

North Yorkshire Fire & Rescue Service Whistleblowing Policy

1. INTRODUCTION

- 1.1 The Authority is committed to the provision of the highest quality services to council tax payers and to full accountability for those services. Whilst the Authority has set in place rules, regulations, quality standards and procedures to ensure that the highest standards of conduct and commitment to service are followed, irregularities, wrongdoing or serious failures in standards cannot be ruled out.
- 1.2 The greatest deterrent to malpractice or wrongdoing is the probability that it will be reported and investigated vigorously, that those who are responsible will be disciplined, dismissed or subject to legal proceedings and that the matter will be promptly remedied. This Policy Statement is therefore intended as a clear statement that any malpractice by Authority Members or employees reported to the Authority will be swiftly and thoroughly investigated. The Authority will also look at ways of managing the risks to ensure so far as reasonable that such malpractice or wrongdoing can be prevented.

2. AIMS AND SCOPE OF THE POLICY

- 2.1 This policy provides all employees, agency workers, contractors and Members with:
- Avenues to raise concerns and receive feedback on any actions taken.
 - Reassurances that they will be protected from reprisals or victimization for whistleblowing in good faith.
- 2.2 Set out below is a list which illustrates the sorts of issues which may be considered as malpractice or wrongdoing and can be raised under this Whistleblowing policy:
- a) Any unlawful act, whether criminal or a breach of civil law, failure to comply with legal obligations or where a miscarriage of justice has occurred, is occurring or is likely to occur;
 - b) Maladministration, as defined by the Local Government Ombudsman;
 - c) Breach of any statutory Code of Practice;
 - d) Breach of, or failure to implement or comply with any policy or order determined by the Authority or Committee of the Authority;
 - e) Failure to comply with appropriate professional standards;
 - f) Corruption or fraud including obtaining money (eg grants) without entitlement;
 - g) Misuse of assets, including stores, equipment, vehicles, buildings, computer hardware and software;
 - h) Endangering the health and safety of any individual with actions which are likely to cause physical danger, or to give rise to a risk of significant damage to property;
 - i) Failure to take reasonable steps to report and rectify any situation which is

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likely to give rise to a significant avoidable cost, or loss of income, to the Authority or would otherwise seriously prejudice the Authority;

- j) Abuse of power, or the use of the Authority's powers and authority for any unauthorized or ulterior purpose;
- k) Unfair discrimination in the Authority's employment or services;
- l) Causing damage to the environment;
- m) Deliberately concealing information in relation to any of the items on this list.

2.3 This Whistleblowing policy is intended to supplement, rather than to replace, the existing grievance procedures whereby employees of the Authority may already raise complaints or matters of genuine concern with the Authority. It is therefore designed to provide a channel for those instances where the person reporting the matter feels that, for any reason, they cannot make use of those existing complaints procedures.

3. EMPLOYEE CO-OPERATION AND SAFEGUARDS

3.1 The Authority expects the fullest co-operation of all its employees in securing the highest standards of service. Where employees of the Authority are aware of or suspect malpractice, the Authority will expect them to report these suspicions. The Authority will regard failure by an employee to report any such incidence as a serious matter.

3.2 The Authority will respect the confidentiality of any whistleblowing complaint received by the Authority, where the complainant requests that confidentiality. However, it will be easier to follow up and to verify complaints if the complainant is prepared to give his/her name. Unsupported anonymous complaints and allegations will necessarily be treated with caution.

3.3 The Authority will not tolerate any attempt on the part of any employee or Member to take reprisals against any person who has reported any serious and genuine concern that they have at any apparent malpractice. The Authority will treat any such recriminations, victimization or harassment by any employee or Members of the Authority as a serious matter. Individuals may also have statutory protection under the Public Interest Disclosure Act 1998, amended 2005, which aims to protect individuals who make certain disclosures of information in the public interest and who are then victimized in their employment.

