



LONDON FIRE BRIGADE

LFC-24-072

Updates to the Confidential Reporting (Whistleblowing Policy) PN569

Report to:	Date:
Service Delivery Board	19 June 2024
Commissioner's Board	09 July 2024
Audit Committee	16 September 2024
Deputy Mayor's Fire Board.....	23 July 2024
London Fire Commissioner	

Report by: Kathryn Robinson, General Counsel

Report classification:
For decision

For publication

I agree the recommended decision below.

Andy Roe
London Fire Commissioner

This decision was remotely
Date signed on 23 August 2024

PART ONE

Non-confidential facts and advice to the decision-maker

Executive Summary

This report proposes updates to the London Fire Commissioner (LFC) Confidential Reporting (Whistleblowing) Policy PN569 (the Whistleblowing Policy); most particularly the establishment of an external reporting line for referrals to enhance confidence in the reporting system. The appointment of the external body will also provide a system for recording, managing and monitoring referrals, thus improving the arrangements for keeping individuals updated and ensuring that referrals via the reporting line are responded to in a timely fashion. Changes to the policy include an increased focus on any recommended changes resulting from investigations conducted under the policy, again enhancing confidence that the organisation encourages individuals to voice their concerns and that action will be taken and improvements will be made where the need for change is identified. The changes proposed also explain how the Whistleblowing Policy is applied in relation to the work undertaken by the newly introduced Professional Standards Unit (PSU).

Proposed decision – the London Fire Commissioner

That the London Fire Commissioner

- i) Agrees the revised Confidential Reporting (Whistleblowing) Policy PN569 attached as Appendix 1.
- ii) Notes a contract will be placed with Navex for two years to provide an external reporting line.

1 Introduction and background

- 1.1 The LFC Confidential Reporting (Whistleblowing) Policy PN569 (the Whistleblowing Policy) sets out the process for employees and those outside the organisation to report serious concerns about the LFC. The Policy reflects the legal position set out in the Public Interest Disclosure Act 1998 which provides protection of employment rights for employees who report certain categories of concerns, but the LFC policy is also wider than the statutory scope, in that it enables reporting of other serious concerns wider than those covered by the Act.
- 1.2 The Policy is separate from and is in addition to and complements other means of reporting matters of concern, including complaints about services to the public (the complaints process) and reporting by employees under the revised Discipline (Conduct) Procedure P392 and the Complaints (Grievance) Policy P394.
- 1.3 This Policy is due for review under the internal process of reviewing policies every three years, but the key drivers for the proposed changes are the LFC Culture Review and the HMICFRS recommendations dated March 2023. The updates to this policy have also been aided by a MOPAC advisory report 27th September 2023 which recommended areas for review and their comments

reflect the experience of General Counsel in overseeing the current policy.

- 1.4 The Culture Review (CR) focused on behaviours in the London Fire Brigade. While the Whistleblowing Policy does not specifically deal with such matters and reporting under this Policy is on wider and to some extent different issues, there are some themes in the CR report which potentially have a bearing on individuals reporting other matters ; for example in the CR report conclusion and recommendations it recognised how difficult it is for people to report concerns, that it should be made easier and they should be supported in doing so and that there should be systems in which they have trust and confidence that the matter will be properly investigated and dealt with. These issues could equally apply to reporting wider matters which are the remit of the Whistleblowing Policy.
- 1.5 The HMICFRS recommendations in its letter to Fire and Rescue Services dated March 2023 also highlighted the need for robust, trustworthy, accessible reporting mechanisms for reporting concerns and that a fear of reprisal was sometimes a barrier to reporting. The use of an independent reporting line was advocated as a means of enhancing trust and providing a level of confidentiality. While the focus of the HIMCFRS letter was in relation to culture and behaviours, the principles could equally apply to the Whistleblowing process, which in the LFC is used for reporting wider organisational concerns.
- 1.6 The MOPAC advisory report made a number of useful suggestions on changes to the Policy – many the same as the CR and the HMICFRS, but also that the structure and language of the Policy could benefit from amending to provide greater clarity on the process and perhaps most importantly that the policy and reporting line should be readily accessible and understood by staff. The MOPAC comments have been reflected on and incorporated in the changes to the policy.
- 1.7 The significant proposed changes in the Confidential Reporting (Whistleblowing) Policy (PN569) are as follows;
 - **The provision of an independent reporting line; the telephone number, email address and mobile phone QR Code for referrals by individuals (employees and external people) will be to Navex (EthicsPoint).** Currently referrals are made via a dedicated email address or via telephone number of General Counsel who is the LFC Monitoring Officer (MO) and Head of Legal and Governance. The statutory function of the MO (S5 Local Government and Housing Act 1989) is such that this post has responsibilities to highlight to the organisation maladministration or breaches of the rule of law, thus providing a level of rigor and objectivity to the process under the current Policy. However, it is recognised that enhanced confidence and trust is likely to be achieved by an independent line.
 - **The use of the independent facility will provide greater confidence to those reporting.** The current Policy recognises the sensitivities around reporting and sets out the efforts that will be made to maintain confidentiality where that is the request of the referrer.
 - **The details of the reporting line will be clearly located on the LFC website and on Hotwire and otherwise promoted and advertised;** the availability of the current Policy can be found on the LFC website and Hotwire, but it is not as apparent as it could be. Clear messaging to staff about the independent reporting line will help staff who wish to raise concerns and ensure that if serious concerns are, for example, directed to managers instead of the Whistleblowing line, that people will know how to pass that on if appropriate. It will also be important in the promotion of the Confidential Reporting (Whistleblowing) Policy that its use is explained – and that this means of reporting concerns is explained alongside other options such as the Discipline (Conduct) Procedure, so that the correct route is used. However, where the incorrect route is utilised, concerns are forwarded to the correct process so that no referral is left not

