



# WHISTLEBLOWING POLICY

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## 1 INTRODUCTION

This Whistleblowing Policy is the Authority's (Staffordshire Commissioner Fire and Rescue Authority) response to the Public Interest Disclosure Act 1998. Although the policy is principally there for the use by all staff of the Authority and Fire and Rescue Service, the reporting procedure may also be used by others with whom the Service has a working relationship, such as partners, contractors and their staff.

All recognised trade unions and professional associations have been consulted on this policy and it will be reviewed regularly to ensure that it is working as the parties intended.

As a public body, the Authority must be seen to maintain the highest standards of openness, probity and accountability.

All employees must act in accordance with the principles set out within the [Code of Conduct for Employees](#) and the Core Code of Ethics; this recognises the duty of all public sector employees to discharge public functions reasonably and according to the Public Interest Disclosure Act 1998.

## 2 BACKGROUND TO THE POLICY

The Public Interest Disclosure Act 1998 provides a statutory protection to employees who come forward and raise concerns. The Act protects workers from reprisals if they disclose information which points, for example, to a criminal offence, the failure to comply with a legal obligation or a risk to health and safety.

Whistleblowers do not have a free-hand. The right to protection under the Act states, they must act in good faith (reasonably believing that what they disclose is true and that the disclosure is in the public interest), they must not seek to profit from their disclosure and other than in the most exceptional circumstances they must exhaust internal procedures before disclosing information to an external individual or body.



### 3 WHAT COUNTS AS WHISTLEBLOWING

You are protected by law if you report any of the following:

- A criminal offence
- A miscarriage of justice
- The health or safety of any individual is endangered
- Risk or damage to the environment
- The company is breaking the law
- You believe someone is covering up a wrongdoing.

### 4 WHAT DOES NOT COUNT AS WHISTLEBLOWING

Personal grievances (for example bullying, harassment, discrimination) are not covered by the whistleblowing law, unless your particular case is in the public interest.

You can report these under the [Grievance Procedure](#) or [Dignity at Work – Anti-Harassment and Anti-Bullying Policy](#)

### 5 WHISTLEBLOWING PRINCIPLES

It may not always be apparent whether the conduct in question is, for example, unlawful. Nevertheless, individuals should not be deterred from voicing concerns wherever the conduct of others makes them feel uncomfortable having regard to the standards they believe the Authority and the Service subscribes to. A key aim of the policy is to encourage and enable staff to pursue a concern **within** the Authority, rather than disregard it or air it publicly. Public disclosure may be justified at some point but this should not happen before the Authority has had the opportunity to investigate the concern. Premature or avoidable publicity may damage the Authority's and the Service's reputation, impede proper investigation and cause unnecessary distress to individuals.

The decision to report a concern can be a difficult one to make and depends ultimately on trust in the Authority and Service to protect individuals from any harassment, recrimination or victimisation- 'official' or 'unofficial' - if they do disclose. The Authority and Service wants to reassure all that if they pursue a concern internally they will suffer no reprisals – provided always that they act in good faith, believing the information they disclose to be true. If an employee is already involved in any disciplinary or redundancy process at the time they make a disclosure, these matters will be kept entirely separate.

Disclosures that are made in good faith, but not substantiated by investigation, are protected nevertheless. However, frivolous, malicious and patently untrue allegations are not protected, and may result in disciplinary action including, where the circumstances justify it, summary dismissal. Also, staff who raise concerns publicly, without first using the policy, should be aware that this may result in disciplinary action.

All disclosures will be treated in confidence and every effort will be made not to reveal the individuals identity, if this is what they want. At the appropriate time, however, they may be required as witnesses in any action taken against the person(s) who is the subject of their disclosure.



Disclosures made anonymously are less powerful and as a rule more difficult to investigate and substantiate, but they will be considered nonetheless and investigated as far as practicable. The Authority and Service hopes, however, that the above assurances will encourage individuals to put their name to the disclosure.

## 6 WHISTLEBLOWING PROCEDURE

### Things to consider

Staff who are considering making a disclosure should bear in mind that:

- The sooner a concern is raised, the easier it is to take action - a trail, which has 'gone cold' is much harder to follow
- Although no one is expected to prove the truth of a disclosure beyond doubt, there must be some demonstrable basis for believing it to be true
- A problem shared can be a problem halved; it may be easier to raise a concern if there is support from another source, e.g. a colleague.

### How to raise a concern/make a disclosure

Concerns about serious wrongdoing can be raised either:

1. **Indirectly**, via the employee's Line Manager, or representative body/professional association; or

Indirectly, via the confidential reporting line 'Say So'. See [Appendix A – Contact Details](#)

2. **Directly**, with the Chief Executive of the Staffordshire Commissioner's Office (SCO) see [Appendix A – Contact Details](#).

Where a concern is raised initially with the Line Manager they should obtain from the employee, only such information as is sufficient to indicate whether or not the concern is well founded, then refer the matter to the Chief Executive Staffordshire Commissioner's Office (SCO). The Line Manager **MUST NOT** at this stage attempt to investigate the matter personally.

Disclosures can be made orally or in writing, and should include the background to and reasons for their concern, and dates wherever possible.

On receipt of a disclosure, directly or indirectly, the Chief Executive of Staffordshire Commissioner's Officer will decide whether to deal with the matter personally or refer it to another Senior Officer, according to the circumstances of each individual case.

### How will the Authority respond?

As appropriate, the matter raised may be:

- Investigated internally
- Referred to the Police
- Referred to the external auditor
- The subject of an independent enquiry



- Or any combination of the above.

