



Procedure:

Whistleblowing

To:	✓	Document Type:	Document Summary:
All employees, volunteers and contractors working for the Authority; including temporary staff.		Policy	This document sets out the procedure to be followed when employees have concerns on what actions to take where the interests of others or of the organisation <u>Authority</u> itself are at risk and where The Public Interest Disclosure Act 1998 may apply.
		Assessment	
	✓	Procedure	
		Guidance Note	
		Technical Note	
		Information	
		Safety Critical	
Keywords: <u>Whistleblowing, concerns, complaint, anonymity, safeguarding, public concern at work, grievance, Public Interest Disclosure Act</u>			
Please note that as documents are frequently updated, if you print a document, its accuracy cannot be guaranteed, always check for latest version.			

Document History

- 2.0 Issue 2.0 has been rewritten to enable employees to raise a concern in confidence with total anonymity through the Employee Assistance Programme (EAP). Other changes have been made to create a better fit with a number of other policies and codes of practice. For this reason no areas of the document have been highlighted to indicate where a change has been made.
- 2.1 Issue 2.1 includes Appendix A PPC's internal process for dealing with Whistle blowing calls from employees.
- 3.0 Issue 3.0 includes a number of changes to contact details most significantly, the introduction of the InTouch service provided by the EAP.
- 4.0 Issue 4.0 has been rewritten; changes have been made to create a better fit with a number of other policies This places the procedure in the new format, clarifies the prescribed persons for reporting a concern and specifies the responsibilities of employees/workers, line managers and human resources.
- 5.0 Issue 5.0 reflects revisions in employment law on 25 June 2013.
- 6.0 Issue 6.0 Hotline phone number amended
- ~~6.0~~ 7.0 Document reviewed and reissued with minor amendments made

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APPENDIX - Which procedure to use when a concern raised
 - Whistleblowing process flow chart

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1.0 Introduction

1.1 Buckinghamshire and Milton Keynes Fire Authority (the Authority) is committed to achieving the highest possible standards of service and ethical standards in public life.

1.2 This document sets out the Authority's Whistleblowing procedure and encourages employees/workers to not overlook concerns they may have but to raise those concerns within the Authority through a supportive network.

1.3 The procedure forms part of the Authority's Anti-Fraud and Corruption strategy and provides a structured mechanism for employees/workers to raise any serious concerns about any aspect of the Authority's work without the risk of any subsequent detriment or disadvantage.


1.4 This procedure is in addition to the Authority's Complaints and Grievance procedure. It does not form part of the Discipline procedure, although disciplinary action may result from the application of this procedure.

2.0 Scope

2.1 This procedure applies to:

- a. All employees of the Authority, including temporary staff.
- b. Workers, including agency staff, consultants, self-employed individuals and trainees engaged to work in Authority establishments
- c. Contractors working for the Authority on Authority premises and suppliers and those providing services under a contract with the Authority on their own premises
- d. Organisations working in partnership with the Authority
- e. Volunteers working with or for the Authority (note that Volunteers are not currently covered by Public Interest Disclosure Act 1998)

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2.2 This procedure does not apply to:

- a. Members of the general public. Concerns raised by the general public should be made via the Authority's Complaints Procedure.
- b. Ex-employees as they become members of the public once they leave the Authority and therefore should follow the Authority's Complaints Procedure.

2.3 This procedure does not form part of the contract of employment.

2.4 Existing procedures are in place to enable employees/workers to lodge a grievance relating to their own employment. Any serious concerns that an employee/worker has about an aspect of service provision or conduct of anyone employed or working for the Authority, can and should be reported under this procedure.

3.0 Roles and Responsibilities

3.1 Both managers and employees/workers have a responsibility within this procedure. Managers will:

- a. Ensure the Whistleblowing procedure is ~~are~~ followed correctly, seeking advice from Human Resources where they are unsure.
- b. Support employees/workers who raise concerns under this procedure to ensure they do not suffer detriment as a result of their action e.g. loss of status/income/conditions of employment.
- c. Inform the Authority's Monitoring Officer (Director of Legal and Governance) when a concern is raised to them.
- d. Protect the identity of an employee/worker who raises concerns, by only

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telling those who need to know and asking them to respect the confidentiality of this information.

- e. Ensure that, even in the case of anonymity, the employee/worker is aware that any investigation may reveal the source of the information and they may be asked to give a statement as part of the process of gathering evidence.
- f. Where managerial or procedural action through a different procedure e.g. Discipline, is being taken against the employee who has raised concerns, the manager should contact Human Resources who in turn will contact the Authority's Monitoring Officer (Director of Legal and Governance), and other appropriate colleagues, to decide whether that action should be delayed whilst an investigation under the Whistleblowing procedure takes place.

