



## 1. Changes since the last version

Current version 10 - document reissued following a review. Minor amendments have been made to the previous version 9.0. This document will be monitored by Human Resources and reviewed after three years from date of publication unless there is need to review earlier.

Document Author: HR Advisory and Development Manager

Information Asset Owner: Head of HR

Approval: 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 Fire & Rescue 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.

Where an employee suspects or witnesses wrongdoing within the workplace, they can contact the whistleblowing service; a confidential freephone helpline available 24 hours a day, 365 days a year. The confidential helpline number is 0800 047 4037. When a call is made to this service, a trained advisor will note down the details, e.g. date, time, location and description of the incident, and they will complete a dedicated whistleblowing form. The disclosure will then be reported to the dedicated authorised recipient within the Service. Employees who call the helpline can request updates on the process or remain entirely anonymous and they will receive in-the-moment counselling as part of the service.

The procedure forms part of the Service's Anti-Fraud and Corruption strategies 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 discipline action may result from the application of this procedure.

This procedure applies to:

- All employees of the Service, including temporary employees
- Workers, including agency staff, consultants, self-employed individuals, and trainees engaged to work in Service establishments
- Contractors working for the Service, on Service premises and suppliers and those providing services under a contract with the Service, on their own premises
- Organisations working in partnership with the Service
- 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:

- Members of the public. Concerns raised by the public should be made via the Service's Complaints procedure



- 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.

This document applies to all employees/workers of the Service. Employees are expected to follow the principles represented within this document in all day-to-day activities, whether working online or offline and working remotely where a virtual co-presence is provided.

### **4.0 Roles and responsibilities**

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

#### **Managers will:**

- Ensure the Whistleblowing procedure is followed correctly, seeking advice from Human Resources where they are unsure
- 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
- Inform the Service's Monitoring Officer (Director of Legal and Governance) when a concern is raised to them
- 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
- 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
- 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:**

- Act in good faith to raise concerns in the public interest and not blow the whistle for personal gain or with malicious intent and ~~not blow the whistle for personal gain or with malicious intent~~, however use this procedure to
- Reasonably believe their allegations and the information they provide are substantially true
- Raise concerns with the Service in the first instance where possible

### **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 age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation, trade union activities, part-time work 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.

An employee/worker making a qualifying disclosure must believe that doing so is in the public interest, and their belief must be reasonable in all the circumstances. Whilst a disclosure needs to be in the public interest, it can include in the interest of colleagues in general, where the public would be unhappy with the workforce being treated in a particular way. Whether these sorts of disclosures can reasonably be believed to be in the public interest will depend upon:

- The numbers in the affected group
- The nature of the interests affected and the extent to which they are affected
- The nature of the alleged malpractice
- The identity of the alleged wrongdoer

~~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, they 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 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
- e) 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.

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.

### **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.

Personal information is likely be processed during a whistleblowing process. Confidentiality and protection of both the whistleblower's identity and the contents of the disclosure, will be balanced against adherence to General Data Protection Regulation (GDPR) obligations.

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.

### **10. 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 their 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 they are 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. 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 external whistleblowing service - ~~0844 892 4413~~ [0800 047 4037](tel:0800 047 4037).

The whistleblowing service is available 24 hours a day, seven days a week, 365 days a year. Trained staff will answer calls. If all the lines are busy, your call will be put through to an overflow service, where contact information will be taken, and you will be called back within an hour. All calls received will be reported to the Authority authorised recipients; Director of Legal and Governance or [Chief Operating Officer \(DCFO\)](#) ~~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. [If the issue is with the individual they normally report to, they should contact Human Resources.](#)

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 [any management or business change procedures](#) ~~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. Formal stages of the procedure

### 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 employee/worker will have the right to be accompanied to the meeting
- e) The line manager should take notes of the details of the concern either during or straight after the meeting
- f) 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
- g) 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
- h) 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)
- i) 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 Chief



- Operating Officer (DCFO) Director of People and Organisational Development within ten calendar days of the date of the outcome letter at Stage one
- j) 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
- k) If 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 Operating Officer (DCFO) in the first instance, or the Chief Fire Officer/CEO if deemed more appropriate

### **12.2 Stage two – Meeting with the Chief Operating Officer (DCFO) Director of People and Organisational Development**

