



Information Governance

POLICY - WHISTLEBLOWING

Number: 001

Last Updated: 04.02.19

1.0 Summary of Changes

Policy transferred to new template and rewritten.

2.0 What this Policy is About?

This policy details how the Authority encourages openness and transparency and supports a culture where whistleblowing is deemed acceptable. It must be read in conjunction with the document 001 Information Governance Whistleblowing Procedure which explains how whistleblowing is instigated and processed.

3.0 Statement of Policy

The Service wants our service users and employees to feel confident in the organisation. Further, the Service will take action to create a positive 'listening culture'. Which is intended to support continuous improvement.

Whistleblowing is commonly understood as raising concerns about misconduct within an organisation or within an independent structure associated with it. It is important for members of the public and members of staff to understand that proof is not required. It doesn't matter if the concern is latterly judged unfounded providing that the whistleblower is genuinely troubled by the event in question at the time.

Concerns that can be raised include but are not limited to:-

Unsafe working practises/conditions

Impropriety

Breach of procedure or policy

Neglect of duty

Breach of acceptable standards of ethical/professional conduct

A criminal offence

Suspicion of fraud

A bullying culture (across a team or organisation rather than an individual instance which should be managed against the Bullying and Harassment Policy)

Inadequate training or induction for staff

Deliberate concealment of information in relation to any of the above.



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The Service as a whole has a responsibility to:

- Promote a culture which enables service users and employees to raise any legitimate concerns as outlined in this policy without fear of reprimand or reprisal
- Deal with all allegations appropriately, effectively and in a timely manner

Managers have a responsibility to:

- Ensure that concerns raised are taken seriously
- Investigate thoroughly and make an objective assessment of the concern
- Keep the whistleblower advised of progress
- Ensure that the action necessary to resolve a concern is taken
- Keep the Service Leadership Team/Fire Authority of the Service informed.

Service Users and Employees have a responsibility to ensure that:

- They have reasonable evidence or belief about any wrongdoing before making an allegation
- They believe the wrongdoing about which they are complaining is serious in terms of detriment to the public or the Service
- Their allegation is not motivated by animosity towards the person(s) about whom they are complaining
- They are not making the allegation primarily for the purposes of personal gain.

Allegations of fraud, corruption and gross misconduct:

All employees, members, partners and associates are expected to provide information if fraud or corruption is suspected. It is recognised that accident investigation, tip off and whistle blowing can lead to the discovery of fraud. It is swift and decisive action of employee's and members of the public that often allows fraud to be detected. The Authority will always take action where evidence of fraud or corruption are apparent.



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If there is a suspicion of fraud, theft or other potential gross misconduct, the employee should act quickly to report it. If the concern is mentioned to the subject of the allegation or other colleagues it is likely that this will possibly prejudice an investigation.

Protection of 'whistleblowers':

The legislation does not introduce a general protection for whistleblowers that applies in all circumstances. It applies to workers who follow procedures laid down in the legislation in disclosing specific categories of malpractice. These categories are quite wide. A disclosure will qualify for protection if, in the reasonable belief of the individual, it relates to one or more of the following actions:

- A criminal offence
- A failure to comply with a legal obligation
- A miscarriage of justice
- The endangering of an individual's health and safety
- Damage to the environment
- Deliberate concealment of information in relation to any of the above.

Why our Service should encourage staff to highlight malpractice:

Every organisation faces the risk that someone within the organisation might be aware of serious misconduct. It is perfectly understandable that these individuals will be concerned about the impact of whistleblowing. Effective risk management is dependent on the fact that employees are confident to raise their concerns without suffering any detriment. In the absence of such confidence, employees may stay silent even where there are serious threats to the employer, their colleagues or to the public. Silence denies organisations an opportunity to deal with a serious problem. The cost of a missed opportunity can be significant e.g. fines, compensation, damaged reputation, regulatory investigation, lost jobs or even loss of life.

A positive whistleblowing culture has numerous advantages:-:

- Can lead to the detection of wrongdoing and can act as a deterrent in this respect
- Provides managers the information they need to make decisions and contain risk



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- Demonstrates to stakeholders and regulators the Service is serious about good governance
- Reduces the chance of anonymous or malicious leaks (including to the media)
- Reduces the chance of legal claims against the organisation
- Respects the opinion and confidence of all employees, helping to create a trusting workplace.

4.0 Implications of the Policy

4.1 Finance / Staffing / Training / Other

There are no additional financial implications regarding the implementation of this policy.

The Assistant Director – Business Planning and Performance will liaise with the Complaints Managers to identify and take action in respect of:

- Common failings;
- Shared learning outcomes;
- Individual training needs of officers and staff.

4.2 Risk Assessment(s)

There is no specific risk assessment or health and safety consideration considered relevant to the content of this policy.

4.3 Equality Impact Assessment

This policy has been subject to an Equality Impact Assessment and has been graded as having a low potential impact. The assessment concluded the proposals in this policy would have no potential or actual differential impact on grounds of race, ethnicity, nationality, gender, transgender, disability, age, religion or belief or sexual orientation.

5.0 Consultation

The following were invited to provide feedback in the consultation phase during the formulation of this document:



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- *Service leadership Team*
- *Representative Bodies*
- *Inclusion Lead*
- *Office of the Police Fire Crime Commissioner*

6.0 Monitoring and Review

Performance Monitoring

The Authority will record the number of whistleblowing cases during each financial year and the outcomes from each. It will not record sensitive personal data, such as age or ethnicity. Whilst best practise would suggest this should be collected, the very low level of cases means that no meaningful analysis of the data could be made, and the data is therefore not required. This position will be subject to review.

Policy Review

The Performance and Data Department will formally review this policy and associated procedure on a yearly basis from the date of publication, to consider:

- Its effectiveness in the business area concerned;
- Any changes to legislation;
- Challenges to the procedure;
- Any identified concerns in relation to implementation

7.0 Related Service Policies or Related Procedures

001 Information Governance Whistleblowing Procedure.
002 Comments, Compliments and Complaints Policy
002 Comments, Compliments and Complaints Procedure
Grievance and Disciplinary Policy

8.0 Other Source Documents, e.g. Legislation, Partnership Agreements (if applicable)

The Public Interest Disclosure Act 1998



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Enterprise and Regulatory Reform Bill

Policy Author: Tracy King, Assistant Director – Business Planning and Performance

Policy Owner:

Cancellations: SO Vol 1/22 Whistleblowing Policy dates September 2006

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