3.2 Employees/Workers will:

- a. Act in good faith and not blow the whistle for personal gain or with malicious intent but use this procedure to raise concerns in the public interest.
- b. Reasonably believe their allegations and the information they provide are substantially true.

4.0 Principles

4.1 The procedure contained within this document is founded on the following principles:

- a. That employees/workers have a legal right and duty to report their concerns if they have a reasonable belief that wrongdoing may be occurring, or may have occurred, within the Authority.

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- b. That the Public Interest Disclosure Act 1998 protects employees/workers from reprisal, victimisation or harassment at work if they raise a concern in good faith.
- c. To encourage employees/workers to raise serious concerns within the Authority initially, rather than overlooking a problem or blowing the whistle outside.
- d. To encourage and enable individuals to raise concerns about any aspect of the Authority's work and receive feedback on any action taken without fear of reprisal.
- e. To ensure that individuals receive a timely response to their concerns.
- f. Not to discriminate against any individual in the application of this procedure on any grounds including: gender, transgender, race, trade union activities, disability, age, sexual orientation, trans-gender status, part-time work status, religion or belief or any other personal characteristic or quality.

5.0 Definition of Whistleblowing

5.1 Whistleblowing occurs when an employee ~~/-or-~~ worker raises a concern about a dangerous or illegal activity that they are aware of through their work and that may affect others, e.g. customers, members of the public, or their employer. A concern raised, also known as a protected disclosure under the Public Interest Disclosure Act 1998, does not need to be in the public interest to qualify for protection.

5.2 The whistleblower may not be directly or personally affected by the danger or illegality. Consequently, the whistleblower rarely has a personal interest in the outcome of the investigation and as such should not be expected to prove their case. Instead, he or she may raise the concern, also known as a protected disclosure, using the process outlined in this procedure, so that

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others can address it.

5.3 Concerns that are covered by this procedure include:

- Conduct which is an offence or breach of law
- Failing to comply with a legal obligation
- Health and Safety risks, including risks to the public as well as employees/workers
- Damage to the environment
- Abuse of clients
- Safeguarding concerns relating to children, young people or vulnerable adults
- Practice which falls below established standards of practice
- Possible fraud, corruption or financial irregularity including unauthorised use of Authority funds
- Any other unethical conduct
- Covering up information about anything listed above

5.4 This procedure incorporates provisions that are required from the Public Interest Disclosure Act 1998.

6.0 Exclusions

6.1 This procedure does not cover the following cases:

- a. Issues raised by the general public – in these instances the Authority’s Complaints procedure should be used
- b. Issues raised by an employee about their own employment – this is dealt with through the Grievance procedure
- c. Concerns regarding safeguarding will be raised under the Whistleblowing

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procedure to ensure that the employee/worker raising the concern is protected by Public Interest Disclosure Act 1998.

- d. This procedure is not to be used as an appeal mechanism for other procedures i.e. following an unfavourable outcome from the Grievance procedure unless employees/workers feel that the process in another procedure was significantly and seriously compromised.
- e. Employees/workers must not use dismissal or redundancy selection as sole reasons for making a disclosure under this procedure.

7.0 Misuse of the procedure


7.1 The Authority will take seriously any concerns raised that are subsequently proven to have been made maliciously. Any employee/worker, who is found to have acted maliciously, may be subject to the Discipline procedure.

7.2 If, however, an employee/worker raises a concern in good faith that is not later confirmed by investigations, no action will be taken against that employee/worker.

8.0 Confidentiality & Anonymity

8.1 If a concern is raised in confidence, the employee/~~is or~~ worker's identity will not be disclosed without first informing them. If the situation arises where the Authority is unable to resolve the concern without revealing the identity, e.g. because evidence is needed in court, this will be discussed first with the employee/worker who raised the concern to agree how to proceed. However, the Authority will not disclose the identity of the whistleblower to the person who is the subject of the disclosure or others not involved in the investigation unless it is absolutely necessary to do so and only with prior consent from the

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whistleblower.

8.2 It is important to note that it will be much more difficult to investigate the matter or proceed in instances where a concern is raised anonymously. Accordingly, whilst the Authority will consider anonymous reports, it may not be possible to apply all aspects of this procedure for concerns raised anonymously.

