

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

WHISTLEBLOWING POLICY

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1.0 INTRODUCTION

- 1.1 The North Yorkshire Police Fire & Crime Commissioner Fire & Rescue Authority (The Authority) is committed to the provision of the highest quality services to its residents and is proud of its track record of probity and high ethical standards. However, it also recognises that irregularities, wrongdoing, or serious failures in standards can sometimes occur.
- 1.2 The greatest deterrent to malpractice or wrongdoing is the probability that it will be reported and investigated, that those who are responsible for it will be punished and that the matter will be promptly remedied. This policy is therefore intended as a clear statement that any malpractice by members, employees or third parties (including contractors) reported to the Authority will be swiftly and thoroughly investigated. The Authority will also look at ways to ensure that such malpractice or wrongdoing can be prevented for the future.

2.0 AIMS AND SCOPE OF THE POLICY

- 2.1 This policy provides all employees, agency workers, contractors (including their staff) and Authority members with:
- avenues to raise concerns and receive feedback on any actions taken
 - reassurances that they will be protected from victimisation for whistleblowing
- 2.2 Set out below is a list which is intended to illustrate the types of issues which may be legitimately raised under this Whistleblowing Policy:
- a) any offence, unlawful act, 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 Authority policy or procedure rules
 - e) failure to comply with appropriate professional standards
 - f) corruption, theft or fraud
 - g) misuse or damage of Authority assets
 - h) risks to the health and safety of any individual or the abuse of any vulnerable person
 - i) failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost, or loss of income to the Authority
 - j) unethical conduct, the abuse of power, or the use of the Authority's powers and authority for any unauthorised or malicious purpose

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- k) unfair discrimination in the Authority's employment or the provision of services
- l) causing damage to the environment
- m) the deliberate falsification or destruction of information or data
- n) the deliberate concealment of information in relation to any of the items on this list

2.3 This Whistleblowing Policy is primarily intended for people to raise concerns that are in the public interest and where the interests of others or of the organisation itself are at risk. It 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 relating to their own employment.

3.0 **EMPLOYEE CO-OPERATION AND SAFEGUARDS**

3.1 In many cases it is employees who are most likely to be in the best position to learn of any malpractice or wrongdoing within the Authority or to identify something which falls below the standards which the Authority and the public are entitled to expect. The Authority expects the fullest co-operation of all employees in securing the highest standards of service to the communities of North Yorkshire.

3.2 This means that, where an employee becomes aware of, or suspects, malpractice, the Authority will expect them to report these suspicions. The Authority will treat any failure to report such matters as a serious matter which may, in the case of an employee, result in disciplinary action being taken or may, in the case of the Authority be regarded as a breach of the Members' Code of Conduct.

3.3 The Authority will respect (so far as it can legally) the confidentiality of any whistleblowing complaint received, where the complainant requests that confidentiality but the Authority cannot guarantee that the investigation process will not result in colleagues speculating on the identity of the complainant. It will be easier to follow up and to verify the facts of a case if the complainant is prepared to give his/her name. Unsupported anonymous complaints and allegations are much less powerful and therefore will have to be treated with caution.

3.4 There will be circumstances where information must be disclosed for legal reasons, or to enable legal steps to be taken, e.g., there may be an obligation to disclose under the Freedom of Information Act provisions. Also where circumstances amount to a serious crime there may be circumstances where information will have to be passed to the Strategic Leadership Team (SLT) or to external agencies such as the Police or external auditors.

3.5 Any reporting system will be of little effect if those who should use it are afraid that, as the result of making their report, they may experience recriminations, victimisation, or harassment. The Authority will therefore not tolerate any attempt

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to take reprisals against any person who has reported a serious and genuine concern. The Authority will treat any such recriminations, victimisation or harassment as a serious matter which may, in the case of an employee, result in disciplinary action being taken or which may, in the case of the Authority, be regarded as a breach of the Members' Code of Conduct. Individuals may also have statutory protection under the [Public Interest Disclosure Act 1998](#), which aims to protect individuals who make certain disclosures of information in the public interest and who are then victimised in their employment.

