



1.0 Changes since the last version

Current version 8.0 - Document reissued following a review in line with normal practice. Minor amendments have been made to the previous version 7.0, with additional information added on the Whistleblowing hotline service. This document will be monitored by Human Resources and reviewed in three years' time from date of publication (XX) unless there is need to review earlier.

Document author - HR Development Manager

Information Asset Owner (IAO) - Director of People & Organisational Development

Approval date - TBC

Review date - TBC

Please note that as Service Documents are frequently updated, if you print a document, its accuracy cannot be guaranteed. Always check the intranet for the latest version.

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3.0 Purpose and scope

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

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

The procedure forms part of the Service's Anti-Fraud and Corruption strategy and provides a structured mechanism for employees/workers to raise any serious concerns about any aspect of the Service's work without the risk of any subsequent detriment or disadvantage. This document is in addition to the Service's Complaints and Grievance procedures. It does not form part of the Discipline procedure, although disciplinary action may result from the application of this procedure.

This procedure applies to:

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

This procedure does not apply to:

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

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

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 Service, can and should be reported under this procedure.



4.0 Roles and responsibilities

Both managers and employees/workers have a responsibility within this procedure.

Managers will:

- a. Ensure the Whistleblowing procedure is 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 Service'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 a concern, only telling those who need to know and requesting all parties 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. Human Resources will then contact the Service'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

Employees/Workers will:

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



5.0 Principles

The procedure 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 Service
- 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 Service 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 Service'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

6.0 Definition of Whistleblowing

Whistleblowing occurs when an employee/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.

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 others can address it. 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 or vulnerable adults. This is to ensure that the employee/worker raising the concern is protected by Public Interest Disclosure Act 1998
- Practice which falls below established standards of practice
- Possible fraud, corruption or financial irregularity including unauthorised use of Service funds
- Any other unethical conduct
- Covering up information about anything listed above

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

7.0 Exclusions

This procedure does not cover the following cases:

- a. Issues raised by the general public – in these instances, the Service'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. 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
- d. Employees/workers must not use dismissal or redundancy selection as sole reasons for making a disclosure under this procedure

8.0 Misuse of the procedure

The Service 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 dealt with under the Discipline procedure.

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



9.0 Confidentiality and Anonymity

If a concern is raised in confidence, the employee/worker's identity will not be disclosed without first informing them. If the situation arises where the Service 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 Service 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 Whistleblower.

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

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 Service, e.g. in health and safety matters). Any person found to have breached confidentiality may be subject to action under the Service's Discipline procedure.

To qualify for protection, a disclosure made to the Service 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.

10.0 Safeguarding

It is important that any safeguarding concern is raised as a matter of urgency as the safety of others may be dependent upon the concern being dealt with swiftly. If an employee/worker has a concern that any person who works with children or vulnerable adults, in connection with his/her employment or voluntary activity, has:

- a. Behaved in a way that has harmed a child or vulnerable adult or may have harmed a child or vulnerable adult
- b. Possibly committed a criminal offence against or related to a child or vulnerable adult
- c. Behaved towards a child or vulnerable adult in a way that indicates he/she is unsuitable to work with children 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.



11.0 Raising a Concern under the Procedure

In the first instance, the employee/worker should raise their concern with their immediate line manager, or, if the concern involves the immediate line manager, Human Resources. Alternatively, if the employee/worker feels unable to raise a concern to an appropriate level of management they may use the Service's confidential Whistleblowing hotline service - **0800 111 6390**.

The Whistleblowing hotline service is available 24 hours a day, seven days a week, 365 days a year. Trained staff will answer calls during office hours (8am to 8pm), with out of hours calls held on a secure dedicated voicemail facility. All calls received will be reported to the Authority authorised recipients; Director of Legal and Governance or Director of People and Organisational Development, within one working day of the call being received.

The authorised recipient(s) will be asked to confirm their availability to review the case. Once confirmation has been received, details of the call will be made to authorised recipient and the Whistleblowing hotline service will destroy the record, retaining only statistical information on number of calls taken.

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

Workers, such as contractors, should raise a concern with their contact within the Service, usually the person to whom they report.

The employee/worker must make it clear they are raising the concern under the Whistleblowing procedure. If they wish to remain anonymous, they should make this clear to the person they contact.

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

Employees/workers should have nothing to fear by reporting concerns and individuals who do invoke the Whistleblowing procedure will be seen as 'witnesses' rather than 'complainants' by the Service.

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

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

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.

The Service will not meet any costs associated with the attendance of the



representative or colleague at a Whistleblowing meeting beyond granting paid time off to a Service employee.

12.0 Formal Stages

12.1 Stage one – Meeting with line manager

- a. On receipt of the concern from the employee/worker, the line manager should inform the Service'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 write to the employee/worker within seven calendar days of receipt of the concern to arrange a meeting to discuss the details of the concern raised. This meeting should take place promptly
- d. The line manager should take notes of the details of the concern either during or straight after the meeting
- e. The line manager will carry out a preliminary investigation and make a decision on whether a full investigation is required 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 seven calendar days of the date of the meeting. This time limit may be extended if the investigation is complex and will take time; the employee/worker who raised the concern will be notified of any extension. This letter will be copied to the Service's Monitoring Officer (Director of Legal and Governance)
- h. If the employee/worker is dissatisfied with the outcome at Stage one, they may opt to take the matter to Stage two by writing to the Director of People and Organisational Development within ten calendar days of the date of the outcome letter at Stage one
- i. The Service will also notify the person that is the subject of the disclosure within seven calendar days of the date of the meeting. Upon receipt of confirmation of the outcome, the individual will be able to appeal any decisions by writing to the line manager/ Human Resources within seven calendar days



