

OP-05.003, Public Interest Disclosure Procedure (Whistleblowing)

Document Information

Security Classification	Not protectively marked
Document Owner	Head of Finance & Procurement
(M33C) Date Last Review Published	26 April 2018
Category of amendment	Minor amendment to the Sources of Information and Related Documents section, updating the title for OP-05.002, Anti-Fraud and Anti-Bribery Policy
Completed by	Lee Bunkham, Senior Procurement Officer
(M33A/Factual) Date Last Amendment Published	11 November 2014
Category of amendment	Minor amendment to the Scope and Applicability Section, statement added that a breach of the procedure may lead to disciplinary action.
Completed by	Mark Malson, Head of HR
Date of Next Review	2nd Quarter 2021
Notes	
In Case of Query Contact	Geraint Thomas, Head of Finance & Procurement

PLEASE NOTE THAT IF YOU ARE READING A PRINTED COPY OF THIS DOCUMENT IT MAY BE OUT OF DATE. PLEASE REFER TO THE VERSION AVAILABLE ON THE SERVICE INFORMATION MANUALS INTRANET SITE

Contents

1	Introduction	2
2	Corporate Policy	2
3	Scope and Applicability	2
4	Responsibilities	3
	4.1 Employee Responsibilities	3
	4.2 Human Resources Responsibilities	3
	4.3 Investigating Manager Responsibilities	3
5	Issues of Concern	4
6	Reporting Concerns	4
7	Confidentiality	6
8	Raising Concerns Anonymously	6
9	Untrue Allegations	6
10	Public Disclosures	6
11	Reducing Complainant's Potential Concerns	6
	Sources of information and Related Documents	7
	Appendix 1, Form F-31 Public Interest Disclosure (Whistleblowing)	8
	Appendix 2, Management Letter Acknowledging Receipt of Form F-31	8

1 Introduction

- 1.1 South Wales Fire and Rescue Service “the Service” is committed to the highest standards of openness, probity and accountability. In line with that commitment, the Service recognises that an important aspect of accountability and transparency is a mechanism to enable employees to voice concerns about breaches or failures in a reasonable and effective manner “Whistleblowing” is the popular term used when an employee has a concern about danger or illegality that has a public interest aspect to it: usually because it threatens others (e.g. customers, colleagues or the public).
- 1.2 This procedure has been written to take account of the Public Interest Disclosure Act 1998, which protects members and staff making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act’s provisions. The Act is incorporated into the Employment Rights Act 1996, which also already protects members and staff who take action over, or raise concerns about, health and safety at work. This Procedure has been written to take account of the Enterprise and Regulatory Reform Act 2013 which provides protection for members and staff who raise genuine concerns which they reasonably believe are in the ‘public interest’.
- 1.3 A grievance is, by contrast, a dispute about the employee’s own employment position and has no additional public interest dimension. The Service’s Grievance Resolution Procedure, OP-02.008 should be used to resolve an employee’s concern that does not have a public interest aspect to it.
- 1.4 This procedure is intended to assist and protect employees from victimisation and reprisal should they reasonably believe they have discovered malpractice or impropriety and that the disclosure is in the public interest.

2 Corporate Policy

- 2.1 This Organisational Procedure supports Corporate Policy 05, Finance and Procurement.

3 Scope and Applicability

- 3.1 This procedure applies to all employees.
- 3.2 All employees are required to adhere to this procedure. Employees should note that any breaches of this procedure may lead to disciplinary action. Serious breaches of this procedure may constitute gross misconduct and lead to dismissal. Please refer to our disciplinary procedure OP-02.007 for further information.

- 3.3 The Service supports an environment of mutual respect and equality of opportunity. In accordance with the Equality Act (2010), this document has been Equality Risk Assessed to ensure all Protected Characteristics are considered. Should an employee perceive that an adverse impact does exist, it is their responsibility to bring it to the attention of the Diversity Officer. This document also complies with other relevant legislation.

