

SOUTH YORKSHIRE FIRE & RESCUE AUTHORITY
CONFIDENTIAL REPORTING (WHISTLEBLOWING) POLICY

Policy and Guidance for Whistleblowers

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Table of Contents

	Page
1. Introduction.....	2
2. What is whistleblowing.....	3
3. Making a disclosure or raising a concern.....	5
4. How to report a whistleblowing concern.....	6
5. How the Authority will respond.....	7
6. Outcomes.....	8
7. Safeguards.....	9
8. Data protection and FOI.....	10
9. Monitoring of whistleblowing complaints.....	11
10. How the Matter Can Be Taken Further.....	11
11. Training and awareness.....	12
12. The Responsible Officer.....	12
13. The Audit and Governance Committee.....	12
14. Supporting Corporate Policies.....	12
15. Other Supporting Documents.....	12
Appendix A Frequently asked questions.....	
Appendix B Nolan Principles under pinning public life.....	
Appendix C Flowchart of Whistleblowing Process.....	
Appendix D Whistleblowing Case Record.....	
Appendix E Whistleblowing Policy and Fraud Response Plan (For Parties Contracting With the Authority).....	

1. Introduction

- 1.1 South Yorkshire Fire and Rescue Authority is committed to the highest possible standards of honesty, openness and accountability and will not tolerate malpractice or wrongdoing.
- 1.2 The Authority's Confidential Reporting (Whistleblowing) Policy is a vital element of our governance arrangements and is designed to allow those employed by the Authority to come forward and raise concerns of wrongdoing involving the actions of the Authority's employees, its Elected Members, Co-opted Independent Members, contractors or any aspect of the Authority's activities.
- 1.3 As such the Authority is committed to a policy which seeks to protect those individuals who make certain disclosures with regard to any instance of malpractice or wrongdoing and to investigate them in the public interest.
- 1.4 Whistleblowing is generally the term used when someone who is employed in an organisation reports a concern about suspected wrongdoing, malpractice, illegality or risk in the workplace. Although the term can be viewed negatively, it is a vital part of any organisation's arrangements to combat irregularity.

Concerns of wrongdoing can include:

- criminal offences (actual or potential);
 - failure to comply with a legal duty;
 - miscarriages of justice;
 - fraud or corruption;
 - a misuse or theft of Authority money, physical assets or the abuse of working arrangements;
 - abuse of authority/position;
 - breaches of Authority policy or procedure, including but not limited to, Financial Regulations, Contract Standing Orders, Corporate Anti-Bribery Policy, Recruitment Procedures;
 - a misuse or abuse of the Authority's computers, its systems, data or information;
 - unethical conduct and actions deemed unprofessional or inappropriate (this could include, but is not limited to, the malpractice in dealing with or mistreatment of a client of the Authority and breaches of the 'Nolan Principles' which are the basis of ethical standards expected of public office holders (Appendix B);
 - the health and safety of any individual has been, or is likely to be, endangered;
 - the environment has been, is being or is likely to be, damaged (as a result of the Authority's actions or inactions); and
 - information about any of the above has been, is being, or is likely to be, deliberately concealed.
- 1.5 This policy seeks to set out how the Authority will handle and respond to serious allegations of wrongdoing irrespective of whether the individual raising the concern is employed directly by the Authority or not.

Aims and Scope

- 1.6 The Whistleblowing Policy seeks to cover all disclosures and allegations made by employees of the Authority, including temporary and agency staff. The Policy also applies to all Elected Members and Co-opted Independent Members.

- 1.7 It also extends to any other individual who wants to raise an allegation of perceived wrongdoing. This could include consultants, employees of partner organisations, contractors or sub-contractors who are engaged in work for the Authority.
- 1.8 The policy seeks to:
- Support the culture of zero tolerance toward fraud and corruption and deter wrongdoing;
 - encourage employees and others with serious concerns about any aspect of the Authority's work to feel confident to come forward and voice those concerns;
 - raise concerns at an early stage and in the right way ensuring that critical information gets to the people who need to know and who are able to take action;
 - provide safeguards to reassure those who raise concerns in the public interest and not maliciously or for personal gain, that they can do so without fear of reprisals or victimisation or disciplinary action, regardless of whether these are subsequently proven;
 - set out how the Authority will respond to allegations made and enable them to get feedback on any action taken;
 - ensure that employees know what to do if they are not satisfied with actions taken.
- 1.9 This Policy should be read in conjunction with the Authority's Employee Code of Conduct which requires all employees to comply with the Authority's Anti-Fraud and Corruption Strategy.
- 1.10 This Confidential Reporting Policy is not to be used where other more appropriate internal reporting procedures are available. There are existing Authority procedures which enable employees to lodge a grievance relating to their conditions of employment, raise matters of harassment or to make a general complaint, which by contrast, generally have no additional public interest dimension.

Further guidance explaining the difference between whistleblowing and making a complaint is shown at Appendix A - Frequently Asked Questions.

- 1.11 This Policy covers concerns that fall outside the scope of those existing internal procedures. The Authority will investigate under the whistleblowing process, any allegations made through the above procedures, which raise serious concerns over wrongdoing.
- 1.12 .
- 1.13 Notwithstanding the provisions of this Policy, the Authority's Financial Regulations require any suspected fraud, theft, irregularity, improper use or misappropriation of the Authority's property or resources are reported to the Director of Support Services. However this requirement should not prevent or deter employees from raising concerns through the whistleblowing procedures.