addressed.

- **The Policy has been rewritten to provide clarity and to better reassure and encourage individuals to report and to provide updates and reports on progress to those who refer matters.** The substance ie the matters covered by the Policy remain unaltered since it is advised this remains appropriate and fit for purpose
- **Greater clarity on how this Policy interacts with other means of referring concerns;** this was explained in the previous policy iteration but is now improved.
- **The Navex system provides a case management system for storing, monitoring and reporting data.** At present the documents are stored by the investigating officer and General Counsel. This new system provides a means by which cases can be monitored for timely conclusion and updates etc. Data analysis is relatively straight forward since presently there are few referrals made under the Policy, but should the numbers increase, this new system will provide a useful reporting tool.
- **The right person to undertake the investigation;** the current policy states that some referrals may be raised and dealt with locally while others can or should be reported via the reporting line. The changes recommend that matters which fall within the Policy should be referred via the reporting line and dealt with accordingly. Knowledge and understanding of the policy will assist with this as addressed above.
- **Guidance to be provided on investigation;** investigations are referred to senior officers (usually Heads of Service) and sometimes delegated to subject matter experts of a more junior grade. While there is a reasonable expectation of the skills and ability to consider the matters referred to, there is benefit in guidance and precedent format for reporting, which will now be provided. The low numbers of referrals and the range (such that different officers are asked to undertake investigations) suggests that training a large number of senior officers may not be the most effective means of ensuring quality investigations and reports.
- **Clarity provided on outcomes, action plans, and assurance;** Currently General Counsel reviews the final investigation reports to objectively consider whether the concerns have been addressed and that recommendations are made where it appears from the report it is reasonable to do so. To date some referrals have resulted in recommendations/ actions; these are the responsibility of the Head of Service or incorporated into an already existing plan. The final reports are also sent to the relevant Director, and this facilitates decisions about monitoring and ensuring recommendations are implemented. Under the new policy senior officers are to be responsible for ensuring changes are delivered, and assurance and reporting progress will form part of the assurance framework.
- **Reporting on Whistleblowing cases to be considered alongside reporting on other referrals/ complaints / matters of concern;** the numbers, types and outcomes of the Whistleblowing referrals provides part of the data regarding organisational health, and will be reported as part of performance and assurance. At present the data on Whistleblowing is reported as part of the Annual Governance Statement as headline numbers and with a general description. The recommended enhanced reporting detail through performance and assurance ensures a greater degree of oversight, transparency and encouragement to others to report.

- 1.8 The Confidential Reporting Policy continues to provide that *Serious concern regarding the conduct of employees, officers or anyone acting on behalf of the Commissioner or the Brigade*, notwithstanding the PSU function of managing issues of conduct and behaviour of staff members. However, it makes it clear that individual issues will be dealt with under the Discipline (Conduct) Procedure and Complaints (Grievance) Policy, save for exceptional circumstances. It is advised that this provision remain in the Confidential Reporting (Whistleblowing) Policy since it facilitates a route for external complaints to be made; the Policy is more 'outward facing' than the People Services policies and past experience shows that it is used to report such matters, despite the availability of the LFB general complaints procedure. Where external referrals about individual behaviours and conduct are made via the Whistleblowing line they will be transferred to the PSU to be dealt with accordingly.
- 1.9 Navex is a well established business specialising in governance, risk and compliance and is engaged by the GLA, TfL and other GLA bodies to provide an external reporting line and case management system. The contact details appear on the GLA website as resource for participating GLA bodies. There are 2 options available to the LFC; to join the GLA generic page (with a link via the LFB website), or to have a discrete page and facility specific to LFB. In light of the CR and the current issues on reporting areas of concern within the LFB, the second option is recommended; the price differential for a 'bespoke' LFB page is as follows; £10,330.68 p.a on a two year basis for bespoke and @£15,349.93 p.a for joining the GLA page. The latter is more expensive due to changes that would be required to accommodate the addition of the LFB. The bespoke page provides the opportunity to personalise the service from an LFB perspective and provides a notion of ownership for the LFC by appearing separately, and by doing so gives additional confidence to the system at a time when the CR report comments that the willingness to report matters may be low. Utilising the Navex system benefits the LFB as it can join the GLA family arrangement at the end of the proposed 2-year contract should it wish to do so, and the data on the LFB system migrate with ease.
- 1.10 For context the reporting via the Whistleblowing contact line over recent years (20/21 – to date) is set out in Appendix 2. The number of reports are low; this may be due to a number of factors, including that the recent focus of concerns has been about individual behaviours falling within People Services policies, that the nature of LFB business compared with other public bodies gives rise to less issues arising under the Whistleblowing Policy, the current low level publicity of the Whistleblowing process, or a lack of trust and confidence in the current system for reporting. Some of these possible barriers to reporting are addressed the revised policy.
- 1.11 A review will be undertaken over the next 12 months to determine the most appropriate function to manage this. One option that is being explored is with Business Resilience, either through the development of a dedicated compliance function (subject to resourcing review), or as a standalone area of responsibility that may be absorbed by one of the existing teams within Business Resilience. This is in early stages of discussion with the Professional Head of Business Resilience and the Director for Transformation