- 3.6 If a person who has made a valid complaint feels that they have been victimised as a result of raising concerns, they can raise the matter directly with the Chief Executive of the OPFCC, who will raise the matter immediately with the appropriate Director/Function Head, or the Chief Fire Officer if the complaint relates to a Director/Function Head who will take appropriate action.
- 3.7 The Authority will ensure that the necessary resources are applied to investigating any complaints received. As a consequence of this it will view seriously any knowingly false or malicious allegations which it receives and will regard the making of any deliberately malicious or vexatious allegations by any employee as a serious disciplinary offence.
- 3.8 The Whistleblowing Policy will be publicised to all staff, members of the OPFCC and contractors via appropriate communication channels.

4.0 **HOW TO RAISE A CONCERN**

- 4.1 Employees are expected to initially report any concerns to their line manager. It will be their responsibility to initially investigate all matters reported to them promptly in accordance with the procedure notes issued. If employees feel unable to report concerns in this manner, then they should contact their Head of Function.
- 4.2 It is, however, appreciated that there may be times when an employee feels unable to use the above procedure, for example when the individual feels that their line manager may be involved in the malpractice or has failed to take appropriate action when the matter has been raised previously. In such circumstances the Chief Fire Officer's mailbox is available.
- 4.3 In support of that arrangement the Authority has appointed a member of the OPFCC's Complaint's team to act as its Whistleblowing Officer, with the following remit:
- a) to receive and record any complaints made under this Policy
 - b) to ensure, as far as possible, the confidentiality of any whistleblowing complainant who requests that their complaint be treated in confidence subject to paragraph 3.3
 - c) to investigate promptly any whistleblowing complaint and to respond directly to the complainant, with a right of access to the Chief Fire Officer,

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Chief Executive, and all employees of the Authority and to all documents and records of the Authority

- d) to report to the appropriate Director/Function Head where the 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 the Authority and/or an employee of the Authority or a Director/Function Head, he/she should report to the Chief Fire Officer in the first instance (and also to the Monitoring Officer in case of complaints in relation to the OPFCC and/or an employee of the OPFCC's conduct). Where the complaint relates to the Chief Fire Officer, he/she should report to the OPFCC's Chief Executive
- e) to report as appropriate, either jointly with the Director(s) concerned or in his/her own right, to the Authority and Chief Fire Officer
- f) to recommend, in conjunction with the Chief Fire Officer, OPFCC's Chief Executive, to settle appropriate action to resolve a complaint or recompense a complainant; and
- g) to report annually to the Authority and Chief Fire Officer

4.4 There is a direct and confidential whistleblowing hotline number to the Chief Fire Officer 03003731101, which is available 24 hours a day.

5.0 HOW THE AUTHORITY WILL RESPOND

5.1 In order to protect both 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 policies or procedures (for example discrimination issues) will normally be referred to Head of People Services for separate consideration under those procedures.

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

5.3 Within 10 working days of a concern being received, the line manager or the officer who is designated to carry out the whistleblowing investigation (on behalf of the Authority) will write to the individual raising the concern:

- acknowledging that the concern has been received
- indicating how she/he 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 The amount of contact between the officers considering the issues and the complainant, will depend on the nature of the matters raised, the potential

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difficulties involved, and the clarity of the information provided. If necessary, further information may be sought.

- 5.5 When any meeting is arranged, the individual 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, as far as it is able, take steps to minimise any difficulties which the individual may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Authority will, where appropriate and as far as it is able to do so, provide advice about the procedure.
- 5.7 The Authority accepts the whistle-blower needs to be assured that the matter has been properly addressed. Thus, subject to any legal constraints, information about the outcomes of any investigations will be provided.

6.0 HOW MATTERS CAN BE TAKEN FURTHER

6.1 This policy is intended to provide staff with an appropriate avenue to raise concerns within the Authority. If employees have reported a concern in accordance with this policy but are not satisfied that the issues have been properly addressed, then they may contact:

- The Chair of the Internal Audit Committee
- Relevant professional bodies or regulatory organisations, for example, the [Information Commissioner's Office](#)

7.0 INDEPENDENT ADVICE

7.1 Free, confidential advice on how to raise a concern about malpractice at work can be sought from [Protect](#) 020 7404 6609.

Please note that the whistleblowing charity, Public Concern at Work, has changed its name to Protect.

8.0 REVIEW OF THE POLICY

8.1 The policy will be subject to review as and when required.

9.0 CONTACT DETAILS

Chief Fire Officer

Tel. 03003731101

Mailbox Jonathan.dyson@northyorkfire.gov.uk

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OPFCC's Chief Executive

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