2. What is Whistleblowing?

- 2.1 Whistleblowing is the confidential disclosure by an individual of any concerns relating to a perceived wrongdoing involving any aspect of the Authority's work or those who work for the Authority. The whistleblowing process assists individuals, who believe they have discovered malpractice, impropriety or wrongdoing, to raise a concern, in order that this can be addressed.

- 2.2 The **Public Interest Disclosure Act 1998 (PIDA)** is known as the Whistleblowing law and is designed to encourage and enable employees to “speak out” and to report suspected wrongdoing at work. This is commonly known as “blowing the whistle”.
- 2.3 The **Enterprise and Regulatory Reform Act 2013** introduced a public interest test in relation to whistleblowing. This ensures that, in order to benefit from protection, whistleblowing claims must satisfy a public interest test and disclosures which can be characterised as being of a personal rather than a public interest will not be protected. For example, if an employee does not receive the correct amount of holiday pay (which may be a breach of contract of employment), this is a matter of personal rather than wider interest. The whistleblower must also show that the belief that the disclosure was in the public interest was reasonable in the circumstances.
- 2.4 PIDA legislation legally protects employees, including temporary workers and agency staff, from any detriment from their employer or colleagues that arises as a result of making a “*protected disclosure*” (a qualifying disclosure) in the public interest. This includes protection from harassment, victimisation or dismissal by their employer.
- 2.5 A **protected disclosure** means any disclosure of information made to the Authority or other prescribed person, which in the reasonable belief of the worker making the disclosure, is made in the public interest and tends to show one or more of the following;
- a) that a criminal offence has been committed, is being committed or is likely to be committed;
 - b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject;
 - c) that a miscarriage of justice has occurred, is occurring or is likely to occur;
 - d) that the health or safety of any individual has been, is being or is likely to be endangered;
 - e) that the environment has been, is being or is likely to be damaged; or
 - f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.
- 2.6 The qualifying disclosure will not be protected if by making the disclosure the worker commits an offence such as breaching the Official Secrets Act or Misconduct in public Office.
- 2.7 A prescribed person is someone who is independent of the employee’s organisation, but usually has an authoritative relationship with the organisation, such as a regulatory or legislative body (refer to paragraph 3.6 below).
- 2.8 Whilst protection under PIDA covers most workers it is not extended to partners, contractors, non-executive directors, volunteers or the self-employed. However, the principles outlined in this policy, as far as they can be, will be applied to whistleblowing allegations received from sources other than employees of the Authority. As with internally reported cases, particular consideration needs to be given to matters of confidentiality.

3. Making a disclosure or raising a concern

- 3.1 Once an employee or other has decided to raise a concern, then wherever possible, it should be expressed in writing. This should set out the background and history of the

concern, giving names, dates and places where possible, and the reason why the individual is particularly concerned about the situation.

- 3.2 Although individuals raising concerns are not expected to have supporting evidence to prove the truth of an allegation before reporting, he or she must reasonably believe that the information is substantially true to enable the matter to be taken forward.
- 3.3 Details of all reports received by Managers should be logged and reported to the Head of Internal Audit, Anti-Fraud and Assurance to allow a central record of whistleblowing cases to be maintained.

Whistleblowing by employees

- 3.4 It is the hope and intention of the Authority that any employee with a concern about any aspect of the Authority's operations or its conduct, feels able to first raise those concerns internally with line management or with one or more of the officers listed below.

Contact	Telephone Number
Andrew Frosdick, Monitoring Officer	01226 773001
Rob Winter, Head of Internal Audit, Anti-Fraud and Assurance	01226 773241
Alex Johnson , Chief Fire Officer & Chief Executive	0114 253 2201
Chris Kirby, Deputy Chief Fire Officer	0114 253 2206
Stuart Booth, Director of Support Services	0114 253 2214

- 3.5 However, under the terms of PIDA, if an employee does not feel comfortable making a disclosure internally within the Authority they have the right to take their concerns outside the Authority to certain 'prescribed regulators'.
- 3.6 The link below shows a list of other 'prescribed regulators' to whom a protected disclosure can be made:

[Whistleblowing: list of prescribed people and bodies - GOV.UK](#)

- 3.7 Additional information about PIDA law can be obtained from the Whistleblowing Charity 'Protect' (formally Public Concern at Work). The charity runs a UK helpline on their advice line tel: 020 3117 2520 or visit their website www.protect-advice.org.uk.
- 3.8 Employees are protected when they make a disclosure. In making a protected disclosure the employee must:
- reasonably believe that the disclosure they are making is in the public interest; and
 - reasonably believe that the information detailed and any allegations in it are substantially true.
- 3.9 The earlier an employee expresses a concern, the easier it will be to take action. Employees should raise a concern as soon they have a reasonable suspicion and are not expected to investigate the concern themselves to prove their suspicions are well-founded. (A flowchart of the Authority's Whistleblowing Process is shown at Appendix C).

