



ESFRS Manual Note

Whistleblowing Policy- Raising Concerns

document control

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Related documents	
Anti-Fraud, Bribery and Corruption Policy Anti-Money Laundering Policy Leadership & Behavioural Framework Public Interest Disclosure Act 1998 Enterprise and Regulatory Reform Act 2013	

Related manuals	
Grievance Manual Note Disciplinary Procedure Complaints Procedure Code of Conduct	

ESFRS Manual Note

Index

1	Summary	3
2	Policy	4
	2.7 Who does this policy apply to?	5
	2.10 Benefits of this policy	5
	2.12 Our assurances to you	6
	2.18 What kind of concerns would I disclose under this policy?	7
3	Procedure	8
	3.1 How do I raise a concern internally?	8
	3.10 How will the Service respond?	9
	3.16 External Contacts	10
	3.19 Corporate recording, monitoring and reviewing	11
4	Appendices	12

ESFRS Manual Note

summary

1 Summary

- 1.1 Whistleblowing is the raising of a concern, either within the workplace or externally, about a danger, risk, malpractice or wrongdoing which affects East Sussex Fire & Rescue Service (the Service) or others.

- 1.2 This policy provides a clear framework which is intended to give employees, elected members and contractors the confidence to raise workplace concerns without fear of reprisal or victimisation.

- 1.3 Key Points
 - The public have an expectation that we will run the Service with the highest standards of openness and integrity.
 - This policy encourages, enables and reassures all employees and contractors to raise workplace concerns about risk, malpractice and wrongdoing. The principles of this policy apply equally to elected Members.
 - Employees will not be penalised, victimised or harassed for honestly raising workplace concerns and this policy provides assurance that you will be protected.
 - All concerns will be treated in confidence and listened to. You are encouraged to put your name to allegations, as anonymous concerns are more difficult to investigate and provide feedback. However, anonymous concerns can still be raised.
 - This policy is about raising a workplace concern where the risk is possibly to the organisation or others, as opposed to a grievance.

ESFRS Manual Note

policy

2 Policy

- 2.1 At one time or another, many of us may experience concerns about what is happening at work. Usually these concerns are easily resolved. However, when the concern feels serious because it involves a possible health and safety risk, or a person's welfare, malpractice (for example, theft, fraud, bribery, corruption, discrimination, environmental misuses) or a wrongdoing that might affect others or the Service, it can be difficult to know what to do.
- 2.2 You may be worried about raising such a concern and may think it is best not to say anything, or keep it to yourself, perhaps feeling it's none of your business or that it is only a suspicion. You may feel you would be disloyal to your colleagues, manager or to the organisation if you raised it. You may decide to say something but find that you have spoken to the wrong person, you may have raised it before and nothing was done or you may have raised it in the wrong way and are not sure what to do next.
- 2.3 The public have an expectation that we will run the Service with the highest standards of openness and integrity. Furthermore, the Chief Fire Officer and Chief Executive and Senior Leadership Team are committed to running the Service in the best way possible and to do so, your help is needed. This same commitment is reflected in our Leadership and Behavioural Framework. The Framework requires staff at all levels to speak out where organisational or safety risks are identified, and helps to ensure that personal and organisational accountability is central to the work of the Service.
- 2.4 This policy is designed to reassure you that it is safe and acceptable to speak up and raise any workplace concerns you may have and that you are showing loyalty and commitment to the Service by raising concerns.
- 2.5 Rather than wait for proof, it is preferred that you raise the matter as early as possible and when it is still a concern. Speaking out early could stop the issue from becoming more serious, dangerous or damaging.

