

DORSET & WILTSHIRE FIRE AND RESCUE SERVICE

CG 4 - Whistleblowing (Confidential Reporting)

To be used in conjunction with the Corporate Governance Policy (CG)

Corporate Governance

The Dorset & Wiltshire Fire and Rescue Authority (DWFRA) is the combined fire and rescue authority for its area, as defined within sections 1 and 2 of the Fire and Rescue Services Act 2004.

The Authority will adopt the principles of 'The Good Governance Standard for Public Services' produced by the Independent Commission on Good Governance in Public Services. The Commission was established by the Office for Public Management (OPM) and the Chartered Institute of Public Finance and Accountancy (CIPFA) to develop a common code and set of principles for good governance across public services. The principles are contained in CIPFA's 'Delivering Good Governance in Local Government' and are shown in figure 1. These have been previously adopted by both Dorset and Wiltshire & Swindon Fire Authorities

We are committed to making sure the business of the Authority and the Service is conducted in accordance with the law and proper standards, and that public money is safeguarded, properly accounted for, and used economically, efficiently and effectively. Through this policy the Authority will make sure good governance is embedded throughout the organisation and we will aim for continuous improvement in delivering the services we provide.

To provide assurance of this for all key stakeholders, every year the Authority will publish an Annual Governance Statement and a Statement of Assurance in accordance with legislative requirements and Government expectations.

The Governance arrangements for the Fire and Rescue Authority are contained within the Members' Handbook. The document contains specific roles and responsibilities for Statutory Officers and Members. Members of the Fire and Rescue Authority receive an induction and on-going development appropriate to their role and recognition will be given to the skills and knowledge that they bring to their position from their role on their constituent authority. A suite of Member role profiles will allow Members to understand their specific responsibilities in further detail.

Our vision, values, and behaviours are contained in an annual Community Safety Plan supported by management and resourcing arrangements scrutinised through the Initial Governance Arrangements of the Authority and through our audit programme.

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1. Purpose & Definition

- 1.1. Dorset and Wiltshire Fire & Rescue Service (DWFRS) is committed to the highest standards of openness and accountability. In line with that commitment we want members of staff and others that we deal with who have serious concerns about any aspect of our work to have the confidence to come forward and voice those concerns.
- 1.2. This procedure supports the anti-fraud and corruption and bribery procedure and encourages members of staff to raise serious concerns within the Service, rather than overlook a problem or “blowing the whistle” externally.
- 1.3. Members of staff are often the first to realise that there may be something seriously wrong in the workplace. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Service. They may also fear harassment or victimisation and feel that it may be easier to ignore the concerns rather than report what may just be a suspicion of malpractice.
- 1.4. This procedure considers the requirements of the Public Interest Disclosure Act 1998, as amended by the Enterprise and Regulatory Reform Act 2013. It is unlawful for the Service to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.
- 1.5. Rarely, a case might arise where the employee has participated in the action causing concern. In such a case, it is in the employee’s interest to raise the concern as soon as possible. The Service cannot promise not to act against such an employee, but the fact that they have come forward may be taken into account.
- 1.6. This procedure aims to:

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- encourage you to feel confident to question and act upon serious concerns about practice
- provide the means for you to raise concerns and receive feedback on any action taken
- ensure you receive a response and are aware of how to pursue your concerns if you are not satisfied with the outcome
- reassure you that disclosures made in good faith will be protected from reprisals, harassment or victimisation.

1.7. This applies to all staff, agency workers and independent contractors. It should also be applied where members of staff perceive malpractices by contractors working for us, such as agency staff, suppliers, builders and drivers or those providing services under a contract.

2. Procedure Principles

2.1. What should be reported?

2.1.1. This procedure covers major concerns that fall outside of the scope of existing procedures and reporting arrangements, for example, the Grievance procedure or Complaints procedure.

2.1.2. A qualifying disclosure is defined as any disclosure of information about something that you 'reasonably believe' has occurred, is occurring or is likely to occur, relating to one or more of the following:

- A criminal offence.
- Failure to comply with a legal obligation.
- A miscarriage of justice.
- Endangering the health and safety of any individual (including risks to members of staff, contractors, visitors, customers and members of the public).
- Damage to the environment.
- Unauthorised use of public funds.
- Possible fraud and corruption, including bribery (whether related to the offer or promise of a financial or other advantage, or whether related to the receiving of a bribe).
- Other unethical conduct.
- The cover up of any of the above.

2.1.3. In addition, under this procedure you can report any serious concerns held about any aspect of Service provision, the conduct of other members of the Service or others acting on behalf of the Fire Authority.

2.1.4. The disclosure may be something that:

- makes you feel uncomfortable in terms of known standards, your experience in the Service or the standards you believe the Service subscribes to

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- is against the Service’s policies or processes or the Authority’s standing orders and financial regulations
- falls below existing established standards of practice
- amounts to improper conduct.

2.2. Confidentiality

2.2.1. All matters reported 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.

2.3. Anonymous disclosures

2.3.1. This procedure encourages you to put your name to a disclosure whenever possible. This is because concerns expressed anonymously are much less powerful.

2.3.2. Anonymous disclosures will be considered at the discretion of the Service. The factors taken into account when exercising this discretion include the:

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

2.4. Untrue allegations

2.4.1. If you make an allegation in good faith, but it is not confirmed by an investigation, no action will be taken against you. However, disciplinary action may be taken if a disclosure is proven to be frivolous, malicious or for personal gain.

2.5. How to raise a concern

2.5.1. There are a number of options available if you wish to raise a concern.

2.5.2. If you wish to raise the matter directly then as a first step, you should normally raise a concern with your line manager. This depends on the seriousness and sensitivity of the issue involved and who is suspected of malpractice. For example, if you believe that management is involved, you should approach a Director or the Chief Fire Officer.

