

# **Service Order – Human Resources**

## **Whistleblowing Policy**

### **Section 35**



#### **Table Of Contents**

1.	Introduction	5
1.1	Background	5
1.2	Policy Statement	5
1.3	Aims and Scope of Policy	5
2.	Roles And Responsibilities	7
2.1	Heads of Departments/Workplace Managers	7
2.2	All Staff	7
2.3	Service Solicitor	7
2.4	Lead Department	7
3.	Procedures	8
3.1	Procedures	8
4.	Document Control	10

## Whistleblowing Service Order – Aide Memoire

1. The Service has policies in place if you wish to raise a complaint about your own employment:
  - Bullying and Harassment Service Order
  - Grievance Service Order
2. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures which may include:
  - Conduct which is an offence or a breach of law (e.g., misconduct in public office)
  - Disclosures related to miscarriages of justice.
  - Health and Safety risks, including risks to the public as well as other employees.
  - Damage to the environment
  - The unauthorised use of public funds
  - Possible fraud and corruption (also see the anti-bribery policy)
  - Other unethical conduct (e.g. serious breaches of the LFRS Code of Conduct or the LCFA Principles in Public Life)
3. Any reasonable concerns that you have about any aspects of Service provision or the conduct of staff or members of the LCFA, LFRS or others acting on their behalf can be reported under the Whistleblowing Policy. This may be about something that:
  - Makes you believe there has been a serious breach in terms of known standards or your experience or the standards you believe LFRS subscribes to; or
  - Is in major breach of important service orders or policies or;
  - Falls well below established standards of practice; or
  - Amounts to improper conduct.
4. LFRS will support you and take appropriate action to protect you when you raise a concern in the public interest if you have a reasonable belief that what you are saying is true and requires to be disclosed. No investigation into allegations of potential malpractice will be influenced by, or will influence, any disciplinary or redundancy procedures that affect you at the time you raise a concern.
5. Whilst all concerns will be treated in confidence, it may be necessary for you to come forward as a witness at some point.
6. You are encouraged to put your name to your allegation, as concerns expressed anonymously are much less powerful. The Lancashire Combined Fire Authority (LCFA) will exercise discretion in accepting a wish for anonymity, considering the following:
  - The seriousness of the issue raised.
  - The credibility of the concern: and

- The likelihood of confirming the allegation from attributable sources.
7. Raising a complaint
- raise concerns with your immediate manager or their supervisor where possible.
  - if you believe management are involved, approach the Clerk to the LCFA on 01772 866720.
  - If you don't wish to approach your line manager, contact the Deputy Chief Fire Officer on 01772 866801.
  - Raise your concerns verbally or in writing.
  - If raising a report in writing use the following format:
    - Give the background and history of the concern, with relevant dates,
    - Give the reason you are particularly concerned about the issue,
    - The earlier you raise a concern, the sooner it may be possible to take action,
    - You must show you have reasonable belief for your concerns and that they are reasonably in the public interest.
  - Advice and guidance on how to pursue matters of concern from:
    - Clerk to the Fire Authority 01772 866720
    - Deputy Chief Fire Officer 01772 866801
    - Director of People and Development 01772 866804
    - Service Solicitor [REDACTED]
8. Utilise 'Safecall' as an independent reporting 'hotline'
- Freephone 0800 915 1571
  - [www.safecall.co.uk/report](http://www.safecall.co.uk/report)
9. You may wish to discuss your concern with a colleague – you might find it easier to raise if more than one of you has the same concerns.
10. You may invite a Trade Union representative or friend to be present at any meetings or interviews you attend in connection with the concerns you have raised.
11. The LCFA will respond to your concerns – following scrutiny, they may accept or reject them.
12. The matters raised may:
- Be investigated by management, internal audit or through the disciplinary process
  - Be referred to the police if there is a believe that a criminal offence has been committed
  - Be referred to the external auditor
  - Form the subject of an independent enquiry