2 Objectives and expected outcomes.

- 2.1 To provide an improved, robust and trusted reporting mechanism for serious concerns to be reported to the organisation, and a clear process for identifying areas of change and ensuring improvements take place.

3. Equality comments

- 3.1 The LFC and the Deputy Mayor for Planning, Regeneration and the Fire Service are required to have due regard to the Public Sector Equality Duty (section 149 of the Equality Act 2010) when

taking decisions. This in broad terms involves understanding the potential impact of policy and decisions on different people, taking this into account and then evidencing how decisions were reached.

- 3.2 It is important to note that consideration of the Public Sector Equality Duty is not a one-off task. The duty must be fulfilled before taking a decision, at the time of taking a decision, and after the decision has been taken.
- 3.3 The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership (but only in respect of the requirements to have due regard to the need to eliminate discrimination), race (ethnic or national origins, colour or nationality), religion or belief (including lack of belief), sex, and sexual orientation.
- 3.4 The Public Sector Equality Duty requires decision-takers in the exercise of all their functions, to have due regard to the need to:
 - eliminate discrimination, harassment and victimisation and other prohibited conduct.
 - advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share it.
 - foster good relations between people who share a relevant protected characteristic and persons who do not share it.
- 3.5 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic where those disadvantages are connected to that characteristic.
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
 - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.6 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 3.7 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - tackle prejudice
 - promote understanding.
- 3.8 The proposed reporting line has a variety of means of access through telephone, on line or via a mobile phone App. The range of access ensures that groups with protected characteristics which may involve difficulties accessing or using IT will be able to report matters of concern. An EIA has been completed and no negative implications arise from the proposed change to PN569.

4. Other considerations

Workforce comments

- 4.1 The proposed revised policy has been sent to the representative bodies for comment.

Sustainability comments

- 4.2 There are no sustainability implications.

Procurement comments

- 4.3 The value of the contract with NAVEX for Ethics Point falls far below the threshold set under the Public Contract Regulations 2015 that places a duty to openly tender the requirement. The internal Procurement Standing Orders under LFC's Scheme of Governance must still be followed. Having been consulted about the proposed contract, the Procurement department are satisfied that the cost to run a tender and implement a tool different to NAVEX is outweighed by the benefits of a direct award to NAVEX on the basis that:
- The tool is already used widely across the GLA Group, including TfL and thus already tried and tested. The service provider has existing contracts in place with TfL and many other GLA bodies,
 - LFC can use the tool for 2 years, after which, if the decision is made to migrate to GLA page, this can be facilitated at a lower risk and cost as the data will already within the same system.
 - It will make future collaboration with the GLA Group easier in the future.

Communications comments

- 4.4 Changes to the Confidential Reporting (Whistleblowing) Policy PN 569 will be communicated to all LFB staff using Hotwire and other internal comms channels, with more detailed briefing notes for targeted staff groups including TMG, People Services and PSU.
- 4.5 The new Policy will be built into the LFC PSU communications plan as it will then be able to demonstrate clearly how it differentiates from other reporting lines used for different types of concern.
- 4.6 Key messages will include the new independent (whistleblowing) reporting line (EthicsPoint) with clear information on when and how to use it, for example when a concern is about systemic issues rather than a personal grievance. Communication will start once the line is ready to go live and messaging can be repeated at relevant opportunities as part of an ongoing comms plan.
- 4.7 The policy will be made available in a prominent place on Hotwire and LFC comms will signpost to this using clear and easy to read messaging that highlights the points most relevant to staff (i.e when and how the policy should be used, what it covers, how reports are investigated etc) The policy can be brought to life using case studies and clear visual guidance.
- 4.8 The policy will also be published on LFB's website.

5 Financial comments

- 5.1 This report is seeking approval of the proposed changes to the Confidential Reporting (Whistleblowing) Policy PN569 and the appointment of Navex for the purpose of an independent reporting line.
- 5.2 The cost of the NAVEX contract (£20,661.36 over two years) will be met by existing budgets within General Counsel Department and may be approved by the Head of Service under delegated financial authority under the LFC's Scheme of Governance.

