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| RH_A4+stripcrest_borderMeeting  **ESSEX POLICE, FIRE AND CRIME COMMISSIONER FIRE & RESCUE AUTHORITY**  Essex County Fire & Rescue Service | **Strategic Board** | Agenda Item | 12 |
| Meeting Date | 5 June 2019 | Report Number |  |
| Report Author: | Assistant Director – Business Planning and Performance | | |
| Presented By | Rick Hylton, Deputy Chief Fire Officer | | |
| Subject | **Whistleblowing, Comments, Compliments and Complaints Policies** | | |
| Type of Report: | Decision | | |

# recommendations

1. Approval and adoption of the following documents:-

Feedback umbrella document - Appendix A

Whistleblowing Policy (001) – Appendix C

Comments, Compliments and Complaints Policy (002) - Appendix D

for implementation in the Service.

2. Note the proposed communication plan for implementation of the new policies – Appendix B

# BACKGROUND

3. In the Police and Fire Commissioners Phase 1 plan under Cultural Change there were two actions, one to review the Services Complaints and Compliments handling policy and another to implement an independent whistle blowing policy.

4. It was acknowledged early on that both pieces of work were linked and should not be considered separately. It was also acknowledged that the Service wants to develop a transparent system where feedback provided by staff and the public is used more effectively to increase service performance and staff confidence in the process improves.

5. Following on from engagements with key stakeholders across the Service and development of draft policies, consultation on the draft policies was commenced on 7 February and ran for 6 weeks.

6. A workshop with the Police Fire and Crime Commissioner and Chief Fire Officer/Chief Executive was held to scrutinise the draft documents and proposed procedures.

7. The consultation responses were collated and necessary amendments made to the policy and procedure documents.

8. The Service has committed to do some further work to recruit and appoint an external whistleblowing reporting service to further enhance confidentiality in the process. This will be in addition to our prescribed regulator.

9. There are many prescribed regulators that can be used to make external disclosures, these include the Health and Safety Executive, Environment Agency and External Auditors. A full list can be seen at gov.uk.

10. Prior to the 31 March 2015 the prescribed body for Local Authorities was the Audit Commission. The advice following the closure of the Audit Commission is disclosures relating to local authorities can be made to the external auditor of the relevant authority.

11. To ascertain details of a Local Authorities external auditors the whistleblower would need to contact the Local Authority or Public Sector Audit Appointments Limited (PSAA). It should be noted that PSAA is not a prescribed person under the Public Interest Disclosure Act and their role in this is only to signpost individuals to external auditor appointed to the local authority in question.

12. Details of our external whistleblowing reporting service and prescribed body will be incorporated into our policy and procedure documents once agreed and finalised.

13. This report presents the final policy documents for approval for submission to the Strategic Board.

14. These policies are key policies and will be set for annual review.

15. A communications approach (appendix B) to ensure all staff are aware of the revised policies and approach has been developed and will be implemented on approval of the policies.

**NEXT STEPS**

16. To recruit and appoint an external whistleblowing reporting service.

# Benefits and Risk Implications

17. Organisational policies are important internal controls.

Updated and improved whistleblowing and compliments and complaints policies endeavour to increase confidence in the processes.

Compliance with the Public Interest Disclosure Act 1998

# FINANCIAL IMPLICATIONs

18. There will be financial implications for the Authority should the Board decide to source an external whistleblowing service provider.

# Equality and Diversity Implications

19. There are no equality and diversity implications contained in this paper. The Equality and Diversity lead for the Service has been consulted on the draft policies that are the subject of this paper.

# Workforce Engagement

20. Workforce engagement has been conducted throughout all stages of this piece of work initially through Station visits and Your Voice Forum then latterly through formal consultation and engagement with senior stakeholders.

# Legal Implications

21. Public Interest Disclosure Act 1998 is whistleblowing law that protects employees by providing that employers should not victimise and employee who raises a concern internally or to a prescribed regulator.

22. The Enterprise Regulatory Reform Act 2013 made some changes to the Public Interest Disclosure Act aiming to strengthen protection for whistleblowers.

**BACKGROUND PAPERS**

SLT paper Compliments, Complaints and Whistleblowing Development Work – meeting date 26 November 2018 (P&R 30 November 2018)

SLT paper Complaints, Grievances and Whistleblowing – meeting date 16 October 2018 (P&R 30 October 2018)