4. How to report a Whistleblowing concern

4.1 Any employee who has a whistleblowing concern relating to the Authority or Service can use the whistleblowing reporting procedures. A person who wishes to report a concern or suspected serious wrongdoing (a disclosure) should contact the Authority or Service in one of the following ways:

- contacting one of the Whistleblowing Officers by telephone (there is a voicemail facility if unanswered) :-
Rob Winter, Head of Internal Audit, Anti-Fraud and Assurance , Telephone 01226 775788
Andrew Frosdick, Monitoring Officer, Telephone 01226 775799
- using the dedicated 24 hour Whistleblowing hotline - 0800 138 2939
- writing in to the Whistleblowing Officers using a dedicated P.O. Box :-
Barnsley Metropolitan Borough Council
P.O. Box 320,
Barnsley,
S70 2YL
- e-mailing one of the Whistleblowing Officers :-
WBO1RWinter@barnsley.gov.uk
WBO2AFrosdick@barnsley.gov.uk

NB. Should an employee wish to speak to a female officer in detail, this can be arranged through the Whistleblowing Officers (clearly where both Whistleblowing Officers are male).

4.2 Authority or Service employees can report a concern through their manager if they feel confident to do so. The manager must follow the obligation of confidentiality and reporting procedures in accordance with Section 5.

4.3 For monitoring purposes, all whistleblowing cases referred to managers must be reported on receipt to the Head of Internal Audit, Anti-Fraud and Assurance (See Section 9). This may be done by the Whistleblower, receiving manager or the senior manager investigating the allegations. Internal Audit's Corporate Anti-Fraud Team will also offer advice and support to the appointed investigator.

4.4 Any person reporting a concern should provide as much information as possible, including:

- who the allegations are against;
- full details on the nature of the alleged wrongdoing;
- dates, places and amounts where possible;
- provide any evidence they have in support of the allegation;
- state if the person making the disclosure is an employee of the Authority;
- name and contact details (unless they wish to remain anonymous).

4.5 Absolute proof is not required as long as you can demonstrate reasonable grounds for the allegation. It is more important that concerns are raised than seeking to provide all the available evidence at the outset. If further information is needed this can be obtained if necessary by further investigation through the Authority's normal procedures.

Specialist officers will be appointed to undertake the investigation to ensure objectivity, independence and that the proper processes are followed.

- 4.6 Employees or Members who are raising a concern are not permitted to undertake their own investigations, surveillance or to interview or visit any 'witnesses' as this could jeopardise a formal investigation.
- 4.7 Following a call to the Authority's Whistleblowing Hotline, Internal Audit's Corporate Anti-Fraud Team will gather as much information as possible about the concerns raised. If contact details are provided a member of the team may get in touch to seek further information.
- 4.8 The Authority recognises that employees may wish to seek advice from their trade union and indeed may invite their trade union (or professional association) to raise a matter on their behalf.
- 4.9 In the event that an employee does not feel comfortable in making a disclosure to the Authority then you are entitled to make a protected disclosure to one of the prescribed organisations referred to at 3.6 above.

5. How the Authority will Respond

- 5.1 The Authority will formally respond to you acknowledging receipt of a disclosure within 5 working days of the concern being received.
- 5.2 A further acknowledgement will be sent within 10 working days to indicate:
 - how the Authority proposes to deal with the matter; and the policy under which it will be investigated;
 - whether the Authority considers it to be a protected disclosure;
 - contact details for the officer handling the investigation;
 - arrangements for confidentiality;
 - an estimate of how long it will take to provide a response on the outcome;
 - any initial enquiries which may have been made;
 - if no action is planned, why not.
- 5.3 The action taken by the Authority will depend on the nature of the concern. 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 that fall within the scope of specific procedures (for example, disciplinary or discrimination issues) will normally be referred for consideration under those procedures. The matters raised will be investigated internally to establish basic facts. At that stage a decision will be made on whether:-
 - to complete the investigation internally; or
 - to refer the matter to the Authority's External Auditor; or
 - to refer the matter directly to the Police; or
 - to organise an independent inquiry; or
 - take no action.
- 5.4 All proposed action should be notified and agreed with the Head of Internal Audit, Anti-Fraud and Assurance and in consultation with the relevant Executive Team Member.

- 5.5 All allegations will be handled confidentially and discreetly by those managers who are directly involved in the investigating process. The ongoing point of contact for the whistleblower will be given in the acknowledgement letter.
- 5.6 If necessary, further information will be sought from the whistleblower. This will depend on the nature of the matters raised, the potential difficulties involved in conducting an investigation and the clarity of the information provided.
- 5.7 At any meeting arranged to discuss an employee's concerns the employee has the right, if they so wish, to be accompanied by their Trade Union representative or a friend who is not involved in the area to which the concern relates. Initial contact with the employee(s) may be outside of the work place to protect their identity and, if necessary and mutually acceptable, subsequent meetings may be held away from work and / or outside normal working hours.
- 5.8 The Authority will do what it lawfully can to minimise any difficulties that an employee may experience as a result of raising a concern. For example, if an employee is required to give evidence in criminal or disciplinary proceedings, the Authority will advise you about the procedures in terms of what will happen and what will be expected of you.