6 Legal comments

- 6.1 This report sets out changes proposed to be made to the Confidential Reporting (Whistleblowing) Policy PN569, with the revised policy attached at Appendix 1.
- 6.2 This report is prepared by General Counsel and the implications of the Public Interest Disclosure Act 1998 are set out above. The Policy changes propose to improve the system of reporting concerns and as such is in furtherance of good governance and practice. The Fire and Rescue Services Act 2004 sets out the powers of a Fire and Rescue Service to do;

- b) anything it considers appropriate for purposes incidental to its functional purposes,
- (c) anything it considers appropriate for purposes indirectly incidental to its functional purposes through any number of removes.

Establishing a Whistleblowing reporting line and process is therefore within the functions of the LFC.

- 6.3 Under section 9 of the Policing and Crime Act 2017, the London Fire Commissioner (the "Commissioner") is established as a corporation sole with the Mayor appointing the occupant of that office. Under section 327D of the GLA Act 1999, as amended by the Policing and Crime Act 2017, the Mayor may issue to the Commissioner specific or general directions as to the manner in which the holder of that office is to exercise his or her functions.
- 6.4 By direction dated 1 April 2018 ('the Direction'), the Mayor set out those matters, for which the Commissioner would require the prior approval of either the Mayor or the Deputy Mayor for Planning, Regeneration and the Fire Service (the "Deputy Mayor"). Paragraph 3.1 of Part 3 of the said direction requires the Commissioner to consult with the Deputy Mayor as far as practicable in the circumstances before a decision is taken on (inter alia) any "[c] decision that can be reasonably considered to be novel, contentious or repercussive in nature, irrespective of the monetary value of the decision involved (which may be nil)". In view of the changes proposed this is regarded as repercussive in that the subject matter has an important bearing on the reporting of concerns both externally and internally. The changes to policy has an impact both internally and externally and falls within the requirement in the aforementioned direction.
- 6.5 General Counsel may approve the contract with Navex directly, in line with delegated financial authority under the LFC's Scheme of Governance. Procurement colleagues have been consulted with regard the contract and confirm the requirements under the internal Procurement Standing Order are satisfied.

List of appendices

Appendix	Title	Open or confidential*
1	Proposed revised Confidential Reporting (Whistleblowing) Policy PN569	
2.	Summary of Whistleblowing referrals 20/21 to date	
3	EIA	

Part two confidentiality

Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part Two form, together with the legal rationale for non-publication.

Is there a Part Two form: NO

Confidential reporting ("whistleblowing") policy

New policy number: **569**
 Old instruction number: **MAN:A005:g2**
 Issue date: **27 March 2008**
 Reviewed as current: **16 May 2024**
 Owner: **General Counsel**
 Responsible work team: **Governance**

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1 Status

- 1.1 This is the Confidential Reporting ("Whistleblowing") Policy ("the policy") of the London Fire Commissioner ("the Commissioner"), and is more commonly known as the Whistleblowing Policy. 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")
- 1.2 In order to promote its use and ensure it is accessible and widely available the policy will be prominently displayed on the LFB internal website (Hotwire) which is accessible by all staff, and on the LFB public facing website for those external to 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. Any concern reported under the policy will be treated seriously and dealt with the utmost care.
- 2.2 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. The Commissioner gives an assurance that anyone can do so without fear of victimisation or harassment, (including informal pressures), discrimination, disciplinary action or other disadvantage, even if the concerns prove unfounded. 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.
- 2.3 Everyone is encouraged to report matters in good faith and those matters will be taken seriously, however, employees who raise concerns frivolously, maliciously, for personal gain or knowing that they are untrue, may be subject to disciplinary action.

3 Aims

- 3.1 This policy aims to:-
 - Remind employees of their duty to report serious concerns and encourage individuals to feel confident in raising serious concerns and to question and act upon those concerns about practice.
 - Reassure individuals that they will be protected from possible reprisals or victimisation
 - 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 matters are properly investigated
 - Ensure action is taken to makes changes or improvements which result from investigations

4 Concerns covered by the Policy

- 4.1 This policy covers:-

- Protected disclosures made under the Public Interest Disclosure Act 1998 as amended ("PIDA"). The areas covered by this are set out below under paragraph 4.3.
- 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.**

*And ** Please see below matters excluded from this Policy under paragraphs 4.8 and 4.9 due to other reporting mechanisms.

Public Interest Disclosure Act 1998

- 4.2 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.
- 4.3 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.

And it is in the public interest.

- 4.4 To dismiss or otherwise penalise a worker for making a protected disclosure from PIDA will automatically be an unfair dismissal.
- 4.5 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.
- 4.6 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.
- 4.7 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.

Other policies and processes for referring concerns

- 4.8 The Brigade has several means through which employee complaints or concerns can be raised. As outlined above, this policy covers serious concerns of a particular nature. Additional means of employees raising issues, particularly about their own employment, are available through the Discipline (Conduct) Procedure P392 and the Complaints (Grievance) Policy P394 and are dealt with by the Professional Standards Unit (PSU). Where employees are dissatisfied with matters related to their own employment these People Services policies should be used and save for exceptional circumstances such concerns will not be dealt with under this policy. External

referrals relating to individual behaviours and conduct received through the Whistleblowing Policy will also be passed to the PSU.