8.3 It is expected that all parties involved in the whistleblowing process will maintain strict confidentiality throughout by ensuring that only the people who need to know have access to details of the case (with the exception of any legal obligations requiring action from the Authority, e.g. in health and safety matters)

8.4 Any person found to have breached the terms of this procedure in relation to confidentiality may be subject to action under the Authority's Discipline procedure.

8.5 To qualify for protection, a disclosure made to the Authority~~Employer~~ must be in the "public Interest". An employee should not rely on a disclosure about a breach of their own employment contract to bring a whistleblowing claim.

9.0 Safeguarding

9.1 If an employee/worker has a concern that any person who works with children, young people or vulnerable adults, in connection with his/her employment or voluntary activity, has:

- a. behaved in a way that has harmed a child, young person or vulnerable adult or may have harmed a child, young person or vulnerable adult
- b. possibly committed a criminal offence against or related to a child, young person or vulnerable adult

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- c. behaved towards a child, young person or vulnerable adult in a way that indicates he/she is unsuitable to work with children, young people or vulnerable adults the employee/worker should raise the concern via the Whistleblowing procedure as this procedure affords the employee/worker protection under the Public Interest Disclosure Act 1998. It is important that a safeguarding concern is raised as a matter of urgency as the safety of others may be dependent upon the concern being dealt with swiftly.

10.0 Raising a Concern under the Whistleblowing Procedure

10.1 In the first instance, the employee/worker should raise their concern orally or in writing with their immediate line manager, or, if the concern involves the direct line manager, Human Resources.

10.2 Alternatively, if the employee/~~or~~ worker feels unable to raise a concern to an appropriate level of line management they may use the Authority's Whistleblowing hotline on: 0800 612 4471

10.3 Concerns can also be raised through the employee/workers trade union representative.

10.4 Workers, such as ~~agency workers or~~ contractors, should raise a concern with their contact within the Authority, usually the person to whom they report.


10.5 The employee/worker must make it clear that they are raising the concern under the Whistleblowing procedure.

10.6 If they wish to remain anonymous, they should make this clear to the person they contact.

10.7 Employees/workers will not be required to provide evidence of the concern, however, ~~but~~ will be expected to demonstrate ~~that~~ there are reasonable grounds for raising the issue.

10.8 Employees/workers should have nothing to fear by reporting concerns and

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individuals who do invoke the Whistleblowing procedure will be seen as 'witnesses' rather than 'complainants' by the Authority.

10.9 Any investigations that are deemed necessary following the reporting of a concern will not be influenced by ~~the any~~ Discipline or Managing Business Change ~~redundancy~~ procedures that may already affect employees/workers.

10.10 If an initial concern raised within the Authority includes any possible financial irregularity, the Director of Finance and Assets should be informed by the Director of Legal and Governance.

10.11 The employee/worker has a right to be accompanied by an appropriate trade union representative or work colleague at any meeting throughout the Whistleblowing process.

10.12 The Authority will not meet any costs associated with the attendance of the representative or colleague at a whistleblowing meeting beyond granting paid time off to an Authority employee.

11.0 Formal Stages of the Whistleblowing Procedure

11.1 Stage 1 – Meeting with line manager

- a. On receipt of the concern from the employee/worker, the line manager should inform the Authority's Monitoring Officer (Director of Legal and Governance) as to the nature of the concern.
- b. The line manager will then either continue to deal with the concern or refer it to Human Resources.
- c. The line manager will ~~then~~ write to the employee/worker within 7 calendar days of receipt of the concern to arrange a meeting to discuss the details of the concern that has been raised. This meeting should take place promptly.
- d. The line manager should take notes of the details of the concern either

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during or straight after the meeting.

- e. The line manager will ~~then~~ carry out a preliminary investigation and make a decision on whether a full investigation needs to take place or if urgent action needs to be taken e.g. referral to the police.
- f. If a decision to carry out an internal investigation is made, the line manager/Human Resources will appoint an Investigating Officer, and any parties involved in the concern will be interviewed. Notes of all meetings and interviews should be made.
- g. The line manager will then notify the employee/worker of the outcome in writing within 7 calendar days of the date of the meeting. This time limit may be extended if the investigation is fairly complex and will take time, ~~but~~ the employee/worker who raised the concern will be notified of any delay. This letter will be copied to the Authority's Monitoring Officer (Director of Legal and Governance).
- h. If the employee/worker is dissatisfied with the outcome at Stage 1, they may opt to take the matter to Stage 2 by writing to the Director of People and Organisational Development ~~Director~~ within 10 calendar days of the date of the decision letter at Stage 1.
- i. The Authority will also notify the person that is the subject of the disclosure within 7 calendar days of the date of the meeting. Upon receipt of the confirmation the individual will be able to appeal any decisions by writing to the line manager/ Human Resources within 7 calendar days.

