

Confidential reporting ("whistleblowing") policy

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1 Status

- 1.1 This is the Confidential Reporting ("Whistleblowing") Policy ("the policy") of the London Fire Commissioner ("the Commissioner"). The Commissioner is the statutory fire and rescue authority for Greater London and is responsible for the management of the London Fire Brigade (the "Brigade").

2 Our commitment

- 2.1 The Commissioner is committed to the highest standards of conduct, honesty, openness and accountability. In line with that commitment, the Commissioner expects and encourages anyone who has serious concerns about any aspect of the Brigade to come forward and voice those concerns. The Commissioner gives an assurance that anyone can do so without fear of victimisation, harassment, discrimination, disciplinary action or other disadvantage.

3 Principles

- 3.1 This policy is intended to encourage and enable employees and others to raise serious concerns within the Brigade rather than not sharing those concerns or feeling that they can only do so by going to someone outside the Brigade.
- 3.2 Whilst the policy also applies to others, it is employees who are often the first to realise that there may be something seriously wrong within the organisation they work for. This policy makes clear that, in those circumstances, employees (and others where applicable) may express their concerns without fear of harassment, victimisation, discrimination, dismissal, disciplinary action or other disadvantage.

4 Aims

- 4.1 This policy aims to:-
- Encourage individuals to feel confident in raising serious concerns and to question and act upon those concerns about practice.
 - Provide ways and procedures to raise those concerns.
 - Ensure that individuals receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied.
 - Ensure that individuals will be protected from possible reprisals or victimisation.
 - Remind employees of their duty to report serious concerns.

5 Scope

- 5.1 This policy covers:-
- Protected disclosures made under the Public Interest Disclosure Act 1998 as amended ("PIDA").
 - Matters of serious concern such as the unauthorised use of public funds; bribery; fraud and corruption.
 - Serious concern regarding breach of Brigade policies or failure to adhere to established standards of practice.
 - Serious concern regarding the conduct of employees, officers or anyone acting on behalf of the Commissioner or the Brigade.
 - Serious concern regarding any aspect of service provision by the Brigade.

6 Legal context

- 6.1 PIDA as amended by the Enterprise and Regulatory Reform Act 2013 provides protection for employees from dismissal, disciplinary action, threats or other unfavourable treatment as a result of raising a concern about malpractice.
- 6.2 PIDA amended the Employment Rights Act 1996 to provide an entitlement to compensation to any employee who is dismissed or suffers a detriment by his/her employer by reason of making a disclosure relating to:-
- Crimes.
 - Breaches of legal or regulatory obligations.
 - Miscarriages of justice.
 - Danger to the health and safety of any individual.
 - Danger to the environment.
 - Concealing of evidence relating to any of the above.
- 6.3 To dismiss or otherwise penalise a worker for making a protected disclosure from PIDA will automatically be an unfair dismissal.
- 6.4 To be a "protected disclosure" under PIDA, the disclosure must be made by a "worker" who must reasonably believe that the disclosure is in the public interest.
- 6.5 Employees that victimise a worker who has made a protected disclosure may also be personally liable for any detriment suffered by the worker and the employer may be vicariously liable if they have taken no action to stop the victimisation.
- 6.6 The definition of "worker" under the Employment Rights Act 1996 and PIDA includes, amongst others, employees; contractors who provide services other than in a professional/client or business/client relationship; certain agency staff and certain work experience trainees.

7 Safeguards

- 7.1 The Commissioner recognises that the decision to report a concern can be a difficult one to make.
- 7.2 Any concern reported to the Commissioner under the policy will be treated seriously.
- 7.3 If an employee reasonably believes that there are genuine grounds for raising their concerns with the Commissioner under this policy, the employee will not suffer disciplinary action or other detriment even if the concerns prove unfounded.
- 7.4 The Commissioner will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect an individual who raises a concern under the policy.
- 7.5 Any investigation into concerns raised under the policy will not influence or be influenced by disciplinary, capability, redeployment or redundancy procedures that already affect a member or members of staff.
- 7.6 Protected disclosures made by a "worker" under PIDA will have the benefit of statutory safeguards.
- 7.7 Employees who raise concerns frivolously, maliciously, for personal gain or knowing that they are untrue may be subject to disciplinary action.

8 Confidentiality

- 8.1 The Commissioner will treat all concerns under the policy in a confidential and sensitive manner. Every effort will be made not to reveal the identity of the individual raising the concern if that is their wish. However, this may not be possible in all the circumstances, particularly where an investigation is taking place, and in some cases the nature of the concerns raised may provide an indication of their source. It may also be that, after consultation, the individual raising the concern is required to provide a statement or come forward as a witness.