3.4 The Authority will ensure that the necessary resources are put into investigating any complaints which it receives. As a consequence of this it will view very seriously any false or malicious allegations which it receives and will regard the making of any deliberately malicious or vexatious allegations by any employee or Member of the Authority as a serious disciplinary offence.

4. HOW TO RAISE A CONCERN

4.1 The appropriate Function Head will be the first point of contact in the vast majority of cases. It will be their responsibility to initially investigate all matters reported to them promptly in accordance with the procedure notes issued.

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- 4.2 It is, however, appreciated that there may be times when an employee of the Authority feels unable to use the above procedure, for example when the Whistleblower feels that the manager may be involved in the malpractice or unwilling to investigate. In these circumstances the Chief Fire Officers confidential Hotline (telephone 01609 780132) is available.
- 4.3 In support of that arrangement, the Authority has appointed the Chief Internal Auditor to act as its Whistleblowing Officer, with the following instructions to:
- a) receive and record any complaints under this policy;
 - b) ensure that confidentiality of any whistleblowing complainant who requests that their complaint be treated in confidence;
 - c) investigate promptly any whistleblowing complaint and to respond directly to the complainant, with a right of access to all Members and employees of the Authority and to all documents and records of the Authority;
 - d) report to the Director where his/her investigation identifies a serious cause for concern within the responsibilities of that officer and to recommend the use of any relevant statutory powers or duties. Where the complaint relates to the conduct of a Member or one of the Directors, he/she should report to the Chief Officer. Where the complaint relates to the Chief Officer, he/she should report to the Director of Corporate Services as Chief Financial Officer or the Monitoring Officer as appropriate;
 - e) report as appropriate, either jointly with the Director(s) concerned or in his own right, to the Authority and any Committee or Sub-Committee of the Authority;
 - f) in conjunction with the Chief Officer or the Head of Legal Services recommend appropriate action to resolve a complaint or recompense a complainant; and
 - g) report annually to the Chief Officer and to the Authority's Audit and Performance Review Committee on the conduct of this Whistleblowing policy, including any resources required to satisfactorily carry out his/her duties as Whistleblowing Officer.
- 4.4 It is better if concerns are raised in writing. This allows the opportunity to set out the background and history of the concern, giving names, dates and places where possible, and the reason why the employee or Member is particularly concerned about the situation.
- 4.5 Employees will know the address to write to their Section Head or Group Manager.
- 4.6 The Chief Internal Auditor can be contacted by writing to him in a sealed envelope marked Strictly Private and Confidential addressed to:

Max Thomas
Head of Internal Audit
County Hall
Racecourse Lane

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or by telephoning (01609) 780780, extension number 2143. In addition there is a direct and confidential, non switchboard telephone line (01609) 760067, which is connected to an answering machine and is available 24 hours a day.

- 4.7 Although whistleblowers are not expected to prove the truth of an allegation, they will need to demonstrate to the person whom they choose to contact that there are sufficient grounds for concern.

5. HOW THE AUTHORITY WILL RESPOND

5.1 In order to protect individuals and the Authority, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example Equalities issues) will normally be referred for consideration under those procedures.

5.2 Some concerns may be resolved by agreed action without the need for investigation.

5.3 Within 10 working days of a concern being received, the Authority will write to the whistleblower:

- Acknowledging that the concern has been received;
- Indicating how it proposes to deal with the matter;
- Giving an estimate of how long it will take to provide a final response;
- Stating whether any initial enquiries have been made, and
- Stating whether further investigations will take place, and if not, why not.

5.4 When any meeting is arranged, the whistleblower has the right, if they so wish, to be accompanied by a Union or professional association representative or a friend who is not involved in the area of work to which the concern relates.

5.6 The Authority will take steps to minimize any difficulties which the whistleblower may experience as a result of raising a concern. For instance, should they be required to give evidence in criminal or disciplinary proceedings, the Authority will give advice about the procedure and provide any necessary support.

5.7 The Authority accepts the whistleblower needs to be assured that the matter has been properly addressed. Subject to legal constraints, information about the outcomes of any investigations will be given.