11.2 Stage 2 – Meeting with the Director of People and Organisational Development ~~Director~~

- a. If the employee/worker has notified the Director of People and Organisational Development ~~Director~~ (Hearing Officer) in writing that they are dissatisfied with the outcome at Stage 1, the Director of People and

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Organisational Development ~~Director~~ will write to the employee/worker within 7 calendar days of receiving the letter to arrange a meeting to discuss the continuing concerns. This meeting should take place promptly.

- b. The Director of People and Organisational Development ~~Director~~ may then decide to investigate further and will need to decide what action to take. The employee/worker ~~must~~will be updated with the outcome of the meeting, within 7 calendar days: a copy of the letter will be sent to the Authority's Monitoring Officer (Director of Legal and Governance).

~~copying the response to the Authority's Monitoring Officer.~~


- c. If the employee/worker is dissatisfied with the outcome at Stage 2, they may opt to take the matter to Stage 3, by raising the concern outside the Authority, within 10 calendar days of the date of the decision letter at Stage 2.
- d. Following a hearing if the employee/worker is dissatisfied with the way in which procedures were followed, they should put their concerns in writing to their relevant Human Resources contact in order that concerns may be addressed.

11.3 Stage 3 – Raising the Concern Externally

a. At Stage 3, the employee/worker is entitled to take their concern to any of the following:

- A County or Milton Keynes Councillor or the local Member of Parliament
- The District Auditor
- The Police
- Public Concern at Work3 (www.pcaw.co.uk or telephone 020 7404 6609)
- A trade union or professional association

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- The Local Government Ombudsman

In taking their concerns outside the Authority, the employee/worker should, as far as possible, avoid revealing confidential information (e.g. clients or other workers).

12.0 Director of People and Organisational Development ~~Director~~

12.1 Line managers may raise their concern initially to the Director of People and Organisational Development ~~Director~~ and then the Chief Fire Officer if they wish to take the concern to Stage 2.

12.2 In the event that a Director/Member of the Senior Management Team wishes to raise a concern under the Whistleblowing procedure, they will need to address their concerns to the Chief Fire Officer in the first instance, or directly to a Member of the Authority.

13.0 Investigation

13.1 When a concern is raised through the Whistleblowing procedure, it may be necessary to carry out an internal enquiry. In this instance, an Investigating Officer will be appointed by the Hearing Officer (Director of People and Organisational Development ~~Director~~) and is responsible for investigating events surrounding or leading to the concern raised.

13.2 The Investigating Officer will meet any other parties or witnesses named in the investigation or deemed to be relevant. At this point, a written summary of interview notes and any findings should be produced for the Hearing Officer.

13.3 If further allegations or information come to light during the course of the investigation the Hearing Officer must be kept informed.

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14.0 Action under the Whistleblowing Procedure

14.1 Feedback will be given to the employee/worker who has raised the concern under the Whistleblowing procedure. However, it may not be possible to tell the employee/worker the precise action that may be taken as a result, as this may infringe a duty of confidence owed by the Authority to another employee/worker.

14.2 Prior to any investigation, the line manager / Human Resources may decide to:

- Take action without the need for an investigation
- Take urgent action before an investigation takes place, e.g. suspension of an employee/worker, if sufficient initial evidence indicates this is warranted. See the Discipline Procedure for details on suspension.
- Undertake an investigation e.g. through the Discipline procedure.
- Refer the concern straight to the police. If a concern is referred straight to the police then an internal investigation must not be carried out as the police will wish to speak to all parties involved.
- Arrange an independent enquiry


14.3 Public Concern at Work is an accredited legal advice centre so an employee/worker who approaches this organisation does not breach the duty of confidence that they owe to their employer.

14.4 The employee/worker should be kept informed as to what decision has been made and an explanation given for the decision.

14.5 If a decision is made to take action under another procedure e.g. Discipline procedure, after an investigation, the line manager / Human Resources should:

- Write to the employee/worker who has raised the concern to inform them of the outcome within 7 calendar days of the meeting, with a copy sent to

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the copying in the Authority's Monitoring Officer (Director of Legal and Governance).

- Give reasons for the decision made and explain that the employee/worker has a right to take the matter to the next level and give details of how they should do this.