- 4.9 In relation to service delivery the Brigade has a complaints procedure. The complaints mechanisms and systems should be used by individuals who are dissatisfied with the way that the Brigade has provided services and as per above, save for exceptional circumstances such complaints will not be dealt with under this policy.
- 4.10 Matters of serious concern about unauthorised use of public funds; bribery; fraud and corruption are considered to be within the Confidential Reporting (Whistleblowing) Policy and are reported on in the Annual Governance Statement , but they are dealt with under the Counter fraud and Corruption Policy PN568.

5 How to raise a concern under this policy

How and when to raise a concern

- 5.1 The earlier that concerns are raised, the easier it is to take action. Employees can raise general concerns with their immediate line manager, or the manager's line manager. However, where the seriousness, or sensitivity of the issues involved falls within the type of matters set out above in paragraph 4.1 above this Policy and the confidential reporting line should be used.
- 5.2 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 a Deputy Commissioner.
- 5.3 Issues may be raised verbally or in writing. The confidential reporting line is run by an external provider Navex. This provides an online facility, a telephone line and mobile phone QR code which are available 24 hours per day. The details for reporting are as follows (email /website address and telephone number).
- 5.4 Upon making the referral the individual will be asked to provide details of the concern. Although not expected to prove beyond reasonable doubt the truth of an allegation, individuals are asked to demonstrate that there are reasonable grounds for their concern; this may be done for example, by detail of what happened, when it happened and who was present. If there are two (or more) individuals who have had the same experience or concerns it would be useful to include that in the referral.
- 5.5 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.

Confidential and Anonymous allegations

- 5.6 The Brigade's use of an independent reporting line provided by a separate organisation, Navex, provides a facility for confidentiality; where the referrer seeks anonymity, the referrer need not provide their name or contact details.
- 5.7 As a general rule, it is helpful if individuals put their name to concerns they raise under the policy since this often assists in the investigation. Whether the referrals are made anonymously, or where the name of the referrer is provided, 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, even if that is known to the Brigade, 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. Every effort will be made to keep the referrer informed of how the investigation will proceed where there are any implications for them in relation to revealing their identity where that has been expressed as a concern.

- 5.8 Communications between the Brigade and the referrer pass through the Navex system. For the reasons set out above anonymous referrals are an option, and where identifying details are provided, confidentiality is preserved so far as far as is possible (as outlined above).

6 How the organisation will respond to a referral

- 6.1 The LFB will respond to all concerns.
- 6.2 The first step, taken by General Counsel, in consultation with senior officers where appropriate, is to determine whether on the face of the matter seems to potentially fall within this policy. Where it is considered that other processes apply the person making the referral will be informed of the alternative appropriate course of action and where appropriate the referral will be passed on to the correct LFC reporting line.
- 6.3 Where this policy seems to apply, 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.
- 6.4 Some concerns may be resolved by agreed action without the need for investigation.
- 6.5 If urgent action is required this will be taken before any investigation is conducted.
- 6.6 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.
- 6.7 Where an internal investigation is undertaken, General Counsel, in consultation with senior officers, will ensure that it is undertaken at an appropriate level commensurate with the nature of the referral. To ensure that all investigations are conducted to a high standard, guidance will be provided to investigating officers. While no two referrals are the same, a precedent report format will be provided to aid structure and focus to the investigation and resulting report and ensure actions are clearly identified where required.
- 6.8 Within five working days of a concern being raised, the individual who has raised the concern will receive a letter or email from General Counsel via the Navex System
- Acknowledging that the concern has been received
 - Advising whether any initial inquiries have been made
 - Explaining what will happen next.
 - Giving an estimate of how long it is likely to take to provide a final response

- Supplying the individual with information on staff support mechanisms
- 6.9 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. All communications will be via the Navex system.
- 6.10 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.
- 6.11 The complainant will be kept informed of the progress of the inquiries/ investigation as is appropriate having regard to the matter, including any interim steps taken to address the concerns. Navex provides a system for recording, managing, and monitoring referrals, thus providing arrangements for keeping individuals updated and ensuring that referrals via the reporting line are responded to and the referrer updated in a timely fashion.
- 6.12 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.
- 6.13 The length of time necessary to investigate concerns and formulate where necessary any actions will vary depending on the circumstances and complexity of the issues. It is important that concerns are investigated and dealt with promptly and so the general rule is that such investigations will be concluded within 3 months of the referral.
- 6.14 Subject to any legal constraints, the individual raising the concern will be informed of the outcome of any investigation.

