Shropshire
Fire and Rescue Service

Brigade Order

Human Resources	
Title	**Reporting of Illegality and Malpractice - Whistleblowing**

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Roles, Responsibilities and Review

The **Assistant Chief Fire Officer (Corporate Services)** is responsible for ensuring this Order is implemented across the Brigade.

All workers will be responsible for the day-to-day operation of the Order.

The **Assistant Chief Fire Officer (Corporate Services)** will review this Order **biannually**, when new legislation arises, or as and when organisational needs require.

Brigade Order: Human Resources
Reporting of Illegality and Malpractice – Whistleblowing

Purpose

The Authority's expectation on propriety and accountability is that Members and all workers will lead by example in ensuring adherence to rules, procedures, and recommended practices.

Please note that throughout this Brigade Order the word 'workers' refers, not just to those employed directly by the Authority, but also to people engaged in work with the Authority, such as those on fixed-term contracts, agency staff, consultants, suppliers, volunteers and contractors.

Members are bound by the Code of Conduct adopted by the Shropshire and Wrekin Fire and Rescue Authority, and the professional conduct of workers is covered in the respective regulations and procedures relating to firefighters and non-operational personnel.

The purpose of this Brigade Order is to enable workers to raise concerns about unlawful conduct, financial malpractice (including fraud, bribery, and corruption), failure to comply with any legal duty, danger to health and safety, damage to the environment and other unethical conduct.

If workers raise a concern under this policy, they reasonably believe that it is in the public interest to do so and they have not taken any part in the illegality or malpractice, the Authority and the Chief Fire Officer are committed to ensuring:

- Their safety - they will not be at risk of suffering any form of retribution.
- Their confidence - harassment, victimisation or detrimental treatment of anyone raising a concern will not be tolerated.
- That the matter is handled in the most appropriate way and according to the procedures laid out.

It is intended that the public, suppliers, and contractors may also rely upon the principles laid down in this Order to raise concerns about illegality and malpractice. Some of the specific details relating to those directly employed by the Authority will not, however, be relevant in such cases. Separate arrangements are also in place to allow suppliers and contractors to report concerns. These are detailed in Procurement Brigade Orders.

Strategic Goals

This Order supports all of the services Strategic Goals as outlined in the Service Plan.

Targets are:

- That concerns are dealt with in accordance with this Order (no concerns are mishandled)
- Members and workers adhere to the rules, procedures, and recommended practices (concerns raised do not result in proven misconduct).

What is whistleblowing?

Shropshire Fire and Rescue Service is committed to the highest levels of equality and fairness. Part of that commitment is to develop policies that encourage workers and others, who have serious concerns about illegality or malpractice, to speak up. If someone reasonably believes that it is in the public interest and speaks up about such concerns, they can do so without fear of reprisal under the Public Interest Disclosure Act 1998 and subsequent legislation.

The legislation aims to improve accountability and good governance in all organisations by assuring workers that it is safe to raise their concerns. It also encourages employers to be receptive to such concerns and penalises them if they respond by victimising a worker, who raises a concern. It applies whether or not the information is confidential.

A disclosure to the employer will be protected, if the whistleblower reasonably believes that illegality or malpractice has occurred, is occurring or likely to occur and that it is in the public interest to disclose it. Due to this protection, you should not suffer any detriment such as, treated unfairly or lose your job, because you 'blow the whistle'. The worker is not expected to prove the case but in order to obtain protection, he or she must act reasonably and responsibly, this includes the tone and manner in which the concern is raised.
If, for example, a worker makes a rash disclosure to the media of a matter, which should have been raised internally, that worker will **not** be protected. Similarly, the means by which the concern is raised must not of itself amount to misconduct. If, for example, an individual hacks into an IT system to demonstrate a lack of security, the misconduct (in this case the hacking) will not be protected. Furthermore, if the worker is themselves involved in the illegality or malpractice, protection cannot be guaranteed.