ESFRS Manual Note

policy

- 2.6 The Whistleblowing Policy is primarily for concerns where the interests of the organisation or others are at risk. Therefore, if something is troubling you that you think we should know about and look into, please use this policy. If the issue relates to fraud, bribery or corruption please refer to the Anti-Fraud, Bribery & Corruption policy.
- 2.7 Who does this policy apply to?**
- 2.8 This policy applies to all employees (including when training & learning), contractors (including those providing services under contract to the Service in their own premises), elected members, volunteers, consultants and agency workers, working on, for, or on behalf of, the Service.
- 2.9 Local Benevolent / Firefighters Charity Fund and Social Club bodies indirectly associated with Service should ensure that they have appropriate Whistleblowing arrangements in place. This policy may be adapted and used for that purpose in the absence of any other provision.
- 2.10 Benefits of this policy**
- 2.11 The Whistleblowing Policy aims to:
- encourage, enable and reassure all employees to raise workplace concerns about risk, malpractice and / or wrongdoing;
 - provide avenues for individuals to raise concerns and receive feedback on any action taken;
 - ensure that individuals receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied; and
 - reassure individuals that they will be protected from reprisals or victimisation for raising concerns in good faith.

policy

2.12 Our assurances to you

- 2.13 The Fire Authority and the Senior Leadership Team are committed to this policy. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering from any form of retribution as a result. Provided you are acting honestly and in good faith, it does not matter if you are mistaken. This assurance is not extended to someone who maliciously raises a matter they know not to be true.
- 2.14 With these assurances, we hope that you will raise your concern openly. However, we do recognise that there may be circumstances when you would prefer to speak to someone in confidence first. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required to do so by law. Please understand that there may be times when we are unable to resolve a concern without revealing your identity and in such cases, we will discuss this, and how best to proceed, with you.
- 2.15 Please remember that if you do not tell us who you are (report it anonymously) it will be much more difficult for us to look into the concern. We will also not be able to protect your position or provide feedback.
- 2.16 If you are unsure about raising a concern, you can get independent advice from the independent whistleblowing charity Protect (see contact details under External Contacts).
- 2.17 Protection for whistle-blowers is enshrined in law (Public Interest Disclosure Act 1998 – PIDA, and the Enterprise and Regulatory Reform Act 2013). A disclosure made in good faith to the employer will be protected if the whistle-blower has a reasonable belief the information tends to show that the malpractice has occurred, is occurring or is likely to occur. Further details of the relevant legislation can be found on the Protect website, <https://protect-advice.org.uk/a-guide-to-pida/#overview-of-the-provisions>

ESFRS Manual Note

policy

2.18 What kind of concerns would I disclose under this policy?

2.19 This policy covers any serious concerns about any aspect of service provision or the conduct of employee or others acting on behalf of the Service. This could be something against Service policies; that falls below established standards of practice; or which relates to improper conduct or criminal activity (including fraud).

2.20 Concerns that fall within this policy could include, but are not limited to:

- practice that puts people or the Service at risk;
- a criminal offence has been committed, is being committed or is likely to be committed;
- failure or likely failure to comply with any legal obligations;
- health and safety risks, including risks to the public;
- damage to the environment;
- something that is against the Service's standing orders and policies;
- information relating to any of these concerns that is being or is likely to be deliberately concealed;
- weaknesses in procedure(s) that could put the Service or people at risk;
- training, learning, assessment and associated internal quality assurance activities including matters of maladministration or malpractice.

2.21 This list is not exhaustive and even if your concern does not fall into any of the categories above, you are encouraged to raise it.

2.22 Please note that the Grievance Policy exists to enable you to lodge a grievance relating to any matter concerning your own employment or how you have been treated, that you are unhappy about. It is very important that the Whistleblowing Policy is not used to raise individual grievances, and nor is it to be a mechanism for challenging decisions, practices and policies with which you disagree.

procedure

3 Procedure

3.1 How do I raise a concern internally?

3.2 Please remember that you do not have to have firm evidence before raising a concern. You only need to have a reasonable belief that wrongdoing is taking place. Any evidence you can provide will be useful in helping the Service investigate your concern, although it could be that you are not able to provide any evidence. We do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

3.3 Please raise your concern(s) either orally or in writing, though in writing is preferred. The concern would usually be raised with your immediate line manager. However, this will depend on the seriousness and sensitivity of the issues involved and who is thought to be involved in the wrongdoing. It may therefore be appropriate to raise the matter with a more senior officer or your Principal Officer. Similarly, non-employees should raise a concern in the first instance with their contact within the Service, usually the person to whom they directly report.