7 Reporting, actions and assurance in relation to outcomes of investigations

- 7.1 Areas of concern reported by individuals and any recommendations for action resulting from investigations are of great importance to the organisation. These, together with data and information on other areas of concern including grievances and service complaints provide valuable information on the Brigade, even where individual complaints are not upheld, since they may for example provide a pattern of misunderstanding, or poor communication which requires LFB action; the purpose of employee and public feedback is to take remedial action and continue on a journey of incremental improvement.
- 7.2 All investigation reports will be sent to the Director(s) responsible for the relevant service areas. Action plans will be monitored by senior officers and delivery and outcomes will be overseen by the Brigade performance and assurance framework.
- 7.3 The numbers, type and short description of whistleblowing matters are reported as part of the Annual Governance Framework which forms part of the Annual accounts reported to the external auditors. The Brigade Audit Committee of independent members receives reports on the Whistleblowing Policy and the cases reported under it.

8 How the matter can be taken further

8.1 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.

8.2 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.

DRAFT

Document history

Assessments

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

EIA	27/08/09	SDIA	L - 24/04/12	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
Throughout	Refreshed paragraph 2 'status' of document Paragraph 3 'Principles' removed. Content moved to 'Aims'. Paragraphs 5,6,7 , New content detailed due to introduction of external reporting mechanism. Appendix- flow chart removed as new independent reporting line to be implemented.	16.5.2024

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

DRAFT

Whistleblowing Line matters received 2021/22 – 23/24

Date received	Type	Accepted under WB policy Y/N	Actions
2021/22 2 WB			
	Repeat referral and personal employment issues	N	NFA ,already dealt with
	Personal employment issues and issues about promotion process	N	Referred to People Services – issues about promotion process already identified and under review for changes
	Service complaint	N	
	Training and Covid	Y	Report outcome; Satisfied that LFC are delivering training critical to the effective operation of the Brigade and that risks to staff from COVID in all training delivered to LFC staff are being effectively controlled, as far as is reasonably practicable.
	Issues re culture and employee provision	Y	Considered through management and People Services investigations
	Individual complaint following findings in ET	N	Response sent

2021/22 3WB			
	Fleet– health and safety	Y	<i>Report conclusion extract ;The report made recommendations to further improve consistency, quality and efficiency of inspections. These recommendations have been accepted and an action plan has been put in place deliver these recommendations.</i>
	Reports into Commissioner’s office in response to culture	N	Dealt with by People Services
	Fire Safety Checks	N	Response sent direct from Fire Safety
	Covid and H and S	Y	Outcome of report; further inspection and assurance of COVID-19 control measures. Senior staff reminded of the importance of all staff complying with COVID-19 control measures and their role in ensuring that the measures are complied with by their staff.
	Fraud – ill health retirement and subsequent employment	Y	Referred to AD Finance – considered issues - NFA
2022/23 3WB			

	Concerns re individual past behaviour, reference process and recruitment	Y	Individual employment issue and references issue referred to People Services
	Fraud – sickness and working	Y	Referred to AD Finance and MOPAC – concluded matter to be dealt with by People Services
	Concerns re individual past behaviour, reference process and recruitment (different but similar to matter listed above)	Y	People Services took action re individual – referred references issue to People Services
	Individual poor behaviours	N	Referred to People Services
	Personal employment issue	N	Referred individual to CMP and Speak out
2023/24			
	OSG Health and Safety	Y	Actions report – some matters upheld. Overseen by Head of Property and Technical Services and copied to Director Corporate Services
	Individual poor behaviours	N	Referred to People Services
	Individual poor behaviours	N	Passed to People Services
	Employment issue	N	People Services/CMP and grievance matter
	Member of the public - fire safety advice	N	Referred to AC Fire Safety
	Individual poor behaviours	N	Referred to PSU

	Individual poor behaviours	N	Agreed PS issue
	Secondary employment issue	N	Referred to PSU re behaviours of individual Wider organisational issue about the practice around second jobs- linked to HMI point about secondary jobs – advised to link this wider issue to that work – referred to PSU with reference to HMI work
	Individual poor behaviours	N	Referred to PSU
	Secondary employment issue (similar to but separate from matter above)	N	Referred to PSU
	OSG - health and safety	N	Advice to AD Property and Tech

Part 1: Equality Impact Assessment – submitter to complete

Before carrying out an Equality Impact Assessment (EIA), you should familiarise yourself with the guidance notes and our other resources located within the [EIA section on Hotwire](#)

An EIA should be carried out whenever you are starting (or reviewing) any major new activity/programme/policy/project/strategy/campaign *, or where you propose changes or a review of the previous one.

*In this document, any kind of activity/programme/policy/project will be called an ACTIVITY for an easy read, while you specify the type of your event from your end.

The purpose of an EIA is to fulfil the requirements set out in Section 149 of the Equality Act 2010 – the [Public Sector Equality Duty \(PSED\)](#), namely, to demonstrate how in the development of your policy or process you have had due regard to the need to

- 1. eliminate discrimination, harassment, and victimisation
- 2. advance equality of opportunity
- 3. foster good relations between people who share a relevant protected characteristic and people who do not share it.

Where you identified any possible negative impacts on individuals and groups with protected characteristics, you need to complete a mitigating action plan (Section H below). After your mitigating action plan has been implemented, you need to inform the EAI Team by sending the same form again with the notification of the date when the mitigation action plan was completed.