4 Responsibilities

4.1 Employee Responsibilities

Employees are responsible for:

- Raising their concerns in writing as soon as they have a reasonable suspicion.
- Providing a full account and evidence for their concerns.
- Raising concerns in the public interest and maintain confidentiality regarding their concerns.

4.2 Human Resources Responsibilities

Human Resources are responsible for:

- Providing advice and support to employees and investigating managers involved in the whistleblowing procedure.
- Assisting in the appointment of a suitable investigating manager.
- Investigating any allegations of harassment or victimisation experienced by the complainant.
- Updating the procedure when there are changes to legislation.

4.3 Investigating Manager Responsibilities

The investigating manager is responsible for:

- Sending a written acknowledgement of the concern to the complainant.
- Ensuring the employee is aware and understands the whistleblowing procedure.
- Protecting the identity of the employee, where possible.
- Ensuring the investigations are undertaken as expeditiously as possible without affecting the quality and depth of the investigation.
- Keeping the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.
- Reporting to the complainant in writing of the outcome of any disciplinary process arising.

5 Issues of Concern

- 5.1 It is impossible to be prescriptive about the possible issues of concern but they may include:
- Failure to deliver proper standard of service.
 - Financial malpractice.
 - Corruption or fraudulent activity.
 - Negligence.
 - Discrimination.
 - Breaches of Health and Safety legislation.
 - Failure to comply with the Service's policies and procedures, or legal requirements.
- 5.2 There may be other types of concern which should be more appropriately addressed through the Service's other procedures, such as the grievance procedure. If so, individuals will be advised appropriately.
- 5.3 The Service wants to encourage openness within the organisation and if employees raise concerns in the public interest they will be supported, even if it turns out that no action was necessary.
- 5.4 It is not expected that a truth or an allegation is proved beyond all doubt but rather that there are genuine grounds for concern.

6 Reporting Concerns

- 6.1 If an employee is concerned about something that they think is bad practice they should talk, in the first instance, to their line manager or a senior manager about this and submit an F31 form ([Appendix 1](#)).
- 6.2 If they do not feel able to do so because, for example, they believe that line managers are involved in some way or are unlikely to take action about the concern, they should contact a more senior manager. Ultimately, they may contact the Deputy Chief Officer and ask to speak confidentially.
- 6.3 If there is a concern that involves a senior member of the Service it may be necessary to approach the Chairman of the Finance Audit and Performance Management Committee. The Chairman's telephone number can be obtained from Business Support.

- 6.4 Employees are not expected to prove beyond doubt the truth of an allegation however, they will need to demonstrate to the designated officer that they reasonably believe that the disclosure they are making is on the public interest and is therefore a protected disclosure. Examples include:
- The disclosure is made in the public interest
 - The person making the disclosure reasonably believes that it tends to show malpractice or impropriety.
 - In making the disclosure, the person does not commit a criminal offence.
 - The person does not expect any personal gain from making such a disclosure.
- 6.5 The Service will treat concerns raised in this way seriously and will investigate them thoroughly in whatever way seems most appropriate.
- 6.6 Managers must ensure employees read the procedure so that they know their rights and the support they will receive if they raise a genuine concern.
- 6.7 In the first instance the individual will receive a written response, from the Manager, to the concern they have raised, indicating how the matter will be dealt with and giving them an estimate of how long it may take. A template response letter is attached ([Appendix 2](#)).
- 6.8 If, as part of the resolution of the issue raised, there is requirement for a meeting between the individual and the person with or about whom the concern is raised, the individuals will have the right, should they wish, to be accompanied by a Trade Union representative, or work colleague who is not directly involved.
- 6.9 Some situations may be resolved promptly, others may require formal investigation.
- 6.10 The individual will be informed of the outcome and any steps that have been taken, subject to legal constraints and appropriate confidentiality.
- 6.11 Managers will be required to submit a summary report of the concern that was raised, how it was dealt with, and the outcome, to the Chief Fire Officer.
- 6.12 Once the Manager has investigated and/or resolved the issue that was causing a person concern, they will notify the person of the outcome subject to legal restraints and confidentiality.