3.4 The concerns should try and set out:

- The background and history to your concern,
- dates and places where possible,
- the reasons for your concern

You are not expected to prove the truth of your raised concern. You will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

3.5 The Service has a Confidential Reporting Hotline which can be used to report concerns. This can be accessed by either dialling **01273 481995** or emailing: confidentialreporting@eastsussex.gov.uk Please note this hotline is monitored by our Internal Audit Service.

procedure

3.6 Should you not wish to report your concerns using the normal management structure or the Confidential Reporting Hotline, or if your concerns are about management, you can use any of the contacts listed below:

- Assistant Director (People Services) – 07876 133634
- Treasurer – 01323 462054
- Deputy Monitoring Officer - 01273 291509
- Head of Internal Audit – 01273 481447

3.7 If you wish to raise your concerns in writing to any of the above, please address your letter to:

- Shared Headquarters
- Church Lane Lewes
- BN7 2DZ

3.8 It is your choice as to how you raise a concern. You may wish to communicate via email, over the phone, or arrange a meeting away from the workplace.

3.9 Remember, to allow us to investigate and assess the situation it would be helpful to provide as much information as possible. We encourage you to put your name to allegations, as anonymous concerns are more difficult to investigate, and we want to be able to take any appropriate action to protect you and provide you with feedback.

3.10 How will the Service respond?

3.11 Once you have told us your concern, we will assess it and consider what action may be appropriate. This may involve a formal review, an internal enquiry or a more formal investigation. We will tell you who will be your point of contact, what further assistance we may need from you, and agree a timetable for feedback. If you ask, we will write to you summarising your concern and setting out how we propose to handle it. If we

procedure

have misunderstood the concern or if there is any information missing, please let us know.

- 3.12 When you raise the concern it will be helpful to know how you think the matter might be best resolved. If you have any personal interest in the matter, we do ask that you tell us at the outset. If we think your concern falls within our Grievance Policy or another relevant policy, we will let you know.
- 3.13 Regardless of what action may be appropriate in resolving your concern, we will not tolerate victimisation or harassment, and will take all necessary steps to protect you from any detriment.
- 3.14 Wherever possible, we will give you feedback on the outcome of any investigation. Please note, however, that we might not be able to tell you about the precise actions we take where this would infringe the duty of confidence we owe to other persons.
- 3.15 While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly. By using this policy you will help us to achieve this.

3.16 External Contacts

- 3.17 It is hoped that this policy gives you the reassurance to raise matters internally within the Service. Whilst we would prefer you to raise your concern internally, we do recognise that there may be circumstances where you may wish to raise matters with outside organisations or regulators. In fact, we would rather you raised a matter with an appropriate outside organisation or regulator than not raise it at all.
- 3.18 If you are unsure whether to use this policy or you want confidential advice at any stage, you may contact:

procedure

- the independent charity Protect's advice line on 020 3117 2520 (* option 1), or by email via whistle@protect-advice.org.uk;
- our external auditors Ernst & Young LLP on 023 8038 2000 or at Grosvenor House, Grosvenor Square, Southampton SO15 2BE.

3.19 Corporate recording, monitoring and reviewing

3.20 The Assistant Director – People Services has overall responsibility for the maintenance and operation of this policy and for ensuring it is reviewed every two years by involving key stakeholders in the process.

3.21 A record of all concerns raised and the outcomes (in a form which respects the individual's confidentiality) will be kept by the Assistant Director – People Services. This record will be periodically reviewed to identify and resolve any wider systemic or organisational problems, if for any reason these have not been resolved following each specific disclosure.

ESFRS Manual Note

CPS06_13_V3 - Page No.12

appendices

4 **Appendices**
None