You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

Under this policy, once a worker has raised a concern, an investigation is carried out under the direction of senior officers, the Monitoring Officer, an independent investigator or auditors, not by the worker.

What areas of concern should be disclosed?

This policy is not intended to replace (for those workers covered by it) the Grievance Procedure, which continues to be the appropriate way to raise personal issues relating to a worker's job or employment. However, a disclosure relating to sexual harassment may be considered under this policy where it is raised in the public interest and meets the requirements of a protected disclosure. Concerns under this procedure are distinct from complaints or grievances and include concerns about:

- unlawful conduct
- financial malpractice (including theft, fraud, bribery, and corruption)
- failure to comply with any legal duty
- danger to health and safety
- damage to the environment
- a miscarriage of justice
- other unethical conduct
- and the cover-up of any wrongdoing

Concerns normally managed under the Grievance Procedure

Personal grievances, including concerns about an individual's own employment situation, will normally be managed under the Grievance Procedure. This may include concerns about bullying, harassment or discrimination where the matter relates only to the individual's personal circumstances. However, as set out above, a disclosure relating to sexual harassment may be considered under this policy where it is raised in the public interest and meets the requirements of a protected disclosure.

Who can use the whistleblowing policy?

The policy covers any person carrying out work on behalf of the Service/Fire Authority. It applies equally to independent consultants and agency staff, as well as to new recruits and long-term workers. Its principles also cover members of the public, suppliers, and contractors, although separate arrangements are in place to allow suppliers and contractors to report concerns. These are detailed in Procurement Brigade Orders.

Raising a concern

In the first instance a worker should disclose any concern, either orally or in writing, to his or her Line Manager. If it is inappropriate to raise the concern with a Line Manager (because of the manager's involvement with the issue being raised) it should be raised with one of the individuals listed in the Procedure Statement (set out in the Appendix to this Order). An issue may be raised by a union on behalf of an individual. Alternatively, through the disciplinary process, the matter may be referred to the Police, the external auditor or may be subject of an independent inquiry.

In any case where a disclosure is made under this policy the individual (including the union) making the disclosure should provide full and specific details of their concerns together with any supporting evidence at the time that the concern is raised. If full and specific details and supporting evidence are not provided, it is likely to affect the extent of any investigation or, indeed, whether an investigation is possible or realistic.

If the matter relates to any fraudulent or corrupt activity, concerns should be raised in accordance with the Anti-Fraud Bribery and Corruption Strategy. To do this the complainant should contact a member of the Senior Management Team (SMT), the Treasurer/151 Officer or the Monitoring Officer and Clerk to the Fire Authority, who will treat the matter in confidence.

Where possible they should raise the matter in writing setting out the background and history of the concern giving names, dates and places where possible. If the complainant does not feel comfortable putting these concerns in writing, then they can speak to any one of these individuals to discuss their concerns instead.

At this stage the complainant will not be expected to prove the allegation but will need to demonstrate to the person contacted that there are sufficient grounds for reasonable suspicion or concern.

Where a concern relates to an SMT member, then either the Head of HR and Administration (HHRA), or Deputy Chief Fire Officer or Chief Fire Officer, as appropriate, should be contacted in the first instance. Concerns relating to Brigade Managers should be raised with the Monitoring Officer and the Chair of the Fire Authority.

Confidential Reporting

The Service recommends that concerns about bullying, harassment or discrimination are raised with a Line Manager, HR or trade union representative, depending on the circumstances. These matters will normally be managed under the Grievance Procedure where they relate to an individual's own employment situation. In limited circumstances, a disclosure relating to sexual harassment may be considered under this policy where it is raised in the public interest and meets the requirements of a protected disclosure

As set out earlier in this policy bullying and harassment are not covered by this policy unless the matter is in the public interest. However, there may be times when an individual does not feel able to report a complaint of bullying and harassment to their managers or any other employee of the Service. As part of the Service's commitment to providing a safe and inclusive working environment, individuals have access to a confidential, independent reporting line to raise workplace issues.