7 Confidentiality

- 7.1 All concerns raised will be treated in confidence and every effort will be made not to reveal the identity of a member of staff. At the appropriate time, however, they may be required to come forward as a witness.

8 Raising Concerns Anonymously

- 8.1 This procedure encourages employees to put their name to their allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Service. In deciding whether to consider anonymous concerns the following are some of the factors that will be taken into account:

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

9 Untrue Allegations

- 9.1 If an allegation is made in the public interest, but it is not confirmed by the investigation, no action will be taken. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken in accordance with the Service's disciplinary procedures.

10 Public Disclosures

- 10.1 All employees have a duty of confidentiality to the Service. Concerns raised internally must not, therefore, be disclosed externally to the organisation.
- 10.2 If a member of staff feels unable to raise their concern because they believe they will be victimised, or evidence will be destroyed, the matter may in certain limited circumstances be disclosed outside the Service as a 'qualifying disclosure' under the Public Interest Disclosure Act. Any Employee considering such an action must seek advice from their Trade Union, professional body, or independent legal adviser or contact: Public Concern at Work, 3RD Floor, Bank Chambers, 6-10 Borough High Street, London SE1 9QQ. Telephone: 0207 404 6609. Website: www.pcaw.org.uk

11 Reducing Complainant's Potential Concerns

- 11.1 Employee may feel vulnerable if they raise concerns. They will be treated, as with the person against whom they have raised the concerns, with seriousness and respect.
- 11.2 Potential tensions within the workplace will be sensitively considered and a range of support to staff involved in any investigation process will be available.

11.3 If individuals are prevented from making a confidential report or are victimised in any way, such treatment will be viewed as a serious disciplinary offence.

11.4 If, however, allegations made by individuals are malicious this will also be treated as a serious disciplinary offence.

11.5 The Public Interest Disclosure Act 1988 protects employee's who report wrong doing within the workplace.

Sources of information and Related Documents

- OP-05.002, Anti-Fraud and Anti-Bribery Policy
- OP-05.006, Hospitality and Gifts
- OP-02.007, Discipline Policy and Procedures
- OP-02.008, Grievance Resolution Procedure
- Enterprise and Regulatory Reform Act 2013

Appendix 1, Form F-31 Public Interest Disclosure (Whistleblowing)

Link to the form ([link](#))

Appendix 2, Management Letter Acknowledging Receipt of Form F-31

Dear []

I confirm that on [date] the Service received your [form/letter/email] dated [date] raising concerns about [state issues].

In accordance with the Service's Whistleblowing policy, the first step is for [name of individual/the line manager] to investigate the issue. [Normally, your own line manager would investigate your concerns. However, as you have implicated him/her in the wrongdoing, [name of investigating individual] has been appointed instead to carry out the investigation.] [Name of individual/the line manager] will contact you during the investigation and you may be asked to comment on any additional evidence that he/she obtains.] Please find enclosed F31 form to set out your concerns. Please return this completed form to [name of investigating individual.]

Once the investigation has been completed, the individual who carried out the investigation will report to the board, which will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required against any individuals implicated in the wrongdoing, the line manager (or the person who carried out the investigation) will report the matter to the HR department and start the disciplinary procedure.

Please rest assured that the fact that you are the source of the disclosure will be kept confidential as far as possible. However, it is possible that individuals you work with may find out. If you are subjected to any detriment, or are bullied or harassed, for making a disclosure, you should inform [name of individual/the line manager] immediately. An investigation will follow and disciplinary action may be taken against the perpetrators.

If you have any queries or concerns in the meantime, please do not hesitate to contact [me/name of individual].

Yours sincerely