



West Yorkshire  
Fire & Rescue Service

# Whistleblowing Policy

## **NOT PROTECTIVELY MARKED**

Ownership: Corporate Services

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## Revision and Signoff Sheet

### Change Record

Date	Author	Version	Comments
31/08/2010	Mr Michael Barnes	0.1	Original version, old policy template.
04/11/2013	John Tideswell	1.1	Revised due to Enterprise and Regulatory Reform Act 2013.
12/05/2014	John Tideswell	2.1	Job title amendments.
03/01/2019	John Tideswell	2.2	Job title amendments.
14/10/2020	Beverley Croft-Nicholson	2.3	Contact and Job title amendments
28/01/2021	Beverley Croft-Nicholson	2.4	Contact and Job title amendments
11/05/2021	John Tideswell	2.5	Contact details amendments

### Reviewers

Name	Version Approved	Position	Organisation	Date
Michael Barnes	1.1	Director of Corporate Resources	WYFRS	04/11/2013
Fire Authority	2.0	n/a	n/a	23/12/2013
Fire Authority	2.1	n/a	n/a	26/06/2015
Alison Davey	2.3	Corporate Services Manager	WYFRS	14/10/2020
Alison Davey	2.4	Corporate Services Manager	WYFRS	28/01/2021
Alison Davey	2.5	Corporate Services Manager	WYFRS	11/05/2021

### Distribution

Name	Position	Organisation
All	n/a	Internal policy and part of Constitution (external).

### Document Properties

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## **1 Preamble**

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the Authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Authority. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Authority is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious concerns about any aspect of the Authority's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that employees can do so without fear of reprisals. This Whistleblowing Policy is intended to encourage and enable employees to raise serious concerns within the Authority, rather than overlooking a problem or blowing the whistle outside.
- 1.3 Whistleblowing (protected disclosure) legislation falls under the Public Interest Disclosure Act 1998. This policy takes account of the new whistleblowing provisions under the Enterprise and Regulatory Reform Act 2013 (ERRA). Whistleblowing should be made "in the public interest", as opposed to complaints about breaches of employees own contracts of employment, which should be raised as a grievance.

Note: There is no definition of "public interest" in the above Acts. This is likely to be determined by future case law.

- 1.4 This policy has been discussed with the relevant trade unions and professional organisations and has their support.

## **2 Aims and scope of this policy**

- 2.1 This policy aims to:
- provide avenues for you to raise concerns and receive feedback on any action taken;
  - allow you to take the matter further if you are dissatisfied with the Authority's response;

and

- reassure you that you will be protected from reprisals or victimisation from the employer and employees for whistleblowing.

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This whistleblowing policy is intended to cover concerns that the whistleblower reasonably believes are in the public interest and that fall outside the scope of other procedures.

That concern may be about something that:

- is unlawful
- contravenes the Authority's Standing Orders, Financial Regulations or policies
- falls below established standards of practice
- amounts to improper conduct or corrupt practice

### **3 Safeguards**

#### 3.1 Harassment or Victimisation

The Authority recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Authority will not tolerate harassment, bullying or victimisation and will take action to protect you when you raise a concern. Employees must not mistreat a whistleblower, as WYFRS may be held liable (vicarious liability) for any detriment inflicted on the whistleblowing employee by their colleagues, if the Authority has not taken reasonable steps to prevent this. This does not mean that if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your whistleblowing.

#### 3.2 Confidentiality

The Authority will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

### 3.3 Anonymous Allegations

This policy encourages you to put your name to your allegations. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Authority.

In exercising the discretion, the factors to be taken into account would include:

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

### 3.4 Untrue Allegations

The Enterprise and Regulatory Reform Act 2013 (ERRA) removes the requirement that a disclosure be made in good faith in order to be a protected disclosure and benefit from whistleblowing protections.

If you make malicious or vexatious allegations, disciplinary action may be taken against you.

## **4 How to raise a concern**

4.1 As a first step, you should normally raise concerns with your immediate manager or their superior or alternatively your representative body or the Diversity and Inclusion Manager (if the matter relates to fairness, Equality and Diversity or Dignity and Respect). This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. If you believe that management is involved and you cannot for that reason raise it with your immediate manager, then you should approach the responsible officer with overall responsibility for the maintenance and operation of this policy.

The officer is:           The Monitoring Officer  
                                  Oakroyd Hall  
                                  Birkenshaw  
                                  West Yorkshire  
                                  BD11 2DY

Telephone: c/o 01274 682311 ext 660311

E-Mail: [committee.services@westyorksfire.gov.uk](mailto:committee.services@westyorksfire.gov.uk)

- 4.2 Concerns are better raised in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer.
- 4.3 The earlier you express the concern, the easier it is to take action.
- 4.4 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.
- 4.5 Advice and guidance on how matters of concern may be pursued can be obtained from:

- i The Monitoring Officer  
Oakroyd Hall  
Birkenshaw  
West Yorkshire  
BD11 2DY

Telephone: c/o 01274 682311 extension 660311

E-Mail: [committee.services@westyorksfire.gov.uk](mailto:committee.services@westyorksfire.gov.uk)

- ii Mrs A Wood  
Chief Finance and Procurement Officer  
Oakroyd Hall  
Birkenshaw  
West Yorkshire  
BD11 2DY

Telephone: 01274 682311 extension 660204

E-Mail [alison.wood@westyorksfire.gov.uk](mailto:alison.wood@westyorksfire.gov.uk)

You should note that matters of concern may be raised with either the Chief Fire Officer / Chief Executive or the Chief Finance and Procurement Officer but ordinarily the Chief Finance and Procurement Officer will only deal with matters of concern about alleged contravention of Financial Standing Orders / Regulations and any matters in which it is believed that the Chief Fire Officer / Chief Executive may have an involvement or conflict of interest. Otherwise, matters of concern about action which is believed to be unlawful and may contravene Authority Standing Orders (including contract Standing Orders), conduct falling below established standards of practice, improper or corrupt practice should be raised with the Chief Fire Officer / Chief Executive.

Communication with either officer may be by means of personal appointment, telephone, fax, e-mail or ordinary mail. If requested, special envelopes can be provided in order to protect the confidentiality of any communication.

- 4.6 You may invite your trade union or professional association to raise a matter on your behalf.

## **5 How the Authority will respond**

- 5.1 The action taken by the Authority will depend on the nature of the concern. The matters raised may:

- be investigated internally;
- be referred to the Police;
- be referred to the external Auditor;
- form the subject of an independent inquiry.

- 5.2 In order to protect individuals and the Authority, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, discrimination issues) will normally be referred for consideration under those procedures.

- 5.3 Some concerns may be resolved by agreed action without the need for investigation.

- 5.4 Within ten working days of a concern being received, the Authority will write to you:

- acknowledging that the concern has been received;

- indicating how it proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any initial enquiries have been made, and
- telling you whether further investigations will take place, and if not, why not.