13. The overriding principle which the LCFA will have in mind is the public interest. Matters which fall within the scope of specific procedures, for instance discrimination issues, will normally be referred for consideration under those procedures.
14. Some concerns may be resolved by agreed action. Any urgent action required will be taken before any investigation is conducted.
15. You will receive written confirmation, within ten working days:
  - Acknowledging the concern has been received,
  - Indicating who is dealing with the matter,
  - An estimate of how long it will take to provide a final response,
  - Whether any initial enquiries have been made,
  - Providing information on staff support mechanisms for you,
  - Telling you whether further investigations will take place and if not, why not.
16. The LCFA may seek further information from you, and should you be required to give evidence in criminal or disciplinary proceedings, you will receive advice about the procedure.
17. If you make allegations in which you have reasonable belief, but it is not confirmed by the investigation, no action will be taken against you. Rumours, unfounded suspicions, or uncorroborated allegations will not be sufficient. Disciplinary action may be taken against you if it subsequently comes to light that you have misused the Whistleblowing Policy.
18. If you are not satisfied with the outcome or action taken, you may take the matter outside the Service, though you should take care not to unnecessarily disclose confidential information:
19. Protect (Tel No: 020 3117 2520) is a registered charity whose services are free and strictly confidential and which will give staff advice and guidance on the action they can take. Contact can be made via a contact form on their website: <http://protect-advice.org.uk>
  - The Engagement Lead – Lancashire Combined Fire Authority, Grant Thornton UK LLP, 4 Hardman Square, Spinningfields, Manchester, M3 3EB (Tel no: 0161 953 6900) (The organisations appointed independent auditors)
  - Your trade union
  - Your local Citizens Advice Bureau
  - The Police
  - His Majesty's Inspectorate of Constabulary and Fire and Rescue Services. (Tel no 020 3513 0500)

## 1. Introduction

### 1.1 Background

This policy aims to meet the responsibilities of the Lancashire Combined Fire Authority ("LCFA") under the Public Interest Disclosure Act 1998 ("PIDA") which has inserted provisions into the Employment Rights Act 1996 ("ERA") and as amended by the Enterprise and Regulatory Reform Act 2013 ("ERRA")

Employees are often the first to realise that there may be something seriously wrong with an organisation. However, they may feel unable to express their concerns because they think speaking up as being disloyal to their colleagues or to LFRS. They may also fail to do so if as they may fear harassment or victimisation. In these circumstances it may sometimes appear easier to ignore the concern rather than report malpractice.

The LCFA is committed as a public body to the highest possible standards of transparency, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the work of the LCFA or LFRS to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

### 1.2 Policy Statement

This Whistleblowing Policy makes it clear that you can come forward and raise those concerns without fear of any detriment e.g. victimisation or discrimination. This policy is intended to encourage and enable employees and workers to raise serious concerns in which they have a reasonable belief in the public interest rather than overlooking a problem or 'blowing the whistle' outside the organisation in the first instance.

The policy applies to all employees, (including those designated as casual hours, temporary, agency workers, contractors and suppliers working for LFRS or LCFA). Whistle blowers are protected from suffering a detriment, bullying or harassment from another worker as a consequence of making a protected disclosure.

This policy has been discussed with the relevant trade unions and has their support.

### 1.3 Aims and Scope of Policy

This policy aims to:

- Encourage you to feel confident in raising concerns which are in the public interest
- Provide avenues for you to raise those concerns and receive feedback on any action taken
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied

- Reassure you that you will be protected from possible detriment if you have a reasonable belief that you have made a qualifying disclosure in the public interest

There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- Conduct which is an offence or a breach of law (e.g. misconduct in public office)
- Disclosures related to miscarriages of justice
- Health and Safety risks, including risks to the public as well as other employees
- Damage to the environment
- The unauthorised use of public funds
- Possible fraud and corruption ( also see the anti-bribery policy)
- Other unethical conduct (e.g. serious breaches of the LFRS Code of Conduct or the LCFA Principles in Public Life)

Thus, any reasonable concerns that you have about any aspects of Service provision or the conduct of staff or members of the LCFA, LFRS or others acting on their behalf can be reported under the Whistleblowing Policy. This may be about something that:

- Makes you believe there has been a serious breach in terms of known standards or your experience or the standards you believe LFRS subscribes to; or
- is in major breach of important service orders or policies or;
- Falls well below established standards of practice; or
- Amounts to improper conduct

This policy does not replace the LFRS complaints or grievance procedures.