14.6 If, following the use of the Whistleblowing procedure, an individual believes they are being subjected to detrimental treatment by any person within the Authority, they must inform their relevant line manager immediately and appropriate action will be taken to protect them from any reprisals.

14.7 As part of the Authority's commitment to dealing with concerns raised via this procedure, any person who victimises or harasses an individual as a result of their having raised a concern under the procedure may be subject to disciplinary action.

14.8 Similarly any person who deters or attempts to deter any individual from genuinely raising concerns under this procedure may also be subject to disciplinary action.


15.0 Records

15.1 The Authority's Monitoring Officer (Director of Legal and Governance) will keep a central register of all concerns raised relating to the Authority. Confidential records of the outcome of any concerns raised will also be maintained.

15.2 Records should not be kept on the Personal Records File (PRF) of the individual who raised the concern under any circumstances. These records will be stored in a separate secure location within Human Resources.

15.3 As part of the on-going review of the effectiveness and usage of this procedure, any concerns raised under the Whistleblowing procedure will be

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~~reported within the annual case management report. an annual report will be issued to the Senior Management Team of all concerns raised under the Whistleblowing procedure.~~

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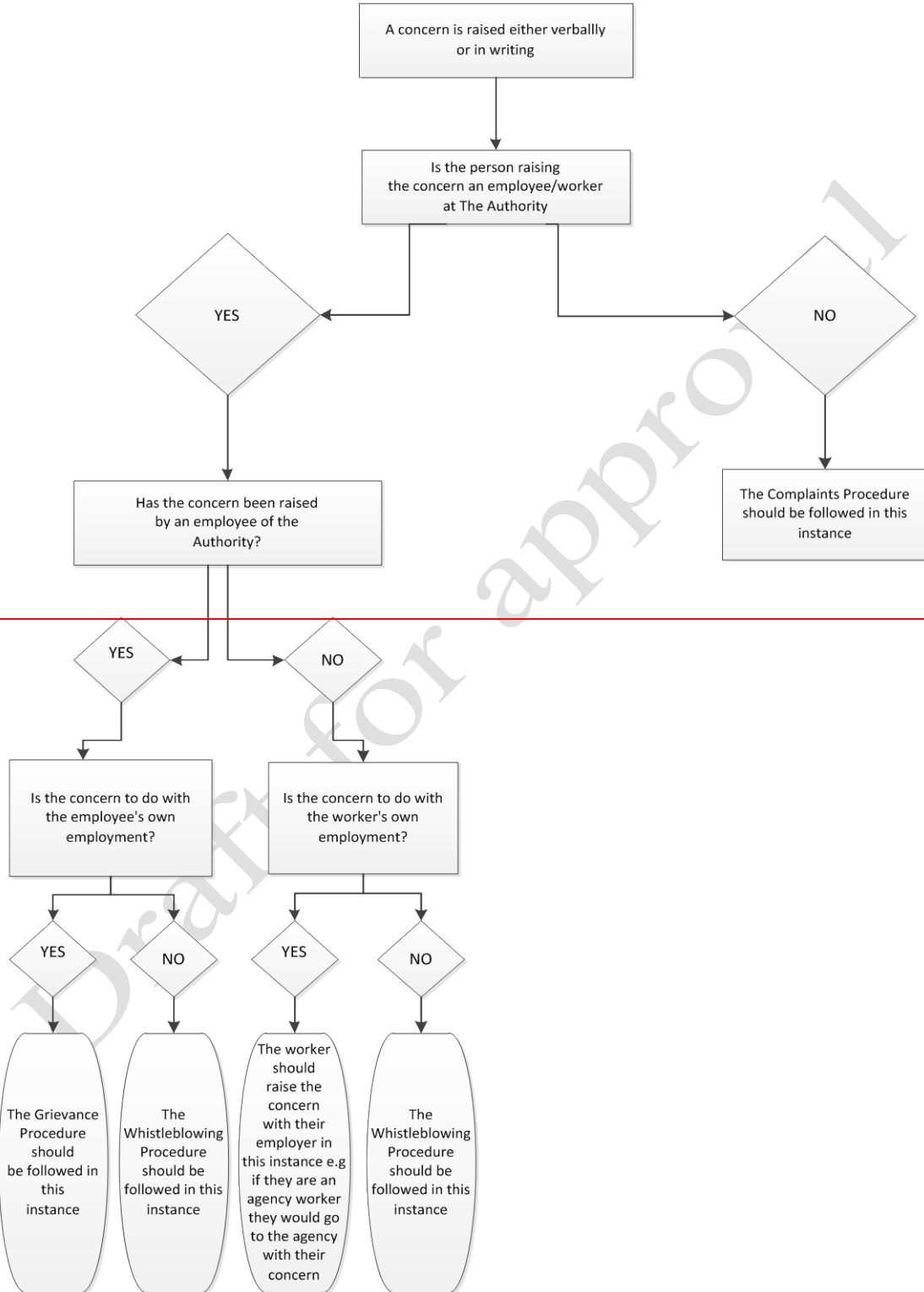
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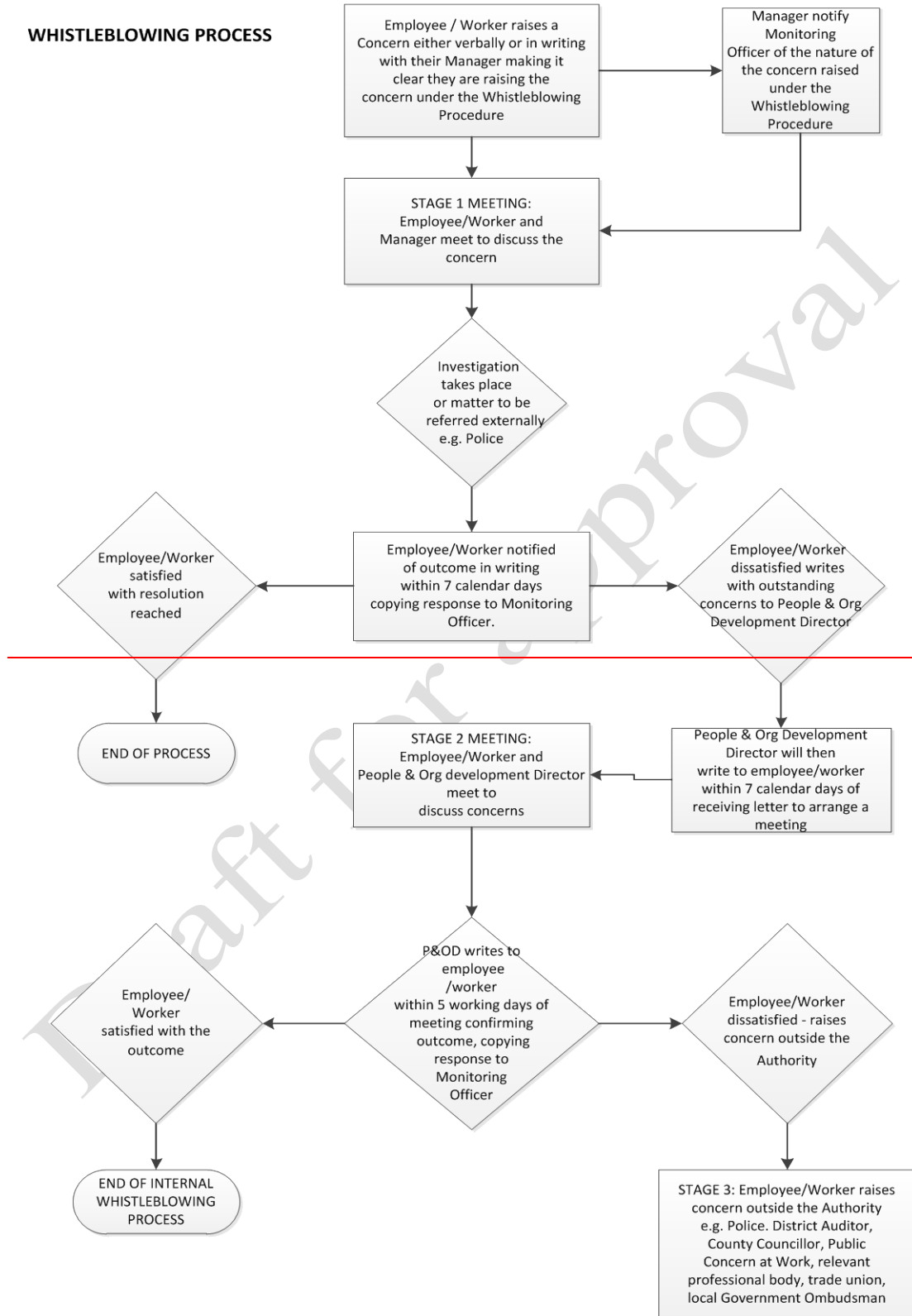
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