Anonymous allegations

- 5.9 The Authority recognises that there may be circumstances where individuals are worried about being identified when they report concerns about their employer. If you have come to us anonymously and not provided your contact details we will treat your allegations just as seriously. However, this policy encourages individuals to put their name to an allegation wherever possible as we believe that open or confidential whistleblowing is the best means of addressing the concerns and protecting individuals.
- 5.10 Concerns expressed anonymously are more difficult to investigate, and harder to substantiate, and further liaison with the whistleblower is not possible. Nevertheless, anonymous allegations will always be individually considered and action taken at the discretion of the Head of Internal Audit, Anti-Fraud and Assurance and / or an Executive Team Member depending upon:
- the seriousness of the issues raised;
 - the credibility of the concern; and
 - the likelihood of confirming the allegations from attributable sources.

6. Outcomes

- 6.1 Although it is likely and often appropriate to start a formal investigation into matters raised, it is also possible that a more informal approach is recommended subject to the nature of the allegations made.
- 6.2 It is important to note that all concerns raised are considered on an individual basis and it is therefore not appropriate to set out any firm or suggested rules for how a particular type of concern is best dealt with.
- 6.3 The Authority will, subject to legal constraints, seek to advise the whistleblower on the outcomes of the investigation in order to assure them that that the matter has been

properly addressed. Some concerns raised may be resolved by agreed action, once the whistleblower's concerns have been explained, without the need for investigation

- 6.4 As all concerns are considered on an individual basis it is possible that a full investigation report is not required for all cases. However, the Head of Internal Audit, Anti-Fraud and Assurance will require confirmation of the outcome of the referral/investigation and any system risk issues which arise from it. In the event that an investigation report is deemed appropriate, the report will usually be issued by the Investigating Officer to the Executive Team Members of the department involved and to the Treasurer to the Fire and Rescue Authority. Internal Audit may carry out follow up work as a result of any identified areas of risk.

7. Safeguards

- 7.1 In order to ensure that allegations are investigated in the right spirit with the right outcome, the following safeguards or principles should be applied in all cases.

Confidentiality and Anonymity

- 7.2 The Authority's Whistleblowing Policy seeks to protect the identity of the individual making a disclosure, meaning that your name will not be revealed without your explicit consent, even if the disclosure is not considered to be a qualifying disclosure under the PIDA. Your name will initially be logged at the outset and will be visible at times when data monitoring is taking place.
- 7.3 However, in alleged cases of serious wrongdoing, it must be appreciated that the Authority cannot guarantee that this will be maintained particularly if external legal action results from the disclosure. In some cases an employee's concern may require further action and they may have to act as a witness and/or provide evidence, for example serious criminal offences which are referred to the Police.

Harassment and Victimisation

- 7.4 The Authority acknowledges that the decision to report a concern can be a difficult decision for an employee to take, not least because of the fear of reprisal from those responsible for the malpractice. Any employee who makes a 'qualifying disclosure' which meets the requirements of the PIDA is legally protected against victimisation or harassment for whistleblowing. However, this does not mean that if an employee raising a concern is already the subject of other employment procedures e.g. disciplinary or redundancy, that those procedures will be halted or suspended.
- 7.5 The Authority will not tolerate harassment or victimisation against an employee who has raised a genuine concern under the Whistleblowing Policy. Any employee who victimises a whistleblower will be subject to disciplinary action which may lead to dismissal.
- 7.6 Head of Service should monitor how whistleblowers are subsequently treated after raising a matter of concern. They should ensure that any harassment or victimisation is dealt with under disciplinary arrangements.
- 7.7 Any employee who believes they have been victimised as a result of making a disclosure or blowing the whistle should report their concerns to the Monitoring Officer.
- 7.8 Section 19 of the **Enterprise and Regulatory Reform Act 2013 (ERRA)** introduced a 'vicarious liability' provision so that where the employee making the protected disclosure

is subjected to a detriment by a co-worker and the detriment is done in the course of the co-worker's employment with the Authority then the detriment is a legal wrong and is actionable against both the Authority and the co-worker. However, the Authority will not be liable for the actions of a co-worker if they have taken all reasonable steps to prevent the co-worker from subjecting the Whistleblower to a detriment. In these circumstances the co-worker will still be liable and the Whistleblower could bring a claim against the co-worker.

- 7.9 In the event of an employee being dismissed or victimised, the Act allows that employee the right to compensation at an employment tribunal although the **ERRA** provides employment tribunals with the power to reduce an award of compensation by up to 25% where a protected disclosure has not been made 'in good faith'.

False and malicious allegations

- 7.10 While encouraging employees to bring forward matters of concern, the Authority must guard against claims which are untrue. This is because of the risk of claims made to deliberately damage the reputation of other employees or the Authority as a whole and the cost of undertaking investigations is high.
- 7.11 If an employee makes an allegation, but it is not confirmed by the investigation, no action will be considered or taken against them. However, if an employee makes false, malicious or vexatious allegations this will be treated as a serious disciplinary offence and disciplinary action will be taken. The PIDA only offers protection from dismissal or detriment if the worker reasonably believes their disclosure was made in the public interest.

Misuse of the policy

- 7.12 The Confidential Reporting policy is designed to promote and encourage reporting genuine concerns. The policy is not designed to allow:
- individuals who have acted inappropriately to escape punishment by highlighting any malpractices they were involved in;
 - employment protection in relation a redundancy situation or pre-existing disciplinary issues as a result of reporting a wrongdoing;
 - an individual to raise a concern for some private motive and not to prevent or correct the wrongdoing.

