which will give staff advice and guidance on the action they can take. Email: helpline@pcaw.co.uk
- The District Auditor, County Hall, Preston. (The District Auditor is an independent auditor for the Combined Fire Authority accounts.)
- your trade union
- your local Citizens Advice Bureau

- the police
- the Audit Commission. They run a special Public Interest Disclosure helpline number 0845 052 2646. Internet: www.audit-commission.gov.uk

If you do take the matter outside the Lancashire Fire and Rescue Service, you should ensure that you do not disclose confidential information. Check with the contact point about that.

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