- a) If the employee/worker has notified the Chief Operating Officer (DCFO) Director of People and Organisational Development (Hearing Officer) in writing that they are dissatisfied with the outcome at Stage one, the Chief Operating Officer (DCFO) 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 Chief Operating Officer (DCFO) 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 ten 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
- e) For Directors/Member of the Senior Management Team, Stage two will be dealt with by the Chief Fire Officer/CE



### **12.3 Stage three – Raising the concern externally**

It is important that concerns are raised internally as soon as possible. This will give the Service the opportunity to address and resolve any concerns quickly by the most appropriate means. 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
- A trade union or professional association
- [Protect](#)
- [Local Government & Social Care Ombudsman](#)

Alternatively, an individual can visit GOV.UK for a list of prescribed persons and bodies to whom they can make a disclosure.

The aim of this procedure is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases individuals should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for concerns to be reported to an external body such as a regulator. It will rarely, if ever, be appropriate to alert the media or publish concerns on social media.

Individuals are advised to seek their own legal advice before reporting a matter externally.

~~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. **Chief Operating Officer (DCFO) Director of People and Organisational Development**~~

~~Line managers may raise their concern initially to the [Chief Operating Officer \(DCFO\)](#) 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.~~



### 13. 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 ([Chief Operating Officer \(DCFO\)](#) ~~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.

### 14. Action under the 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

[Protect](#) 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.

There may be occasions where an internal investigation will be conducted in parallel to the whistleblowing. If a decision is made to take action under another procedure e.g. Discipline procedure, the investigation will make use of evidence



collected through the whistleblowing process. 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 reprisal.

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 discipline action.

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

### **15. 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.

Human Resources will monitor the effectiveness of this document and unless there is a need to review earlier, the document will be reviewed after three years from the date of publication.

Human Resources will report any exceptions or issues arising under this document to the relevant SMT representative.



## 16. 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
- Version 8.0 - Document reissued following a review in line with normal practice. Minor amendments were made to the previous version, with additional information added on the whistleblowing hotline service
- Version 9.0 – Document reviewed and reissued with a new whistleblowing confidential helpline added. Updated procedure presented to Overview and Audit on 13 March 2019 with the recommendation to approve for publication

## 17. Consultation, Publication, Communication

Consultation period between September and October 2022

## 18. Impact Assessments

### A) The Equality impact table

Assessment of impact table. Does the activity have the potential to impact differently on individuals in different groups? To complete the table ✓ the likely impact. If an EIA action plan is necessary, this can be downloaded from the Intranet.

## Service Document Procedure: Whistleblowing



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Assessment of impact on groups in **bold** is a legal requirement. Assessment of impacts on groups in *italics* is not a legal requirement, however it will help to ensure that your activity does not have unintended consequences.

Protected characteristic	Positive	Negative	Neutral	Rationale for decision ( <i>use action plan if necessary</i> )
<b>Individuals of different ages</b>			✓	No specific impacts identified
<b>Disabled individuals</b>			✓	No specific impacts identified
<b>Individuals transitioning from one gender to another</b>			✓	No specific impacts identified
<b>Individuals who are married or in civil partnerships</b>			✓	No specific impacts identified
<b>Pregnancy, maternity and new parents</b>			✓	No specific impacts identified
<b>Individuals of different race</b>			✓	No specific impacts identified
<b>Individuals of different religions or beliefs</b>			✓	No specific impacts identified
<b>Individual's gender identity</b>			✓	No specific impacts identified
<b>Individual's sexual orientation</b>			✓	No specific impacts identified
<i>Individuals living in different family circumstances</i>			✓	No specific impacts identified
<i>Individuals in different social circumstances</i>			✓	No specific impacts identified
<i>Different employee groups</i>			✓	No specific impacts identified
<i>Other</i>				No specific impacts identified

### B) Data Protection Impact Assessment Screening Questions



## Service Document Procedure: Whistleblowing



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If the document includes any personally identifiable information (PII) a Data Protection Impact Assessment (DPIA) will be required. This should be discussed with the Data Protection Officer and the DPIA file location referenced at this point in your document.

Where no PII is involved it should be stated at this point in your document.

The Data Protection Officer holds the master copies of all completed DPIA in N: Common/Information Assets/DPIAs.

The DPIA needs to be reviewed periodically to ensure that any PII is adequately considered.

The DPIA template and guidance can be found [here](#).