9 Anonymous allegations

- 9.1 As a general rule, individuals should put their name to concerns they raise under the policy. Concerns expressed anonymously often do not have the same credibility. When a concern is raised by an anonymous source, it will be considered at the discretion of the recipient of that concern. Factors to be taken into account would include:-
- The seriousness of the issues raised.
 - The credibility of the concern.
 - The likelihood of confirming the allegation from attributable sources.

10 Other procedures

- 10.1 There is a grievance procedure for employees to use if they are dissatisfied with matters related to their own employment and the policy should not be used for raising matters that would properly be dealt with under the grievance procedure.
- 10.2 There are also complaints mechanisms and systems which should be used by individuals who are dissatisfied with the way that the Brigade has provided services.

11 How to raise a concern

- 11.1 The earlier that concerns are raised, the easier it is to take action. Employees should normally raise concerns with their immediate line manager, or the manager's line manager. However, this depends on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice.
- 11.2 Issues may be raised verbally or in writing. Staff who wish to make a written report are advised to use the following format:
- The background and history of the concern (giving relevant dates).
 - The reasons why they are particularly concerned about the situation.
- 11.3 There is also a confidential reporting number connected to an answerphone in the General Counsel's department that can be used. The number is 020 8555 1200 ext. 89898 or, alternatively, an email can be sent to **confidentialreporting@london-fire.gov.uk**.
- 11.4 Although not expected to prove beyond doubt the truth of an allegation, individuals will need to demonstrate to the person concerned that there are reasonable grounds for their concern. They may wish to consider discussing their concern with a colleague or friend first and may find it easier to raise the matter if there are two (or more) individuals who have had the same experience or concerns.
- 11.5 It would be advisable for employees to inform their trade union representative who may be able to offer them appropriate support and advice. If an individual does not belong to a trade union

then they may consider inviting a friend to be present during meetings or interviews in connection with the concerns they have raised.

12 How the organisation will respond

- 12.1 The organisation will respond to concerns but it should be remembered that testing out concerns is not the same as either accepting or rejecting them.
- 12.2 Where appropriate, the matters raised may:
- Be investigated by management, internal audit, an investigating officer appointed for the purpose or through a disciplinary process.
 - Be referred to the police.
 - Be referred to the external auditor.
 - Form the subject of an independent inquiry.
- 12.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial inquiries will be made to decide whether an investigation is appropriate and if so, what form it should take. The overriding principle which the Commissioner will have in mind is the public interest. Concerns or allegations which fall within the scope of other relevant procedures will normally be referred for consideration under those procedures.
- 12.4 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.
- 12.5 Within ten working days of a concern being raised, the individual who has raised the concern will receive a letter or email from the person dealing with that concern on behalf of the Commissioner:
- Acknowledging that the concern has been received
 - Advising whether any initial inquiries have been made
 - Explaining what will happen next.
- 12.6 The amount of contact between the officers considering the issues and the individual raising the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from that individual. Any meetings arranged can be held off Brigade premises if that is the individual's wish and they may be accompanied by a trade union representative or friend. The individual will receive a brief written summary of any meeting(s) or interview(s) they attend. The written summary will be agreed by both parties.
- 12.7 The organisation will take steps to minimise any difficulties which an individual may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, arrangements will be made for them to receive advice about the procedure.
- 12.8 Subject to any legal constraints, the individual raising the concern will be informed of the outcome of any investigation.

13 The responsible officer

- 13.1 The General Counsel will have overall responsibility for the maintenance and operation of the policy. If an individual's concerns relate to the conduct of that officer or the London Fire Commissioner, they should raise them with the Director of Corporate Services or the Deputy Commissioner, Safety and Assurance. If the concern is very serious or complex, an inquiry may be held.