A. Name, goal and the expected outcomes of the programme/ activity

REVIEW OF PN569- CONFIDENTIAL (WHISTLEBLOWING) REPORTING POLICY -- This policy sets out arrangements for all staff, workers, and external suppliers to make a confidential (whistleblowing) report . The review of the policy and subsequent change made enables individuals to utilise an external independent reporting methods to make the complaint, the result of which is likely to increase confidence in raising serious issues.

B. Reason for Equality Impact Assessment

Review and amendment to existing policy

C. Names of the team responsible for the programme/ activity

Responsibility for the EIA:



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Name: Hameera Darr

Job title: Lawyer

Department: General Counsel's Dept

Name: Kathy Robinson

Job title: General Counsel

Department: General Counsel's Department

Responsibility for the whole activity:

Name: Kathy Robinson

Job title: General Counsel

Department: General Counsel's Department

D. Who is this activity for, who is impacted by it (all LFB staff, specific department, external communities)

All LFB staff, workers and external suppliers

E. What other policies/documents are relevant to this EIA?Public Sector Equality DutyEquality Act 2010Your London Fire Brigade – Our plan for 2023-2029 (CRMP)LFB ValuePolicy No. 370 Policies and procedures guidanceSustainable Development Impact Assessment checklistHealth & Safety Welfare Impact Assessment



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F. Equality and diversity considerations

Describe the ways how your activity meets the conditions of the due regard of the PSED and how LFB employees and communities of London may be affected by your activity, especially those ones with protected characteristics. Explain whether your programme/activity may disproportionately affect any group named below?

Protected characteristics Equality Act 2010:

- Age
- Disability/Barrier
- Gender and gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race including ethnicity and nationality
- Religion or belief
- Sex
- Sexual orientation

Also considering:

- Caring responsibilities
- Socio-economic backgrounds

At the end of your explanation, please, list the sources you have used.

Summary: The Confidential (Whistleblowing) Reporting Policy encourages all staff, workers and external supplier to report serious matters such as whistleblowing concerns and the proposed move to an external reporting line is considered likely to enhance confidence in the arrangements. Access to the confidential reporting line is 24/7, and there are different means by which the system can be accessed; email or telephone, the wide availability ensures ease of access for all.

- Age

The majority of staff are between the 40 – 49 age ranges (35.72%) with 14.47% aged between 50 – 54 and 0.94% aged 65years and over, and 0.12% under 20 years old. The policy provisions have no age restrictions across any of these age ranges so eliminates any disproportionate impact. It provides an opportunity for all to use the provision made and therefore is accessible and inclusive.

- Disability/Barrier

87.27% of staff do not consider they have a disability, whereas 8.70% are disabled, and 0.73% prefer not to say and 3.26% did not provide details. The policy provisions cause no barriers for those with disability so eliminates any disproportionate impact. It provides an opportunity for all to use the provision made and therefore is accessible and inclusive.

- Sex

Out of 5859 staff members, 18.79% are female and 81.21% are male. The policy provisions have no restrictions or barriers across the sexes. Having no gender restrictions promotes good relations and provides an opportunity for all to use the provision made and it is therefore accessible and inclusive.

- Gender Reassignment

There are no statistics held for gender reassignment. However, the policy provisions have no restrictions or barriers across gender. Having no gender restrictions promotes good relations and provides an opportunity for all to use the provision made, and it is therefore accessible and inclusive.

- Marriage and civil partnership

There are no statistics held. However, the policy provisions have no restrictions or barriers across those individuals who are married or in a civil partnership. Having no such restrictions promotes good relations and provides an opportunity for all to use the provision made, and it is therefore accessible and inclusive.

- Pregnancy and maternity

There are no statistics held. However, the policy provisions have no restrictions or barriers across individuals who are pregnant or on maternity. This promotes good relations and provides an opportunity for all to use the provision made, and it is therefore accessible and inclusive.

- Race including ethnicity and nationality.



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77.62% of all staff members are white, whereas 18.18% are considered underrepresented ethnic groups, 0.97% preferred not to comment. The policy provisions have no race, ethnicity or nationality restrictions across any of these age ranges so eliminates any disproportionate impact. It provides an opportunity for all to use the provision made and therefore is accessible and inclusive.

- Religion or belief

32.79% of total staff members ascribe to Christianity whereas 39.75% do not follow a religion. 2.78% prefer not to comment and 16.69% have chosen not to comment. 3.19% is unknown. The policy provisions have no barriers or restrictions across any of religion or belief system so eliminates any disproportionate impact. It provides an opportunity for all to use the provision made and therefore is accessible and inclusive.

- Sexual orientation

71.46% are Heterosexual, 6.09% LGB, 2.29% prefer not to say and 20.12% not provided. The policy provisions have no restrictions or barriers across individuals with different sexual orientation. This promotes good relations and provides an opportunity for all to use the provision made, and it is therefore accessible and inclusive.

- Caring responsibilities

There are no statistics held by LFB. However, the policy provisions have no restrictions or barriers across with anyone with caring responsibilities. Having no restrictions promotes good relations and provides an opportunity for all to use the provision made, and it is therefore accessible and inclusive.