### Safeguards

#### Lancashire Combined Fire Authority

- Is committed to good practice and high standards and wants to be supportive of employees
- Recognises that the decision to report a concern can be a difficult one to make. If you have a reasonable belief that what you are saying is true and requires to be disclosed in the public interest, you have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.
- Will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in the public interest in this way.
- Gives a commitment that any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

## Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

## Anonymous Allegations

This policy encourages you to put your name to your allegation whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the LCFA.

In exercising this discretion the factors to be taken into account would include:

- The seriousness of the issue raised
- The credibility of the concern: and
- The likelihood of confirming the allegation from attributable sources.

## **2. Roles And Responsibilities**

### 2.1 Heads of Departments/Workplace Managers

It is the responsibility of all Heads of Departments and Workplace Managers to be fully aware of this Service Order. A clear understanding of its content is required to be able to assist and support any whistleblowing allegations and support the staff member(s) raising the concern.

### 2.2 All Staff

All other staff should have a clear understanding of this Service Order to understand their responsibilities and process should a whistleblowing concern is raised by themselves or another colleague.

### 2.3 Responsible Officer

The Chief Fire Officer has overall responsibility for the maintenance and operation of this policy. The Chief Fire Officer will maintain a record of concerns raised and the outcome (but in a form which does not endanger your confidentiality) and will report as necessary to the LCFA.

### 2.4 Service Solicitor

The role of the Service Solicitor is to support the investigation and ensure compliancy.

### 2.5 Lead Department

This Service Order is owned by the Service Solicitor, Human Resources Department.

### 3. Procedures

#### 3.1 Procedures

##### How to raise a complaint

As a first step, you should normally raise concerns with your immediate manager or their supervisor. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that the management is involved you can approach the Clerk to LCFA, Lancashire Fire and Rescue Service Headquarters, Garstang Road, Fulwood, Preston. If you don't feel able to approach your line manager you can contact the Deputy Chief Fire Officer or Director of People and Development (See end of Section 24)

Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:

- the background and history of the concern (giving the relevant dates)
- the reason why you are particularly concerned about the issue.
- the earlier you express the concerns the sooner it may be possible to take any necessary action.
- although you are not expected to provide proof beyond doubt the truth of an allegation, you must show that you have a reasonable belief for your concerns and that they are reasonably in the public interest.
- obtain advice/guidance on how to pursue matters of concern from:

The Clerk to the Fire Authority – 01772 866720

Deputy Chief Officer – 01772 866801

Director of People and Development – 01772 866804

The Service Solicitor – XXXXXXXXXX

If ultimately you feel you have to take the matter externally, possible contacts are listed at the end of this document.

You may wish to consider discussing your concerns with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

The LCFA will respond to your concerns. Do not forget that scrutinising your concerns is not the same as either accepting or rejecting them.



The Line Manager or other person who is initially told about the allegation should in the first instance make contact with the service solicitor [REDACTED] so that a decision can be made (in consultation with The Clerk to the Fire Authority; the Deputy Chief Officer; the Director of People and Development or other person as appropriate) as to how to deal with the matter raised and who should be tasked with investigating and deciding on the matter.

Where appropriate, the matters raised may

- be investigated by management, internal audit, or through the disciplinary process
- be referred to the Police (if there is a belief that a criminal offence has been committed this should be reported to the Police)
- be referred to the external auditor
- form the subject of an independent enquiry

To protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the LCFA will have in mind is the public interest. Criminal Offences, miscarriages of justice, matters of health and safety, damage to the environment and concealment of such failures are by their very nature matters of public interest. However each matter will need to be assessed on the individual facts of each case. Concerns or allegations which fall within the scope of specific procedures (for example discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within ten working days of a concern being raised, you will be written to:

- acknowledging the concern has been received
- indicating who we propose to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made
- supplying you with information on staff support mechanisms and
- telling you whether further investigations will take place and if not, why not

If it is decided to proceed with the investigation it will then be necessary at this stage to inform the person against whom the accusation has been made. Details relating to the procedure and estimated timescales for the investigation and any subsequent reports will also be provided to the accused person.