Confidential Independent Reporting Line 'Say So'

Say So is a third party independent and impartial service for employees to report workplace issues or concerns. They provide a platform to enable employees to report issues of concern which are then processed and reported back to the Service for action. If the employee wishes to remain anonymous, all reports are anonymised to maintain the worker's confidentiality prior to being released to the Service.

The systems and protocols of Say So are designed to manage all data securely to ensure confidentiality and data protection is always maintained.

To report a concern to Say So, call 0800 321 3456. Phone lines are open weekdays between 09:00 and 17:00 (excluding Bank Holidays).

Reports can also be made online by visiting https://www.say-so.co.uk/. This option is available 24 hours a day, including weekends and Bank Holidays.

Employees reporting a concern are provided with a reference number which can be used to receive feedback on any and all action taken, even if the employee has asked to remain anonymous.

Action to be taken

The organisation will investigate the concern in accordance with the investigation procedures laid out in the Appendix to this Order. All initial and follow-up investigations will be co-ordinated and recorded.

Feedback

Wherever possible the Service will provide the individual with feedback on the issues that they have raised. Feedback will ensure that the individual knows the matter has been looked into and, if necessary, sorted out and whether external disclosure is required or not. Please note, however, that the Service will be unable to give specific detail on action taken against individuals.

Welfare and Support

The Service recognises the importance of supporting employees who raise concerns to enable them to feel safe and secure in the workplace. The Service offers a number of avenues of support that employees can access.

Line Management

The Service recommends employees liaise with their direct Line Manager. However, where the issue is in relation to the Line Manager, employees can access their Grandparent Line Manager. Where this is not appropriate, the individual can access their trade union representative or where not appliable can contact the HR Department to discuss alternative options.

The nominated person can act on behalf of the employee to provide updates on any investigation and act as a line of communication between the individual and the Service.

Optima Health (formally NOSS)

Optima Health offer counselling services open for employees to access without the requirement of an Occupational Health referral. Individuals can self-refer into this service. All information discussed is kept confidential between the individual and their counsellor and no reports are submitted to the Service. Optima Health will make HR aware of the individual accessing their services, but no reasons for referral are disclosed.

Optima Health can be contacted by phone on 01978 780479 or by email therapyservices@optimahealth.co.uk.

Firefighters Charity

Employees can contact the Firefighters Charity for advice and support. The Charity can be contacted phone on 0800 3898820 or by visiting their website www.firefighterscharity.org.uk

Third Party Signposting

Employees can access advice and guidance via the Service's Health and Wellbeing tile. This holds a range of information that individuals can access which may support them during any ongoing investigation. This information can be found on the Service's Portal by accessing the Health & Wellbeing tile.

The Service has a zero-tolerance policy on an employee being discriminated, bullied or harassed as a result of them raising a concern. If an individual feels they are being mistreated as a result of them raising a concern, the Service must be notified as a matter of urgency so appropriate action can be taken.

Feedback and Evaluation

It is important that the Service ensures that all avenues of support are granted to the individual. If at any point the employee, or their nominated person, believes there is an issue with the level of support granted to the employee, they must contact the Investigating Officer (or a member of the HR Department) immediately to ensure the ongoing support and welfare of the employee.

Following the completion of any investigation, the Investigating Officer (or in the absence of an Investigating Officer, a member of the HR department) will contact the employee or nominated person to evaluate the support offered to the individual, how this benefitted the employee, and any issues or barriers highlighted. This evaluation will be kept confidential between the HR Department and Executive Officers and will be used to identify any areas of improvement and learning.

Shropshire Fire and Rescue Service EQIA Form

Please see the below link to the EQIA Form.