12.2 Stage two – Meeting with the Director of People and Organisational Development

- a. If the employee/worker has notified the Director of People and Organisational Development (Hearing Officer) in writing that they are dissatisfied with the outcome at Stage one, the Director of People and Organisational Development will write to the employee/worker within seven 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 may decide to investigate further and will need to decide what action to take. The employee/worker will be updated with the outcome of the meeting, within seven calendar days; a copy of the letter will be sent to the Service's Monitoring Officer (Director of Legal and Governance)
- c. If the employee/worker is dissatisfied with the outcome at Stage two, they may opt to take the matter to Stage three, by raising the concern outside the Service, within 10 calendar days of the date of the decision letter at Stage two
- 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

12.3 Stage three – Raising the concern externally

At Stage three, 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
- The Local Government Ombudsman

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



13.0 Director of People and Organisational Development

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

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/CEO in the first instance, or directly to a Member of the Fire Authority.

14.0 Investigation

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

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 will be produced for the Hearing Officer.

If further allegations or information become known during the course of the investigation, the Hearing Officer must be kept informed.

15.0 Action under the Whistleblowing Procedure

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 Service to another employee/worker.

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
- 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

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.

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

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

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

If, following the use of the Whistleblowing procedure, an individual believes any person within the Service is subjecting them to detrimental treatment, they must inform their line manager immediately and appropriate action will be taken to protect them from any reprisals.

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

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.

16.0 Monitoring and assurance

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

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

As part of the on-going review of the effectiveness and usage of this procedure, any concerns raised under the Whistleblowing procedure will be reported within the annual internal audit report.

17.0 Document history

Version 1.0 - OC21/1 Whistleblowing: Maintaining an ethical climate at work

Version 2.0 - Document 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

Version 2.1 - Document updated to include the EAP internal process for dealing with Whistleblowing calls from employees

Version 3.0 - Document updated to include a number of changes to contact details most significantly, the introduction of the InTouch service provided by the EAP

Version 4.0 - Document updated to create a better fit with a number of other documents; new format, clarifies the prescribed persons for reporting a concern and specifies responsibilities of employees/workers, line managers and Human Resources

Version 5.0 - Reflects revisions in employment law on 25 June 2013

Version 6.0 - Hotline phone number amended

Version 7.0 - Document reviewed and reissued with minor amendments made

Version 7.1 - Whistleblowing hotline number updated and minor amendments made

18.0 Consultation/publication/communication

Updated procedure presented to Overview and Audit on 13 March 2019 with the recommendation to approve for publication



19.0 Integrated Impact Assessment (IIA)

A) The impact table

Are there any possible impacts which need further investigation? To complete the table tick ✓ the likely impact.

Impact Table						
Impact on people (protected groups and "others")	External Individuals			Service Employees		
	Positive	Negative	None	Positive	Negative	None
People						
Gender			✓			✓
Race			✓			✓
Age			✓			✓
Religion/Belief			✓			✓
Sexual Orientation			✓			✓
Gender Reassignment			✓			✓
Pregnancy / Maternity			✓			✓
Marriage/Civil Partnership			✓			✓
Disability			✓			✓
Place						
Strengthen Community Cohesion			✓			✓
Tackling Poverty / Promoting Social Inclusion			✓			✓
Privacy			✓			✓
Health			✓			✓
Environment			✓			✓

If you have a tick in any negative box you need to consider why and include this in your risk assessment.



B) Privacy impact assessment screening questions

These questions are intended to help Service staff involved with new projects and / or processes (or significantly changed processes) decide whether an Impact Assessment is necessary. Answering 'yes' to any of these questions is an indication that an Impact Assessment would be a beneficial exercise.

Privacy Screening Questions		
Question	Yes/ No?	Comment
Will the project involve the collection of new information about individuals?	No	
Will the project compel individuals to provide information about themselves that they have not had to previously?	No	
Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information?	No	
Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?	No	
Does the project involve you using new technology which might be perceived as being privacy intrusive? For example, the use of biometrics or facial recognition.	No	
Will the project result in you making decisions or taking action against individuals in ways which can have a significant impact on them?	No	
Is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For example, health records, criminal records or other information that people would consider to be particularly private.	No	
Will the project require you to contact individuals in ways which they may find intrusive?		

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People Screening Questions		
Question:	Yes/No:	Comment
Will the project you are undertaking affect any of the following factors explicitly? <ul style="list-style-type: none"> - Race - Disability - Gender - Religion/Belief - Sexuality - Age - Gender Reassignment - Pregnancy / Maternity - Marriage / Civil Partnerships 	No	
Could the progression of your project have a negative effect on a particular person/group of persons within the organisation or externally?	No	
Does the progression of your project affect the status of any person/s within the organisation or externally?	No	
Will any person/s within the organisation or externally be negatively impacted, with respect to their personal status, by the completion of your project?	No	
Is there any new technology within your project that will negatively impact the wellbeing of a person/s within the organisation or externally?	No	
Is there any aspect of a person/s status that will negatively impact your project?	No	
Is there any risk that your project could fail to comply with all relative people laws, e.g. the Equalities Act 2010?	No	
If your project requires you to employ new members of staff, is there likely to be any people based prejudice within the recruitment process?	No	