

**ESSEX POLICE, FIRE AND CRIME COMMISSIONER**  
**FIRE & RESCUE AUTHORITY**  
 Essex County Fire & Rescue Service



<b>Meeting</b>	<b>Performance and Resource Board</b>	Agenda Item	
<b>Meeting Date</b>	29 April 2019	Report Number	
<b>Report Author:</b>	Assistant Director – Business Planning and Performance		
<b>Presented By</b>	Rick Hylton, Deputy Chief Fire Officer		
<b>Subject</b>	<b>Whistleblowing, Comments, Compliments and Complaints Policies</b>		
<b>Type of Report:</b>	Decision		

**SLT 23.04.2019; SLT AGENDA ITEM 5I; SLT PAPER REF 19-118**

**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. Approve inclusion of external auditor details into the Whistleblowing procedure as an external whistleblowing route.

**BACKGROUND**

3. In the Police and Fire Commissioners Phase 1 plan under Cultural Change there were two actions, 1 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.
6. A summary of consultation responses received is attached at Appendix B for information.
7. One area in relation to the whistleblowing policy requires a decision. On occasions a whistleblower will chose to blow the whistle to an external prescribed regulator rather than the employer. 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.
8. 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.
9. 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.
10. To increase transparency and reduce risk some organisations such as the NHS recruit and appoint an external whistleblowing reporting service. This is also an option for the Authority however this would have financial implications for the Service.
11. It is recommended that we proceed with inclusion of our external Auditor details as our external prescribed body for whistleblowing contacts and as part of the next policy review further consideration is given to the benefits of an external whistleblowing service and if this approach would be beneficial for the Service.
11. This report presents the final policy documents for approval for submission to the Strategic Board.
12. These policies are key policies and will be set for annual review.

## **NEXT STEPS**

13. Develop communications approach ensure all staff are aware of the revised policies and approach.

## **BENEFITS AND RISK IMPLICATIONS**

13. 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**

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

### **EQUALITY AND DIVERSITY IMPLICATIONS**

15. 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**

16. 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**

17. 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.
18. 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)