Reporting of Illegality and Malpractice - Whistleblowing

Appendix

Procedure Statement

Informing about wrongdoing

Introduction

Usually concerns at work are easily resolved. However, when they are about:

- unlawful conduct (including discrimination and racism)
- unethical conduct
- financial malpractice (including theft, fraud, bribery and corruption)
- dangers to the public
- damage to the environment

It can be difficult to know what to do.

Individuals may be worried about raising such issues or may want to keep the concerns to themselves, perhaps feeling 'it's none of their business' or that 'it's only a suspicion'. They may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. Individuals may decide to say something but find that they have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

Shropshire Fire and Rescue Service has introduced this procedure to enable individuals to raise concerns about such malpractice at an early stage and in the right way. Individuals should raise the matter, even if it is just a concern, rather than wait for proof or for their concerns to materialise.

If something is troubling an individual that they think should be known about or looked into, they should use this 'Whistleblowing' Procedure. If, however, an individual is aggrieved about their personal position, they should use the Grievance Procedure, which can be obtained from the Line Manager or from the Human Resources Department. If the issue is about personal harassment or bullying, then an individual should use the grievance procedure as a first step. A disclosure relating to sexual harassment may, however, be considered under this procedure where it is raised in the public interest and meets the requirements of a protected disclosure.

The 'Whistleblowing' Procedure is primarily for concerns where the interests of others or of the organisation itself are at risk.

If in doubt - raise it!

Harassment or victimisation

The Service recognises that deciding to report a concern can be difficult, not least because of the fear of possible reprisals. The Service will not tolerate harassment or victimisation and will take action to prevent this, when a worker raises a concern, which they reasonably believe to be in the public interest.

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Confidentiality

All concerns will be treated in confidence, and every effort will be made not to reveal the identity of the complainant. However, you can tell the Service or another individual as highlighted in the contact details below anonymously, but they may not be able to take the claim any further if you have not provided all the information they need. In some cases, it will be necessary to identify the complainant in order to progress the investigation. Where this happens, you will be told of the need and have the option to object. It may be that as a result of your objection; the Service will not be able to take the complaint any further.

Where requested, the Service will do its best to protect the worker's identity when they raise a concern and do not want their name to be disclosed. The worker must, however, appreciate that the investigation process may reveal the source of the information, and they may be required to give a statement as part of the evidence.

If you report your concerns to the media, you must understand that it may significantly complicate or compromise the investigation process as part of this policy, particularly whilst the complaint is being investigated.

Anonymous allegations

This policy encourages workers to put their name to their allegation.

Concerns expressed anonymously are much less powerful and are more difficult to act upon, but they will be considered at the discretion of the Service. In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern, and
- the likelihood of confirming the allegation from attributable sources.

Untrue allegations

If a worker makes an allegation, which they reasonably believe to be in the public interest, but it is confirmed by the investigation that there is no wrongdoing, no action will be taken against them. If, however, a worker makes malicious or vexatious allegations, disciplinary action may be taken against them, but the matter would be referred to the appropriate Brigade Manager before any action is taken.

Appendix

How the matter will be handled

In cases where the individual raises a concern directly with the Service, within 10 working days of a worker having raised a concern, a letter will be sent to them summarising their concern and setting out how the Service proposes to handle it. The worker will be told who is handling the matter, how they can contact him or her and whether their further assistance may be needed. The letter should also indicate how long it may take to provide a final response. Whilst every effort will be made to keep to the indicated timescales within this policy, in certain cases, depending on the level of investigation required, timescales may be exceeded. When this happens, you will be informed and will be provided with target dates.

An initial assessment will see what action should be taken. This may involve an internal inquiry or a more formal investigation. At this point the complainant will be provided with information outlining what staff support mechanisms are in place. The amount of contact between officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.

If the worker has any personal interest in the matter, they should state this at the outset. If the concern falls more properly within the Grievance Procedure the worker will be advised of this.