The amount of contact between the person considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the LCFA will seek further information from you.

Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or friend.

The LCFA will take steps to minimise any difficulties which you may experience as a result of raising a concern.

The LCFA will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the LCFA will arrange for you to receive advice about the procedure.

The LCFA accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation as soon as possible.

### **Untrue Allegations**

If you make allegations in which you have a reasonable belief, but it is not confirmed by the investigation, no action will be taken against you. However, there must be some substantiated basis for a whistle-blower's belief: rumours, unfounded suspicions or uncorroborated allegations will not be sufficient. You may be asked to make a declaration that you have not knowingly made false allegations. If the evidence subsequently comes to light that you misused the Whistleblowing Policy disciplinary action may be taken against you.

### **How The Matter Can Be Taken Further**

This policy is intended to provide you with an avenue to raise concerns and it is hoped that you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside of the Service, the organisations listed below are possible contact points (they can also be contacted at a first step if you wish):

Protect (Tel No: 020 3117 2520) is a registered charity whose services are free and strictly confidential and which will give staff advice and guidance on the action they can take. Contact can be made via a contact form on their website: <http://protect-advice.org.uk>

The Engagement Lead – Lancashire Combined Fire Authority, Grant Thornton UK LLP, 4 Hardman Square, Spinningfields, Manchester, M3 3EB (Tel no: 0161 953 6900) (The organisations appointed independent auditors)

Your trade union

Your local Citizens Advice Bureau

The Police

His Majesty's Inspectorate of Constabulary and Fire and Rescue Services. (Tel no 020 3513 0500)

If you do take the matter outside LFRS, you should ensure that you do not unnecessarily disclose confidential information. Check with the contact point about that.

### **Safecall**

Additionally, this existing policy and procedures is supplemented by the introduction of an independent service available for use when circumstances necessitate a different approach to reporting called Safecall. Safecall, provide a professional, independent, external and confidential means for those detailed in paragraph 2, to report their concerns.

Where it is not considered appropriate to report an issue to a line manager or use other internal procedures, Safecall can be contacted on 0800 915 1571 at any time – 24/7. Alternatively, Safecall can be contacted via the web [www.safecall.co.uk/report](http://www.safecall.co.uk/report).

Safecall is an independent external reporting line where concerns may be raised. All calls are treated with utmost confidentiality by independent, trained staff who will, not disclose the complainants name to the Service.

Reports from individuals will be provided to a named Key Contact within the Service. If the report is about one of the Service's named Key Contacts, then Safecall will automatically refer the report to a separate Key Contact who is has been identified as the 'if about' contact.

If Safecall receive a report out of normal working hours that they feel indicates a risk to life for instance, or other emergency – they will contact the relevant Duty Group Manager.

Safecall is an additional service and does not replace existing policies and procedures already in place.

#### 4. Document Control

##### Contact

Department	Name	Email	Telephone
Human Resources	[REDACTED]	[REDACTED]	[REDACTED]

##### Amendment History

Version	Date	Reasons for Change	Amended by
V1.0	01.10.16	Review due 01.10.19	LFRS Solicitor
V1.1	01.10.19	Amendment in the 'Aims and Scope of the Policy" section "Thus, any <i>serious</i> concerns..." amended to 'Thus, any <i>reasonable</i> concerns..."  Addition of Service Solicitor contact details in the "how to raise a concern section"  In the 'How the matter can be taken further section, details of HMICFRS added to replace the Audit Commission.	[REDACTED] – LFRS Solicitor
V2.0	18.03.2021	Inclusion of key contact details Change to ten days to deal with the matter	[REDACTED] – LFRS Solicitor
V2.01	30.5.2023	Inclusion of information about Safecall	[REDACTED]

**Next Review Date:** 01.05.2026

**Related Documents (If applicable)**

Document Type	Reference Number	Title	Document location
Equality Impact Assessment			
Risk Assessment			
Policy			
External Documents			