As a rule, discreet enquiries will be made to determine whether a formal investigation is appropriate and, if so, what form it should take. It must be appreciated that 'testing out' an allegation is not the same as accepting or rejecting it, rather it is an essential safeguard for all concerned. In deciding how to proceed the Authority's overriding concern will be what is in the public interest.

Exceptionally, a disclosure may be acted upon immediately, and followed by an investigation.

The Chief Executive - Staffordshire Commissioners Office (SCO), or other Senior Officer, to whom they have referred the disclosure, will respond within **10 working days** and will write:

- Formally acknowledging that the disclosure has been received
- Advising of any initial enquiries which have been made, and saying how it is proposed the matter will be dealt with
- Estimating how long this will take (so far as is possible)
- Giving details of staff support mechanisms available, including support in giving evidence if criminal, civil or internal disciplinary proceedings are in prospect.

Clearly this only applies where the identity of the employee who has made the disclosure is known.

The amount of contact necessary with the Senior Officer charged with investigating a disclosure will vary according to the individual circumstances of each case. Where the need for face-to-face contact arises an off-site location can be arranged if need be, and if they wish the employee may be accompanied by an appropriate representative. The employee should be prepared to give additional information if required.

Thereafter, the employee will be kept informed by the Investigating Officer, subject to any legal constraints.

### Appeal

If the individual making the disclosure is dissatisfied with the response to the disclosure, appeals may be made in writing to the CEO, stating the grounds for dissatisfaction which may cover the following and providing supporting evidence:

- There is evidence of procedural irregularity, or
- There is evidence of prejudice or bias, and/or
- There is further evidence that was not available at the time the original disclosure was made.

### Monitoring

The Chief Executive SCO is accountable to the Authority for the administration of the policy, for its review and for its amendment as appropriate. The Chief Executive SCO will report annually to the Staffordshire Commissioner Fire and Rescue Authority on the operation of the policy in a form, which does not prejudice confidentiality.



The Chief Executive SCO will report annually to the Strategic Governance Board on the number of whistleblowing disclosures within the financial year.

A report of all disclosures made under this policy and procedure, and any subsequent action taken, will be prepared by the Designated Officer who will retain such reports for a period of three years. In all cases, a report of the outcomes of any investigation will be made to the CEO in such terms as are deemed appropriate.

### **How can a matter be taken further?**

The policy aims to give staff an effective means of pursuing a concern **within** the Authority. The Authority hopes that those who do this will be satisfied with the action taken, but if this is not the case they are entitled to take their concern elsewhere, for example to:

- The External Auditor
- The appropriate regulatory body
- The local Citizens Advice Bureau
- The Police.

[Appendix A – Contact Details](#) gives contact details for some of the agencies stated overleaf. Further information and guidance is available within the following link:

[www.gov.uk/Whistleblowing](https://www.gov.uk/government/publications/whistleblowing-guidance-and-code-of-practice-for-employers): guidance for employers and code of practice. Click on link below:

<https://www.gov.uk/government/publications/whistleblowing-guidance-and-code-of-practice-for-employers>

If they do take their concern elsewhere staff **must** ensure that they do not disclose information which is confidential or otherwise restricted.

**APPENDIX A – CONTACT DETAILS**

|                                       |   |
|---------------------------------------|---|
| Staffordshire Fire and Rescue Service | Chief Executive of Staffordshire Commissioner's Officer<br>Staffordshire Police Headquarters<br>Weston Road, block 9<br>Stafford<br>ST18 0YY<br>Tel: 01785 232270   |
| External Auditor                      | Grant Thornton UK LLP<br>Colmore Plaza<br>20 Colmore Circus<br>Birmingham<br>B4 6AT<br>Tel: 0121 232 5343   |
| Citizens Advice Bureau                | 17 Eastgate Street<br>Stafford<br>ST16 2LZ<br>Tel: 0808 278 7874  |
| Staffordshire Police HQ               | Weston Road<br>Stafford<br>ST18 0YY<br>Tel: 01785 236211  |
| Health and Safety Executive           | Lyme Valley Court, Lyme Drive<br>Parklands Business Park<br>Trent Vale, Stoke-on-Trent<br>ST4 6NW<br>Tel No: 01782 602300   |
| Environmental Agency                  | (no local address)<br>Tel: 03708 506506 (enquiries)<br>0800 807060 (to report accidents)  |
| EHRC                                  | <a href="https://www.equalityhumanrights.com/en/whistleblowing">https://www.equalityhumanrights.com/en/whistleblowing</a><br><a href="mailto:whistleblowing@equalityhumanrights.com">whistleblowing@equalityhumanrights.com</a><br><br>Main line: 0161 829 8100 to arrange a call.<br><br>Contact using our British Sign Language (BSL) online interpreting service.<br><br>Easy Read guide about the information we need from you:<br><a href="mailto:whistleblowing@equalityhumanrights.com">whistleblowing@equalityhumanrights.com</a> . |



HMRC Greyfriars House,  
Greyfriars  
Stafford  
Tel: 01785 256222

UNISON Main line: 0800 0857 857  
Local branch: 01785 245000

Protect (An independent registered charity providing  
whistleblowing legal advice)  
020 3117 2520

HMICFRS Independent Reporting Line

SAY SO Option 1: Report a Concern on-line, [www.say-so.co.uk](http://www.say-so.co.uk)  
or alternatively by calling 0800 321 3546 (free-call) and  
select option (1)

<https://www.justiceinspectorates.gov.uk/hmicfrs/fire-and-rescue-services/how-we-inspect-fire-and-rescue-services/independent-reporting-line/>

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