2.5.3. If you wish to report a concern to someone independent of the senior management team you can approach the Fire Authority Monitoring Officer (Head of Legal and Democratic Services, Dorset County Council) who is accountable to the Fire Authority itself and is independent of the management team.

2.5.4. If your concern relates to a Member of the Fire Authority, then you should raise it with the Monitoring Officer.

2.5.5. If you wish to raise your concern with someone independent of the Service, you can report it to our internal auditors, Gateway Assure Ltd. Contact Robin Pritchard – email robin.pritchard@gatewayassure.com , telephone 01634 334497.

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- 2.5.6. The earlier you express your concern, the easier it is to take action. Concerns may be raised verbally or in writing and both should clearly make reference to the Whistleblowing procedure. Written reports should state the:
- background and history of the concern (giving relevant dates)
 - reason why you are particularly concerned about the situation.
- 2.5.7. Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate that there are reasonable grounds for your concern.
- 2.5.8. You may wish to consider discussing your concern with a colleague first as you may find it easier to raise a matter if there are two (or more) people with the same experience or concerns.
- 2.5.9. You may invite your union representative, senior officer or a friend to be present during any meetings or interviews in connection with the concerns you have raised.
- 2.6. **How the Service will respond**
- 2.6.1. The action taken will depend on the nature of your concerns and the information you disclose.
- 2.6.2. Where appropriate, the matters raised may be:
- investigated by senior managers, or through the disciplinary process
 - referred to the Monitoring Officer
 - referred to the Police
 - referred to the auditors
 - the subject of an independent inquiry.
- 2.6.3. To protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide if an investigation is appropriate and what form it should take, if necessary. Investigations will not usually be conducted by staff working in the department about which the allegation has been made, nor by anyone in your line management structure.
- 2.6.4. Some concerns may be resolved or agreed without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 2.6.5. The person who is dealing with the concern will write to you within ten working days, and will:
- acknowledge the concern
 - indicate how we propose to deal with the matter
 - give an estimate of how long it will take to provide a final response
 - tell you whether any initial enquiries have been made
 - provide information on staff support, if appropriate
 - indicate whether further investigations will take place and if not, why not.

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- 2.6.6. If necessary, the Service will seek further information from you.
- 2.6.7. Where any meeting is arranged you can be accompanied by a union representative, colleague or friend. This can be off site if you so wish.
- 2.6.8. We will take steps to minimise any difficulties that you may experience as a result of raising a concern. For example, if you are asked to give evidence in disciplinary or criminal proceedings, the Service will arrange for you to receive appropriate advice and support.
- 2.6.9. The Service accepts that you will need to be assured that the matter has been properly addressed. Therefore, subject to legal constraints, you will be informed of the outcome of any investigation.
- 2.6.10. If you raise a concern, you will be given the opportunity to feed back any issues or problems you may have experienced as a result. This will take place outside your line management structure. The purpose of this is to ensure that Members of staff who have raised concerns in the public interest do not suffer as a result.

2.7. The Responsible Officer

- 2.7.1. The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. He/she maintains a record of concerns raised and outcomes (but in a form which does not endanger employee confidentiality) and will report as necessary to the Fire Authority.

2.8. How the matter can be taken further

- 2.8.1. This procedure is intended to provide Members of staff with an avenue within the Service to raise concerns. If you are not satisfied with any action, you can contact the following:
- The Chief Fire Officer.
 - The Monitoring Officer - (Head of Legal and Democratic Services, Dorset County Council).
 - Your union.
 - The Police.
 - Relevant professional bodies or regulatory organisations.
 - External auditor.
 - ‘Public Concern At Work’, which is an independent charity offering free confidential legal advice. They can be contacted on 0171 404 6609.
- 2.8.2. If you do take the matter outside the Service you should ensure that you do not disclose confidential information or breach the Data Protection Act.

3. Responsibilities

3.1. Line managers

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- 3.1.1. A member of staff may come to you with concerns and it is important that you are able to identify whether they are “whistle blowing”.
- 3.1.2. You should notify one of the following who will determine how the concern will be dealt with and appoint an investigating officer, as appropriate.
- Chief Fire Officer.
 - Director of Finance.
 - Director of People Services.
 - Director of Corporate Services.
 - Director of Operations.
 - Director of Prevention and Protection.
 - Director of Strategic Projects.
 - Monitoring Officer.
 - Internal Auditor.

3.2. **Responsible Officer**

- 3.2.1. The Monitoring Officer has overall responsibility of this procedure and will:
- maintain a record of concerns raised and outcomes
 - ensure confidentiality
 - report to the Fire Authority as necessary.

4. **Monitoring & Assurance**

4.1. **Procedure Management**

- 4.1.1. We will monitor the number and type of cases which arise and make subsequent alterations to practice and procedure from these findings where necessary.

4.2. **Learning and Development**

- 4.2.1. All staff should be made aware of this procedure at their induction.

5. **Document Reference**

- 5.1. If the following references have links to them, they are available within the [DWFRS P&P database](#). If a new procedure does not exist, there is no link and you will need to refer back to the [SIS](#) (Dorset) and [IService](#) (Wiltshire) to obtain a copy of the relevant procedure/document(s).

5.2. **Document References:**

[FM 5 – Anti Fraud, Corruption & Anti Bribery](#)

Code of conduct

6. **Document Management**

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6.1. Version Control:

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V2.0	Page 1 Page 7	16/06/2016	Added link to CG policy. Added section 5.1 and completed link in 5.2	Tonya Saben
V1.0		29/3/2016	Document ready for publication	Lisa Smith