When a meeting is arranged, the complainant will have the right to be accompanied by a representative body or work colleague. The meeting can be held off site if requested.

Throughout the process the worker will be given as much feedback as possible. The worker may not, however, be informed of the precise action taken, where this would infringe a duty of confidence owed to someone else.

Where an individual raises a concern through the confidential reporting line ‘Say So’, all feedback on action taken will be made available to the individual via their services.

How to raise a concern internally

Step one

If a worker has a concern about malpractice, they should first feel able to raise it with their manager. This will depend, however, on the seriousness and sensitivity of the issues and whom they believe to be involved. This may be done orally or in writing.

The Service’s Anti-Fraud, Bribery and Corruption Strategy states that, in the event of financial malpractice, a worker should inform their Line Manager or a senior manager, who in turn would refer to the Treasurer, or if not appropriate, Internal Audit. If the worker is unsure where to raise their concern, they should speak to their manager in the first instance. If the worker is unable to contact their manager, they should refer to a senior manager as shown at Step two below.

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If the individual feels unable to raise the matter with an employee of the Service directly, they can use the confidential reporting line 'Say So' details of which are included in the main body of this Order.

Step two

If a worker feels, or is, unable to raise the matter with their manager, for whatever reason, the matter should be raised with any of the following:

Title	**Contact details**
Any Brigade Manager	Contact via ***Fire*** Control or ~~Brigade~~ ***Service*** Headquarters
Head of Human Resources and Administration	(01743) 260210
~~Head of Prevention, Protection and Response~~ ***Head of Service Delivery***	(01743) 260~~284~~ ***265***
~~Head of Operational Risk Management~~ ***Head of Operations and Risk***	~~(01743) 260198~~ ***07976 434265***
~~Head of Transformation and Collaboration~~ ***Head of Strategy, Risk and Improvement***	~~(01743) 260186~~ ***07791 599948***
Monitoring Officer Telford and Wrekin Council	(01952) 383219
Audit Services Manager Worcester Internal Audit Shared Services	01905 722051

If the wrongdoing is fraud or relating to a Brigade Manager i.e. ACFO and above:

~~Treasurer~~ ***Director of Finance and Resources*** ***(Section 151 Officer)*** ***Shropshire Fire and Rescue Service*** ~~Shropshire Council~~ ~~Shirehall, Shrewsbury~~	~~(01743) 258915~~ ***07976 940469*** If the wrongdoing is about improper payments
Monitoring Officer Telford and Wrekin Council Civic Offices, Telford	(01952) 383219 If the wrongdoing is thought to be illegal

The Treasurer and Monitoring Officer will also be available for private surgeries on the day of Fire Authority meetings.

Should an individual wish to raise concerns outside normal office hours, the Duty Area Manager should be the first point of contact or the audit line.

If these channels have been followed and the worker still has concerns, or if they feel that the matter is so serious that they cannot discuss it with any of the above, they should contact the confidential reporting line 'Say So' via phone or email (details in the main body of this Order)

Appendix

Independent advice and external contacts

If a worker is unsure whether to use this procedure or they want independent advice at any stage, they may contact:

- if applicable, their Trade Union.
- 'Say So' confidential reporting line via phone or email (contact details within main body of this Order).
- their own legal advice.
- a prescribed person or body e.g. a disclosure about wrongdoing in care home can be made to the Care Quality Commission.

While the Service hopes that this policy gives workers the reassurance to raise such matters internally, there may be circumstances where they can properly report matters to outside bodies, such as regulators or the Police. 'Public Concern at Work' (or, if applicable, the worker's Union) will be able to advise on such an option and on the circumstances, in which workers may be able to contact an outside body safely.

If a worker is dissatisfied

If a worker is dissatisfied with a response, they can go to the other levels and bodies detailed in this policy. While there is no guarantee that any response to matters will be in the way that a worker might wish, there is an intention to handle all matters fairly and properly. By applying this policy and process, workers will help to achieve this.