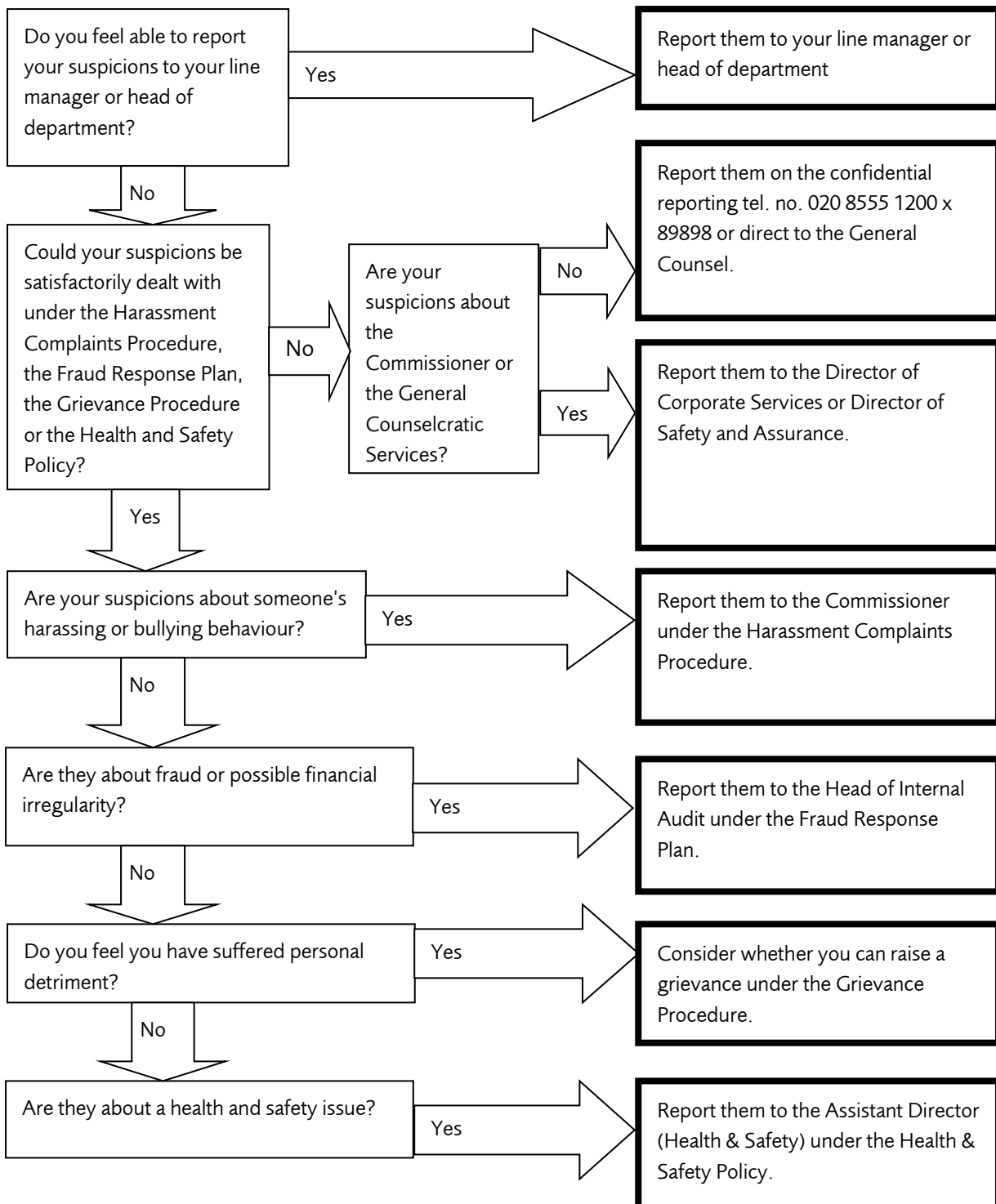
14 How the matter can be taken further

14.1 This policy is intended to provide individuals with an avenue within the organisation to raise concerns about malpractice. The Commissioner hopes such individuals will be satisfied with any action taken. But if they are not, and they feel it is right to take the matter outside the organisation, the following are possible contact points:

- Their trade union.
- The external auditor.
- Your local Citizens Advice Bureau.
- Relevant professional bodies or regulatory organisations such as the Health and Safety Executive or Information Commissioner.
- A relevant voluntary organisation such as Public Concern at Work - 020 7404 6609 or helpline@pcaw.co.uk.
- The police.

14.2 If the matter is taken outside the organisation, it is important to make sure that there is no disclosure of any confidential information. A trade union adviser or the General Counsel can advise individuals about that.

Appendix 1



- Contact numbers for the relevant person can be found in the internal phone directory or in hotwire under Hotlines

- Confidential reporting number linked to answerphone is 020 8555 1200 ext 89898

Document history

Assessments

An equality, sustainability or health, safety and welfare impact assessment and/or a risk assessment was last completed on:

EIA	27/08/2009	SDIA	24/04/2012	HSWIA		RA	
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Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

Page/para nos.	Brief description of change	Date
Page 2, para 1.6 Page 5, para 10.1 Page 6, Appendix 1	Expanded to improve clarity. Addition of new PCatW email address. Re-formatted to remove ambiguities.	14/08/2012
Page 7	SIA date updated.	31/01/2014
Throughout	This policy has been rewritten with changes throughout. Please reread to familiarise yourself with this policy. Reviewed as current.	02/12/2014
Throughout	Removed Deputy Commissioner and the Strategic Advisor to the Commissioner roles from content as they are now redundant.	29/05/2015
Throughout	Changes have been made to department and team names to reflect the abolition of London Fire and Emergency Planning Authority, now replaced with the London Fire Commissioner.	12/09/2018
Throughout	References to 'the Authority' changed to 'the Brigade'.	29/11/2021

Subject list

You can find this policy under the following subjects.

Whistleblowing	

Freedom of Information Act exemptions

This policy/procedure has been securely marked due to:

Considered by: (responsible work team)	FOIA exemption	Security marking classification