

## **WHISTLEBLOWING POLICY FOR STAFF OF THE LANCASHIRE FIRE AND RESCUE SERVICE (“LFRS”)**

This Policy aims to meet the responsibilities of the Lancashire Combined Fire Authority (“LCFA”) under the Public Interest Disclosure Act 1998 (“PIDA”) which has inserted provisions into the Employment Rights Act 1996 (“ERA”) and as amended by the Enterprise and Regulatory Reform Act 2013 (“ERRA”).

### PREAMBLE

Employees are often the first to realise that there may be something seriously wrong within an organisation. However, they may feel unable to express their concerns because they think speaking up as being disloyal to their colleagues or to LFRS. They may also fail to do so if as they may fear harassment or victimisation. In these circumstances it may sometimes appear easier to ignore the concern rather than report malpractice.

The LCFA is committed as a public body to the highest possible standards of transparency, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the work of the LCFA or LFRS to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

This Whistleblowing Policy makes it clear that you can do so without fear of any detriment e.g. victimisation or discrimination. This policy is intended to encourage and enable employees and workers to raise serious concerns in which they have a reasonable belief in the public interest rather than overlooking a problem or 'blowing the whistle' outside the organisation in the first instance.

The policy applies to all employees, (including those designated as casual hours, temporary, agency workers) and contractors and suppliers working for LFRS or LCFA. From 25 June 2013 whistleblowers are protected from suffering a detriment, bullying or harassment from another worker as a consequence of making a protected disclosure. Employees or workers who have made a protected disclosure prior to 25 June 2013 are protected from adverse treatment only in relation to their employer's activity.

These procedures are in addition to the existing LFRS complaints and grievance procedures.

This policy has been discussed with the relevant trade unions and has their support.

### AIMS AND SCOPE OF THIS POLICY

This policy aims to:

- encourage you to feel confident in raising serious concerns which are in the public interest.
- provide avenues for you to raise those concerns and receive feedback on any action taken.
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied

- reassure you that you will be protected from possible detriment if you have a reasonable belief that you have made a qualifying disclosure in the public interest.

There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- conduct which is an offence or a breach of law (e.g. misconduct in public office)
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of public funds
- possible fraud and corruption (also see the anti-bribery policy)
- other unethical conduct (e.g. serious breaches of the LFRS Code of Conduct or the LCFA Principles in Public Life)

Thus, any serious concerns that you have about any aspect of service provision or the conduct of staff or members of the LCFA, LFRS or others acting on their behalf can be reported under the Whistleblowing Policy. This may be about something that:

- makes you believe there has been a serious breach in terms of known standards or your experience or the standards you believe LFRS subscribes to; or
- is contrary to the Standing Orders and policies; or
- falls well below established standards of practice; or
- amounts to improper conduct

This policy does **not** replace the LFRS complaints or grievance procedures.

## SAFEGUARDS

Lancashire Combined Fire Authority

- is committed to good practice and high standards and wants to be supportive of employees.
- recognises that the decision to report a concern can be a difficult one to make. If you have a reasonable belief that what you are saying is true and requires to be disclosed in the public interest, you have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.
- will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a serious concern in the public interest in this way
- gives a commitment that any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

## CONFIDENTIALITY

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

## ANONYMOUS ALLEGATIONS

This policy encourages you to put your name to your allegation whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the LCFA.

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 you make an allegation in which you have a reasonable belief, but it is not confirmed by the investigation, no action will be taken against you. However there must be some substantiated basis for a whistleblower's belief; rumours, unfounded suspicions or uncorroborated allegations will not be sufficient. You may be asked to make a declaration that you have not knowingly made false allegations. If there evidence subsequently comes to light that you have misused the Whistleblowing Policy disciplinary action may be taken against you.

## HOW TO RAISE A CONCERN

As a first step, you should normally raise concerns with your immediate line manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved you can approach the Clerk to the LCFA, Lancashire Fire and Rescue Service Headquarters, Garstang Road, Fulwood, Preston. If you don't feel able to approach your line manager you can contact the Deputy Chief Officer or Director of People and Development. .

Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:

- the background and history of the concern (giving relevant dates)
- the reason why you are particularly concerned about the issue

The earlier you express the concern the sooner it may be possible to take any necessary action.

Although you are not expected to provide proof beyond doubt the truth of an allegation, you must show that you have a reasonable belief for your concerns and that they are reasonably in the public interest.

Obtain advice/guidance on how to pursue matters of concern from:

- The Clerk to the Fire Authority – 01772 866908
- Deputy Chief Chief Officer – 01772 866801
- Director of People and Development – 01772 866804

If, ultimately you feel you have to take the matter externally, possible contacts are listed at the end of Section 24.

You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

### HOW THE LANCASHIRE COMBINED FIRE AUTHORITY (“LCFA”) WILL RESPOND

The LCFA will respond to your concerns. Do not forget that scrutinising your concerns is not the same as either accepting or rejecting them.

Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary process
- be referred to the police (if there is a belief that a criminal offence has been committed this should be reported to the police)
- be referred to the external auditor
- form the subject of an independent enquiry

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the LCFA will have in mind is the public interest. Criminal Offences, miscarriages of justice, matters of health and safety, damage to the environment and concealment of such failures are by their very nature matters of public interest. However each matter will need to be assessed on the individual facts of each case. Concerns or allegations which fall within the scope of specific procedures (for example discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within seven working days of a concern being raised, the responsible person will write to you:

- acknowledging the concern has been received
- indicating who we propose 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
- supplying you with information on staff support mechanisms, and
- telling you whether further investigations will take place and if not, why not

If it is decided to proceed with the investigation it will then be necessary at this stage to inform the person against whom the accusation has been made. Details relating to the procedure and estimated timescales for the investigation and any subsequent reports will also be provided to the accused person.

The amount of contact between the person considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the LCFA will seek further information from you.

Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.

The LCFA will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the LCFA will arrange for you to receive advice about the procedure.

The LCFA accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation as soon as practicable

### THE RESPONSIBLE OFFICER

The Chief Fire Officer has overall responsibility for the maintenance and operation of this policy. The Chief Fire Officer will maintain a record of concerns raised and the outcome (but in a form which does not endanger your confidentiality) and will report as necessary to the LCFA.

### HOW THE MATTER CAN BE TAKEN FURTHER

This policy is intended to provide you with an avenue to raise concerns and it is hoped that you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Service, the organisations listed below are possible contact points (they can also be contacted at a first step if you wish):

- Public Concern at Work (tel: 020 7404 6609), a registered charity whose services are free and strictly confidential and which will give staff advice and guidance on the action they can take. Email: [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk)

- The Engagement Lead – Lancashire Combined Fire Authority, Grant Thornton UK LLP 4 Hardman Square | Spinningfields | Manchester | M3 3EB (tel 0161 953 6900) (the organisation’s appointed independent auditors)
- your trade union
- your local Citizens Advice Bureau
- the police

If you do take the matter outside the LFRS, you should ensure that you do not unnecessarily disclose confidential information and check with the contact point to establish the position.

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