8. Data Protection and FOI

- 8.1 The Freedom of Information Act 2000 gives a general right of access to all types of recorded information held by public authorities. As such the Authority may receive requests for information under the Freedom of Information Act.
- 8.2 The Authority has a legal obligation to provide the information unless it falls under one of the exemptions of the Act.
- 8.3 The Freedom of Information Act contains exemptions which may be applicable to permit the withholding of information identifying the whistleblower, including:
- Section 40: Personal Data;
 - Section 41: Confidentiality

- 8.4 Many people making a disclosure to the Authority will wish to protect their identity and the Authority will always seek to protect the identity of individuals during the course of an investigation. If the Authority receives a request for information identifying a whistleblower the Authority will contact the whistleblower to seek their views beforehand and will, wherever possible, seek to comply with those views.
- 8.5 The principle of maintaining confidentiality should also be applied to the identity of any individual who may be the subject of a disclosure.
- 8.6 The Authority will ensure that our handling of concerns meets the requirements of the Data Protection Act 2018 and the Freedom of Information Act 2000.

9. Monitoring of Whistleblowing Complaints

- 9.1 Internal Audit's Corporate Anti-Fraud Team will maintain a central record of all whistleblowing referrals made under this policy and monitor the outcome of these cases. The collection, monitoring, review and storage of these records will at all times be carried out within the safeguarding principles set out at Section 7 of this policy.
- 9.2 As such, details of any allegation should be reported to the Head of Internal Audit, Anti-Fraud and Assurance by the receiving manager. Internal Audit's Corporate Anti-Fraud Team will log and allocate each case a reference number whether or not Internal Audit is involved in the investigation work. The outcome of the investigation should be notified to the Head of Internal Audit, Anti-Fraud and Assurance by the Investigating officer.
- 9.3 The records held by Internal Audit will be used to analyse the impact and effectiveness of the arrangements in place in statistical terms. The detailed case records form part of the process of reporting back to Members on the effectiveness and outcomes of the Policy and form the record of actions taken in the case of any concerns raised under the PIDA. This information will be referred to for monitoring purposes and periodic assurance reports provided to the Audit Committee by the Head of Internal Audit, Anti-Fraud and Assurance as part of this process.
- 9.4 A Whistleblowing record sheet (Appendix D) should be used to record a summary for each case. A copy should be sent to the Head of Internal Audit, Anti-Fraud and Assurance and one retained with the investigation paperwork on completion.

10. How the Matter Can Be Taken Further

- 10.1 This policy is intended to provide employees with an avenue to raise concerns within the Authority and be satisfied with the Authority's response. However, should an employee feel dissatisfied with the Authority's response, and feels it is right to take the matter outside the Authority, they can do so. Contact can be made through one of the following contact points:-
- the Authority's External Auditors, Deloitte or
 - the relevant professional bodies or regulatory organisation ;
 - the whistleblowing charity 'Protect' (who can be contacted on 020 3117 2520);
 - Trade Union;
 - a Solicitor, or
 - the Police.

Note – Protect can also be contacted should someone wish to seek independent advice about how best to raise a concern. Seeking this independent advice would not constitute legal notification to the Authority.

10.2 It should be remembered that failing to raise the matter within the Authority first may result in the disclosure being unprotected within the provisions of the Public Interest Disclosure Act 1998.

10.3 Employees who are in any doubt regarding the provisions of the Policy should contact Human Resources. Advice as to whether or how a matter should be raised should be sought by contacting one of the Whistleblowing Officers.

11. Training and Awareness

11.1 Executive Team Members, Heads of Function and Service Managers are responsible for ensuring that their employees are aware of the Confidential Reporting Policy and process and that any training needs are addressed which may arise from the application of the policy. Raising awareness of the Authority's Confidential Reporting Policy should form part of the induction training for all employees and should be addressed as refresher training for all employees.

11.2 Employees have a responsibility to ensure that they are aware of and understand the Authority's policy in relation to Whistleblowing.

12. The Responsible Officer

12.1 The Clerk to the Fire and Rescue Authority has overall responsibility for the maintenance and operation of this policy.

13. The Audit and Governance Committee

13.1 In accordance with its Terms of Reference for the oversight of the internal control and governance framework of the Authority, the Audit and Governance Committee will review this Policy and consider its effectiveness through a process of annual review.

14. Supporting Corporate Policies

Anti-Fraud and Corruption Policy;
Anti-Fraud and Corruption Strategy;
Anti-Bribery Policy;
Prosecutions Policy;

Employee Code of Conduct.
Disciplinary Procedure

15. Other Supporting Documents

Code of Practice for Effective Whistleblowing Arrangements 2013 – Public Concern at Work;
Assessment Criteria for Whistleblowing Policies 2014 – National Audit Office.

FREQUENTLY ASKED QUESTIONS

What is the difference between whistleblowing and making a complaint or a grievance?

In general terms, whistleblowing occurs when an employee raises a concern about danger or illegality that affects others and which has a public interest dimension to it. The person blowing the whistle is usually not directly, personally affected by the danger or illegality. Consequently, the whistleblower rarely has a personal interest in the outcome of any investigation into their concerns. As a result, the whistleblower should not be expected to prove their case; rather he or she raises the concern so others can address it.

