



Buckinghamshire & Milton Keynes Fire Authority

Meeting and date: Overview and Audit Committee, 15 March 2023

Report title: Updated Whistleblowing Procedure (V10)

Lead Member: Councillor Gary Hall, Lead Member - People, Equality and Diversity and Assurance

Report sponsor: Mick Osborne; Chief Operating Officer / Deputy Chief Fire Officer

Author and contact: Faye Mansfield, HR Advisory and Development Manager

Action: Decision

Recommendations: It is recommended that the updated Whistleblowing Procedure as detailed in Appendix one, noting the proposed additional wording in the updated document, be approved for publication.

Executive summary:

The aim of the Authority's Whistleblowing Procedure is to encourage individuals who have serious concerns about any aspect of the Authority's work to not overlook concerns they may have, but to raise these within a safe and supportive working environment, where individuals feel able to speak up.

The Whistleblowing Procedure supports the overarching employment related policy themes and compliant with the strategic direction of the Authority on employment related policy matters, which support the delivery of corporate objectives.

This report presents the updated Whistleblowing Procedure (Appendix one), which has been reviewed in line with normal practice. The proposed amendment to the updated procedure provides an individual with further options for reporting an issue. This change is shown as additional text underlined (underlined) in section 12 of Appendix one.

Financial implications:

There are no direct financial implications arising from this report.

Risk management:

The Whistleblowing Procedure seeks to mitigate risk for the Authority and its employees/workers. A clear procedure for raising concerns helps to reduce the risk of serious concerns being mishandled, whether by the employee/worker or the Authority.

Business ethics are increasingly seen as issues that can contribute to building or destroying an organisation's reputation. The Whistleblowing Procedure gives clear guidance to managers and employees/workers.

If managers, employees/workers do not have directional guidance from fit for purpose procedures aligned to the corporate objectives, there is a risk of potential employment relations issues and a non-consistent management approach.

On a three yearly or risk critical basis, employment related procedures and guidance notes are created and amended to support each employment related policy theme.

Legal implications:

Part IVA of the Employment Rights Act (1996), inserted by the Public Interest Disclosure Act (1998), provides a framework of protection against detriment or dismissal in connection with whistleblowing or illegal practice within the workplace.

Encouraging a culture where concerns are reported at an early stage makes it easier for effective action to address those concerns and therefore avoid more serious regulatory breaches or reputational damage. An effective internal Whistleblowing Procedure makes it less likely that employee/worker disclosures to an external agency (for example, news media) would be protected under whistleblowing legislation and assists the Authority to demonstrate that it has adequate measures in place to prevent malpractice within the workplace.

All procedures take due regard to appropriate legislation and best practice.

Privacy and security implications:

Whilst individuals are encouraged to raise their concerns openly, there may be occasions where they wish to raise these anonymously or in confidence. Unless required by law to disclose personal information, all reasonable measures will be taken to maintain the confidentiality of the whistleblower.

In some cases, it may not be possible to maintain confidentiality as a consequence of an investigation into concerns raised. Where this occurs, this will be discussed with the whistleblower at the earliest opportunity and measures put in place to support the individual to ensure they suffer no detriment or harassment as a result.

Where anonymous concerns are raised, it may be more difficult to investigate the matter due to a lack of detail other than information provided in the initial disclosure. Whilst anonymous allegations will be considered, it may not be possible to apply all aspects of the procedure for the concerns raised.

Duty to collaborate:

The Policing and Crime Act 2017 requires the Authority to consider opportunities for collaboration with the police and ambulance services. All Authorities will have an approach to handling whistleblowing within their organisation, and at this time have separate procedures. To support collaborative working, sharing of resources and working across boundaries, the Authority will continue to collaborate with others in the development of employment related policies and procedures where appropriate.

Health and safety implications:

There are no health and safety implications arising from this report.

Environmental implications:

There are no environmental implications arising from this report.

Equality, diversity, and inclusion implications:

An Impact Assessment has been completed as part of the update. There are no identified adverse impacts on any protected characteristics.

Consultation and communication:

Stakeholder communication is a significant element of successful implementation of employment related procedures.

Following approval of the updated Whistleblowing Procedure, this document will be communicated to employees in accordance with usual practice. This will be followed up as part of a suite of training and awareness sessions during 2023/24.

Background papers: The Public Interest Disclosure Act (1998)

<https://www.legislation.gov.uk/ukpga/1998/23/contents>

Report to Overview and Audit held 13 March 2019 – Updated Whistleblowing Procedure <https://bucksfire.gov.uk/authority/overview-and-audit-committee-meetings-2019/>

Appendix	Title	Protective Marking
1	Updated Whistleblowing Procedure	