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SI011 Whistleblowing (Confidential Reporting) Policy

1. Introduction - Policy

1.1 Purpose and scope

- 1.1.1 Tyne and Wear Fire and Rescue Service (the Service) is committed to a high standard of corporate governance, ensuring that it is transparent and accountable. To assist the Service to achieve consistently high standards of practice and behaviours, staff are able to raise concerns about fraud, crime, breaches of policies and serious risks that may undermine the reputation of the Service or endanger members of the public or other staff.
- 1.1.2 This policy encourages staff to raise genuine matters of serious concern within the Service where possible first, rather than overlooking a problem or “blowing the whistle” externally. This way there is an opportunity for the Service to act promptly on the information provided and put right whatever wrongdoing is found.
- 1.1.3 In the first instance, a concern should be raised with the Deputy Chief Fire Officer (DCFO). In the event this is not appropriate or possible, and/or the concern relates to the DCFO, then the matter can be raised with the Chief Fire Officer, member of the Executive Leadership Team (ELT) or their line manager. If the concern is disclosed by a volunteer, then this is to be shared with the volunteer co-ordinator.
- 1.1.4 This policy should be read in conjunction with BI012 Whistleblowing (Confidential Reporting) Procedure.

1.2 Policy Statement

- 1.2.1 The Service encourages an open and supportive culture whereby staff can feel comfortable raising serious concerns and know that such disclosures will be listened to, taken seriously, investigated appropriately and, as far as possible, confidentially.
- 1.2.2 The Service is committed to continuous improvement and will act upon any improvement actions identified as a result of concerns raised via this policy/procedure.
- 1.2.3 The Service will:
 - Encourage staff to feel confident to question and act upon serious concerns they have and can raise a concern at any time about an incident that happened in the past, is happening now, or they believe will happen in the near future.
 - Provide the means to raise serious concerns and receive feedback on any action taken.
 - Reassure ‘whistle blowers’ that disclosures made in good faith will be protected from reprisals, harassment or victimisation.
 - Process concerns in a professional, transparent, timely manner.
 - Learn from all concerns raised to promote continuous improvement of the Service.

1.3 Definitions

- 1.3.1 Whistleblowing is formally referred to as 'making a disclosure in the public interest' and relates to malpractice, danger, fraud or other illegal or unethical conduct in the workplace.
- 1.3.2 This policy considers the requirements of the Public Interest Disclosure Act 1998, as amended by the Enterprise and Regulatory Reform Act 2013.
- 1.3.3 The law protects 'whistle blowers' so individuals can speak out if they find malpractice in an organisation. It is unlawful for an organisation to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Public Interest Disclosure Act 1998.

1.4 Exclusions from this policy:

- 1.4.1 This policy covers serious concerns that fall outside of the scope of existing procedures and reporting arrangements. Whistleblowing law does not cover personal grievances (for example bullying, harassment, discrimination), unless the particular case is in the public interest. Whistleblowing is different from a grievance as a grievance refers to person's employment relationship with the Service.
- 1.4.2 **Fire Authority Member** - a concern involving a Fire Authority Member would need to be reported to the Monitoring Officer at Sunderland City Council, Box 100, Civic Centre, Sunderland, SR2 7DN or by email to City.Solicitor@sunderland.gov.uk.
- 1.4.3 **Chief Fire Officer** - a concern involving the Chief Fire Officer should be reported to the Chair of the Fire Authority, and the Monitoring Officer notified.

2. Principles of the policy

2.1 What should be reported?

- 2.1.1 Whistleblowing should have a public interest element because it affects or could affect, service users, members of the public or other staff. A qualifying disclosure is defined as any disclosure of information about something that an individual 'reasonably believes' has occurred, is occurring or is likely to occur, relating to one or more of the following:
- A criminal offence
 - A breach of any legal obligation
 - A miscarriage of justice
 - Endangering the health and safety of any individual (including risks staff, volunteers, contractors, visitors, customers and members of the public)
 - Damage to the environment
 - Deliberately concealing of information about any of the above¹.
- 2.1.2 Some staff may require help to make a disclosure of information due to a disability, language barrier or other. If this is the case then help should be offered and guidance sought from the Inclusion and Organisational Development Department, the Human Resources Department or Staff Networks.

¹ This might cover, for example, breaches of confidentiality; conflicts of interest; negligent advice; financial fraud, bribery, harassment of others; and health and safety breaches.
Whistleblowing (confidential reporting) policy and procedure

3. Accountability and Responsibility

3.1 Deputy Chief Fire Officer

- 3.1.1 The DCFO has overall responsibility for this policy and the associated procedure and will determine an appropriate course of action and initiate an investigation.

3.2 Line Managers

- 3.2.1 Staff with concerns may approach line managers and it is important that they are able to identify whether these concerns are whistleblowing.
- 3.2.2 Line managers should raise awareness of this policy and the associated procedure through their departments, watches and teams, creating an understanding at all levels of the Service.

3.3 Executive Services Team

- 3.3.1 On behalf of the DCFO, the Executive Services Team will maintain a record of whistleblowing disclosures and outcomes in line with Service policies, procedures and retention schedules.

3.4 Investigating Officer

- 3.4.1 The Investigating Officer, nominated by the DCFO, is responsible for ensuring that whistleblowing disclosures are fairly and thoroughly investigated within required timescales.

3.5 Staff

- 3.5.1 Staff are requested to raise genuine matters of serious concern within the Service where possible first, rather than overlook a problem or “blowing the whistle” externally.

4. Additional Information

4.1 Confidentiality

- 4.1.1 Disclosures will be treated in confidence and every effort will be made not to reveal the identity of the individual raising the concern(s). However, as part of the investigation, the individual may be required to be identified as a witness.

4.2 Anonymous disclosures

- 4.2.1 This policy encourages staff to put their name to a disclosure whenever possible. 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.

- 4.2.2 In the case of an anonymous disclosure, the individual will not be informed of the outcome.

4.3 Untrue allegations

- 4.3.1 If a disclosure is made in good faith, but it is not confirmed by an investigation, no action will be taken against the individual who reported the concern. However, disciplinary action may be taken if a disclosure is proven to be frivolous, malicious or for personal gain.

5. Authority for Issue

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