A grievance or private complaint is, by contrast, a dispute about the employee's own employment position and has no additional public interest dimension. When someone complains, they are saying that they have personally been poorly treated. This poor treatment could involve a breach of their individual employment rights or bullying and the complainant is seeking redress or justice for themselves. The person making the complaint therefore has a vested interest in the outcome of the complaint, and, for this reason, is expected to be able to prove their case.

For example – bullying and discrimination issues should be dealt with under the respective policy or under grievance procedure

Can concerns be raised confidentially or anonymously?

The Authority encourages whistleblowers to identify themselves and raise concerns openly. Openness makes it easier for the Authority to assess the issue, work out how to investigate the matter, understand any motive and get more information. The effectiveness of any whistleblowing investigation may be limited where an individual chooses not to be identified.

An individual raises a concern confidentially if he or she gives his or her name on the condition that it is not revealed without their consent. An individual raises a concern anonymously if he or she does not give his or her name at all. Clearly, if the Authority does not know who provided the information, it is not possible to reassure or protect them.

Does the Public Interest Disclosure Act (PIDA) require an employer to keep a whistleblower's identity secret?

The simple answer is no - PIDA contains no specific provision on confidentiality. The protections within the Act can be deemed to encourage employees to raise issues openly. A good whistleblowing policy will provide a confidential port of call for a worried employee and employers should respect any promise of confidentiality they make. However in some cases it will be impossible to take action on the concern without the open testimony of a whistleblower. Further it may later become necessary to waiver anonymity because of the course of the investigation for example if the matter has had to be referred to the police

What is a protected disclosure?

Protection will be afforded to an employee where the concern is made in the public interest and has been raised in the first instance within the Authority or to a Solicitor in the process of obtaining legal advice.

Any concern raised in the public interest to one of the Whistleblowing Officers or to an employee's own management will, all things being equal, qualify as a protected disclosure.

Other circumstances where protection through the Act is applicable are where a disclosure is made:-

- to a prescribed Regulatory Body (i.e. Health and Safety Executive) ; or
- to a wider audience (MP etc.) if made internally first or to a prescribed Regulatory Body.

Protection would also be afforded albeit in exceptional circumstances, where the employee raised a concern outside the Authority where they have a real and reasonable fear that they would suffer victimisation or that the information would be concealed or indeed the matter is exceptionally serious.

Am I protected from dismissal if I blow the whistle?

A worker cannot be dismissed because they blow the whistle. If they are, they can claim unfair dismissal - they'll be protected by PIDA law as long as certain criteria are met.

There are several types of whistleblowing eligible for protection. These are called 'qualifying disclosures' and include reports:

- that someone's health and safety is in danger;
- damage to the environment;
- a criminal offence;
- that the organisation is not obeying the law;
- that someone's covering up wrongdoing;
- there has been or is likely to be a miscarriage of justice.

Who is protected?

The following people are protected:

- employees;
- agency workers;
- people who are training with an employer, but not employed.

A worker will be eligible for protection if:

- they honestly think what they're reporting is true;
- they are telling the right person;
- they believe that their disclosure is in the public interest.

Who is not protected?

- individuals who break the law when they report something, for example because they signed the Official Secrets Act;
- they were part of the wrongdoing;
- they found out about the wrongdoing when someone wanted legal advice ('legal professional privilege'), for example if they are a solicitor.

Workers who are not employees cannot claim unfair dismissal because of whistleblowing, but they are protected and can claim 'detrimental treatment'.

What information should a whistleblower provide?

Supporting evidence for the allegations, if available, is clearly helpful. However, PIDA does not require individuals to have evidence before reporting the matter, but it does say that the individual must reasonably believe the information is substantially true.

Individuals should report concerns to line management or other at the earliest opportunity rather than wait to collate any evidence.

Whistleblowers are encouraged to provide their contact details to allow the Authority to seek further information, where necessary and advise on outcomes

Where can I get independent advice?

Individuals can contact the independent charity Whistleblowing Charity 'Protect' (formally Public Concern at Work). for free, independent and confidential advice, for example to find out what is protected by PIDA and how best to raise concerns. The charity runs a UK helpline on their advice line tel: 020 3117 2520 or visit their website <https://protect-advice.org.uk/>