- Socio-economic backgrounds

There are no statistics held by LFB. However, the policy provisions have no restrictions or barriers across with anyone with different socio-economic backgrounds. Having no restrictions promotes good relations and provides an opportunity for all to use the provision made, and it is therefore accessible and inclusive.

SOURCES-

[EIA - Equalities Data Summary by occupational group LFB LIVE as at 31/5/24](#)

G. Evidencing Impact

Please answer the following four questions:

G1.

a. List all the internal/external stakeholders and organisations you have consulted or contacted regarding your activity, along with the insights gained from these interactions?

b. Explain how you have gained and evaluated your insights and whether you intend to conduct a follow-up or seek post-activity feedback from those stakeholders?

The proposed addition of an independent external reporting line will align LFB practice with that of other bodies in the GLA. People Services, the Finance Department and the Communications Department have been consulted in detail since they have policies or input relevant to this Policy. There has also been informal MOPAC advice on the policy which is reflected in changes. It has also been circulated to all Heads of Service, and the feedback is positive.

Responsible Bodies i.e. Trade Unions are being consulted.

This policy shall be reviewed again within three years in line with PN370 LFB policy and procedure guidance, or sooner where opportunities for revision and improvement are identified.

G2. Have you faced any gaps in evidence for assessing your activity's impact, and if so, can you justify proceeding with the EIA without addressing them or are you considering a mitigation action plan?

Policy accessibility adjustments have been considered and applied as set out in G3. No gaps or adjustments were identified.

The LFB does not currently monitor staff data in relation to nationality, gender

reassignment, marriage, civil partnerships, caring responsibilities or socio-domestic background. The LFB shall be implementing a system to capture this data moving



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forward.

G3. What adjustments have you considered for people with protected characteristics, and how does your activity promote equality of opportunity and caters for equity for them?

Summary: No adjustments or mitigating steps have been required since there does not appear to be any disproportionate negative impact on persons with protected characteristics, and the availability of the policy and process within it is inclusive. The policy is fair, transparent, impartial, and the revision agreed with stakeholders.

Disability/Barrier:

i)The policy will be promoted by a range of mediums through a comprehensive comms plan, which will run alongside the promotion of means of reporting concerns about behaviours and conduct. Careful attention will be given to explaining the different routes of reporting concerns, including written material, examples and flow charts and its availability will be promoted via the LFB website, Yammer, Hotwire etc

ii)There is a telephone number and web access for reporting concerns under the policy, such that for example, where a disability negatively impacts on an individual's ability to utilise forms, other points of access are available.

G4. How do you communicate the activity to those involved, especially with protected characteristics, and have you considered diverse formats such as audio, large print, easy read, and other accessibility options in various materials?

Under the new policy there are a variety of means of accessing the confidential reporting line and reporting concerns;



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i) The policy will be promoted by a range of mediums through a comprehensive comms plan, which will run alongside the promotion of means of reporting concerns about behaviours and conduct. Careful attention will be given to explaining the different routes of reporting concerns, including written material, examples and flow charts.

ii) There is a telephone number and web access for reporting concerns under the policy, such that for example, where a disability negatively impacts on an individual's ability to utilise forms, other points of access are available.

This policy has applied the LFB's policy standards on writing policies using the 'Key EDI terminology' and accessible communication guidance (2425305963 Inclusive and Accessible Documents for Neurodivergent). It is self-service accessible both internally via comprehensive Hotwire page details and externally, and available in a range of diverse formats in line with the Communications policy PN290.

H. Mitigating action plan (where an adverse impact has been identified, please record the steps that are being taken to mitigate or justify it?)

Protected characteristic and potential adverse impact	Action being taken to mitigate or justify	Lead person/department responsible for the mitigating action
1. N/A	N/A	N/A
2.		
3.		
4.		

I. Signed by the Submitter

Name: Hameera Darr

Rank/Grade: F Grade

Date: 7.6.2024

Part 2: Inclusion team to complete - feedback and recommendations

J. EIA Outcomes

Select one of the four options below to indicate next steps:

Recommendation 1: No change required – the assessment showed that the activity is/will be robust.

K. Feedback

Please specify the actions required to implement the findings of this EIA and how the programme/ activity's equality impact will be monitored in the future. It may be helpful to complete the table.

Recommendation 1: No changes are required, as the assessment indicates that the activity is robust.

The confidential reporting policy no. 569, the EIA led to Recommendation 1, suggesting that no changes are necessary due to the anticipated robustness of the activity. This activity is notable for its comprehensive consideration of diverse colleagues, reflecting a strong commitment to operational effectiveness. It greatly promotes compliance with the Equality Act 2010 and demonstrates due regard for the Public Sector Equality Duty (PSED).

For future EIA submission:

Utilise HotWire resources library for Equality, Diversity, and Inclusion updates. This repository provides valuable information on data and supporting charities.

Link: [Equality, Diversity and Inclusion Resources](#)

L. Sign off by EIA Inclusion team

Date: 07/06/2024