SEVEN NOLAN PRINCIPLES

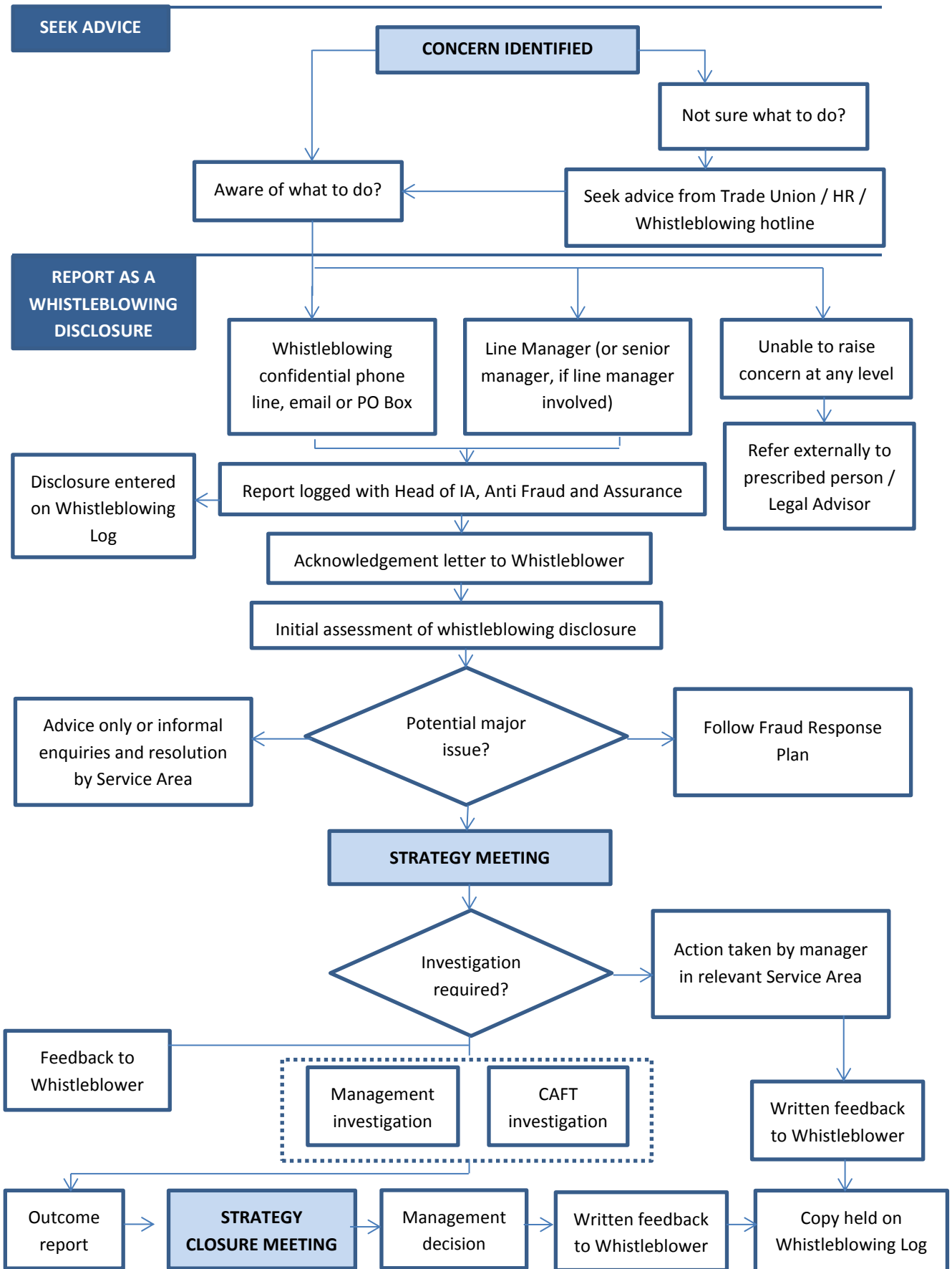
The following are the Seven Nolan Principles underpinning standards for Public Life:

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public services. The principles also have application to all those in other sectors delivering public services.

1. **Selflessness**: Holders of public office should act solely in terms of the public interest.
2. **Integrity**: Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
3. **Objectivity**: Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
4. **Accountability**: Holders of public office are accountable to the public for their decisions and actions and must admit themselves to the scrutiny necessary to ensure this.
5. **Openness**: Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
6. **Honesty**: Holders of public office should be truthful.
7. **Leadership**: Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Source: The Committees website is at <http://www.public-standards.gov.uk/>

FLOWCHART OF WHISTLEBLOWING PROCESS



CONFIDENTIAL
SOUTH YORKSHIRE FIRE AND RESCUE AUTHORITY
WHISTLEBLOWING CASE RECORD

The date the concern / allegation / disclosure was received in the Authority/Service Function/Service Involved How the report was received (verbal or written)	
Name and Job title of the officer receiving the referral/concerns	
Name and job role of the employee making the complaint / allegation (unless anonymity was requested).	
Was confidentiality requested / explained or promised?	
A summary of the concern / allegation raised:	
Details of any feedback given and any response from the employee	
Matter reported to Head of Internal Audit, Anti-Fraud and Assurance? (Yes/No)	

Date referred:	
Has formal acknowledgement been provided to the employee in line with the Policy? (Acknowledgement of receipt within 5 working days with a further acknowledgement sent within 10 working days).	
Officer(s) handling the investigation: (Name(s) and job title(s))	
Summary outcome of investigation: (Proved / not proved, action plans, recommendations)	
Date notification of outcome given to employee:	
Papers retained (location), responsible officer and review date:	

Whistleblowing Policy and Fraud Response Plan

Policy and Guidance for Parties Contracting with the Authority

Table of Contents

		Page
1.	Introduction.....	3
2.	Aims and Scope of the Policy.....	3
3.	Safeguards.....	3
4.	Notifying a Responsible Person of Your Concerns.....	4
5.	Responding to Your Concerns.....	5
6.	How the Matter Can Be Taken Further.....	5
7.	The Responsible Officer.....	6

1. Introduction

- 1.1 South Yorkshire Fire and Rescue Authority is committed to the highest possible standards of honesty, openness and accountability and will not tolerate malpractice or wrongdoing.
- 1.2 In line with that commitment it encourages people with serious concerns about any aspect of the Authority's work to come forward and voice those concerns. This Policy is intended to encourage and enable people with concerns in relation to the potential for fraud and corruption, in any aspect of the Authority's work, to raise these with the Authority rather than overlooking a problem or raising them with external bodies first.
- 1.3 Concerns about other aspects of the Authority's Services can be raised under the Authority's complaints procedure.

2. Aims and Scope of the Policy

- 2.1 The Whistleblowing Policy seeks to cover all disclosures and allegations made by consultants, employees of partner organisations, contractors or sub-contractors who are engaged in work for the Authority.
- 2.2 This policy aims to:
 - provide avenues for you to raise concerns and receive feedback on any action taken;
 - allow you to take the matter further if you are dissatisfied with the Authority's response; and
 - reassure you that you will be protected from reprisals or victimisation for whistleblowing.
- 2.3 This policy supports the Authority's corporate counter fraud framework.

3. Safeguards

Harassment or Victimisation

- 3.1 The Authority acknowledges that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Authority will not tolerate harassment or victimisation and will take action to protect you when you raise a concern.

Confidentiality

- 3.2 The Authority will seek to protect the identity of any individual making a disclosure, meaning that your name will not be revealed without your explicit consent. However, in alleged cases of serious wrongdoing, it must be appreciated that the Authority cannot guarantee that this will be maintained particularly if external legal action results from the disclosure. In some cases the concern may require further action and the individual may have to act as a witness and/or provide evidence, for example serious criminal offences which are referred to the Police.

Anonymous Allegations

- 3.3 The Authority recognises that there may be circumstances where individuals are worried about being identified when they report concerns. However, this policy encourages individuals to put their name to an allegation wherever possible as the Authority believe that open or confidential whistleblowing is the best means of addressing the concerns and protecting individuals.
- 3.4 Concerns expressed anonymously are more difficult to investigate, and harder to substantiate, and further liaison with the whistleblower is not possible. Nevertheless, anonymous allegations will always be individually considered and action taken at the discretion of the Head of Internal Audit, Anti-Fraud and Assurance and / or an Executive Team Member depending upon:
- the seriousness of the issues raised;
 - the credibility of the concern; and
 - the likelihood of confirming the allegations from attributable sources.

4. Notifying a Responsible Person of Your Concerns

- 4.1 Anybody who has a whistleblowing concern relating to the Authority or Service can use the whistleblowing reporting procedures. A person who wishes to report a concern or suspected serious wrongdoing (a disclosure) should contact the Authority or Service in one of the following ways:
- contacting one of the Whistleblowing Officers by telephone (there is a voicemail facility if unanswered) :-
Rob Winter, Head of Internal Audit, Anti-Fraud and Assurance,
Telephone 01226 775788
Andrew Frosdick, Monitoring Officer, Telephone 01226 775799
 - using the dedicated 24 hour Whistleblowing hotline - 0800 138 2939
 - writing in to the Whistleblowing Officers using a dedicated P.O. Box :-
Barnsley Metropolitan Borough Council
P.O. Box 320,
Barnsley,
S70 2YL
 - e-mailing one of the Whistleblowing Officers :-
WBO1RWinter@barnsley.gov.uk
WBO2AFrosdick@barnsley.gov.uk
- 4.2 Any person reporting a concern should provide as much information as possible, including:
- who the allegations are against;
 - full details on the nature of the alleged wrongdoing;
 - dates, places and amounts where possible;
 - provide any evidence they have in support of the allegation;
 - state if the person making the disclosure is an employee of the Authority;
 - name and contact details (unless they wish to remain anonymous).

4.5 Absolute proof is not required as long as you can demonstrate reasonable grounds for the allegation. It is more important that concerns are raised than seeking to provide all the available evidence at the outset. If further information is needed this can be obtained if necessary by further investigation through the Authority's normal procedures. Specialist officers will be appointed to undertake the investigation to ensure objectivity, independence and that the proper processes are followed.

5. Responding to Your Concerns

5.1 The Authority will, where possible, protect the identity of a notifying individual and not reveal their source at any time during the investigation

5.2 The action taken by the Authority will depend on the nature of the concern. The matters raised may:-

- be investigated internally,
- be referred to the Police,
- be referred to the external auditor, or
- form the subject of an independent inquiry.

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

5.4 Within 10 working days of a concern being received, the Authority will write to you:-

- 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,
- telling you whether any initial enquiries have been made, and
- telling you whether further investigations will take place, and if not, why not.

5.5 The amount of contact between the officers considering the issues and you, will depend upon the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

5.6 The Authority may ask you to attend a meeting to explore the issues surrounding the concern raised.

5.7 The Authority will take steps to minimise any difficulties that you may experience as a result of raising a concern

5.8 The Authority accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigations.

6. How the Matter Can Be Taken Further

6.1 This policy is intended to provide you with an avenue to raise concerns with the Authority. The Authority hopes that you will have confidence in using the Whistleblowing procedure, however, if you are not, and if you feel it is right to take the matter outside the Authority, the following are possible contact points:-

- the Authority's External Auditors, Deloitte or
- the whistleblowing charity 'Protect' (who can be contacted on 020 3117 2520) ; or

- the Police.

7. The Responsible Officer

- 7.1 The Clerk to the Fire and Rescue Authority has overall responsibility for the maintenance and operation of this policy. A record will be maintained of all concerns raised together with the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Authority.