



# **Avon Fire Authority**

## **CONFIDENTIAL REPORTING CODE & GUIDANCE NOTES**

**Revised 31 July 2009**

# Confidential Reporting Code

## 1 Introduction

- 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 expect employees, and others that we deal with, who have serious concerns about any aspect of the Authority's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.3 This Code, which has been adopted by the Authority, makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. *This confidential reporting code is intended to encourage and enable employees to raise serious concerns **within** the Authority rather than overlooking a problem or 'blowing the whistle' outside.*
- 1.4 The Code applies to all employees and those contractors working for the Authority on Authority premises, for example, agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the Authority in their own premises, or in Authority owned premises.
- 1.5 These procedures are in addition to the Authority's complaints procedures, and other statutory reporting procedures.
- 1.6 This Code takes account of the requirements of the Public Interest Disclosure Act 1998.  
[http://www.opsi.gov.uk/acts/acts1998/ukpga\\_19980023\\_en\\_1](http://www.opsi.gov.uk/acts/acts1998/ukpga_19980023_en_1)
- 1.7 This Code has been discussed with the representative bodies and has their support.

## 2 Aims and Scope of this Code

### 2.1 This Code aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
- provide avenues for you to raise those concerns and receive feedback on any action taken;
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

### 2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The confidential reporting code is intended to cover major concerns that fall outside the scope of other procedures. These include:-

- conduct which is an offence or a breach of law;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public as well as other employees;
- damage to the environment;
- the unauthorised use of public funds;
- possible fraud and corruption;
- other unethical conduct.

### 2.3 Thus, any serious concern that you have about any aspect of service provision or the conduct of officers or members of the Authority or others acting on behalf of the Authority can be reported under this Confidential Reporting Code. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Authority subscribes to; or
- is against the Authority's Standing Orders, Financial Regulations and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

### 2.4 This policy does **not** replace the corporate complaints procedure or the Local Assessment Procedure for complaints against Members.

### **3 Safeguards**

#### **3.1 Harassment or Victimisation**

- 3.2 The Authority is committed to good practice and high standards and wants to be supportive of employees.
- 3.3 The Authority recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.
- 3.4 The Authority will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.
- 3.5 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

### **4 Confidentiality**

- 4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

### **5 Anonymous Allegations**

- 5.1 This Code encourages you to put your name to your allegation whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Authority.
- 5.3 In exercising this 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 confirming the allegation from attributable sources

### **6 Untrue Allegations**

- 6.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

## **7 How to Raise a Concern**

7.1 As a first step, you should normally raise concerns with your line manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach a member of the Service Management Board or the Clerk to the Fire Authority. If you believe that a member of the Service Management Board may be involved, you should approach the Clerk to the Fire Authority.

**The Clerk to the Fire Authority is accountable to the Fire Authority itself and is independent of Service Management Board.**

7.2 Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:

- the background and history of the concern (giving relevant dates);
- the reason why you are particularly concerned about the situation.

7.3 The earlier you express the concern the easier it is to take action.

7.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

7.5 Advice/guidance on how to pursue matters of concern may be obtained from a Member of the Service Management Board or the Clerk to the Fire Authority.

7.6 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

7.7 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

## **8 How the Authority will Respond**

8.1 The Authority will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

- 8.2 Where appropriate, the matters raised may:-
- be investigated by management, the Clerk to the Fire Authority, internal audit, or through the disciplinary process;
  - be referred to the police;
  - be referred to the external auditor;
  - form the subject of an independent inquiry;
  - if they relate to the conduct of a Member of the Authority, be referred to the Standards Committee in accordance with Local Assessment Procedures.
- 8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Authority will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, discrimination issues, fraud and corruption, breaches by Members of the Authority of their Code of Conduct) will normally be referred for consideration under those procedures.
- 8.4 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.
- 8.5 Within ten working days of a concern being raised the person with whom you raised your concerns (or a superior or the Clerk to the Fire Authority to whom the matter may have been referred) will write to you:-
- acknowledging that the concern has been received;
  - indicating how we propose 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;
  - supplying you with information on staff support mechanisms; and
  - telling you whether further investigations will take place and if not, why not.
- 8.6 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Authority will seek further information from you.
- 8.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.
- 8.8 The Authority will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings

the Authority will arrange for you to receive advice about the procedure.

- 8.9 The Authority accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

## **9 The Responsible Officer**

- 9.1 The Chief Fire Officer / Chief Executive has overall responsibility for the maintenance and operation of this policy. The Chief Fire Officer / Chief Executive will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Authority.

## **10 How the Matter can be Taken Further**

- 10.1 This policy is intended to provide you with an avenue within the Authority to raise concerns. The Authority hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Authority, the following are possible contact points:-

- the external auditor;
- your trade union;
- your local Citizens Advice Bureau;
- relevant professional bodies or regulatory organisations;
- a relevant voluntary organisation;
- the police;
- in relation to an issue regarding the conduct of a Member of the Authority, the Standards Board.

- 10.2 If you do take the matter outside the Authority, you should ensure that you do not disclose confidential information. Check with the contact point about that.

## **Guidance of the Confidential Reporting Code (“Whistleblowing”)**

The Confidential Reporting code or “Whistleblowing”, is covered under the Probity and Public Service document and is one of the issues covered in the Corporate Governance Arrangements.

**Q What is a “Whistleblowing” policy?**

A It is a policy which encourages and enables employees to raise serious concerns about what is going on in their organisation rather than ignoring the issues or raising them outside the organisation

**Q Does the Fire Authority have such a policy?**

A Yes, the Fire Authority has adopted a policy known as the Confidential Reporting Code, which can be found on the staff intranet.

**Q What is covered by the Confidential Reporting Code?**

A The Code covers any serious concern you may have about any aspect of service provision or the conduct of officers or members of the Authority or of others acting on behalf of the Authority. This may be something that:

- Makes you feel uncomfortable in terms of known standards, your experience or the standards to which you believe the Authority or the Service subscribes.
- Is against the Authority’s Standing Orders, Financial Regulations or policies;
- Falls below established standards of practice; or
- Amounts to fraud or corruption or other improper conduct.

**Q What isn’t covered?**

- A
- Issues about your own employment covered by existing grievance or disciplinary procedures.
  - Matters covered by established consultation procedures
  - Complaints under the Authority’s published complaints procedure.

**Q Will I be subject to harassment or victimisation if I raise a serious concern?**

A The Authority will not tolerate any harassment or victimisation and will take appropriate action to protect you if you raise a concern in good faith.

**Q Can I rely on Confidentiality?**

A All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. In some cases, if the matter is to be brought to a successful conclusion, you may need to come forward as a witness.

**Q Can't I raise concerns anonymously?**

A The code encourages you to put your name to an allegation whenever possible. Concerns expressed anonymously are much less powerful and often do not contain adequate or specific information to warrant investigation. They may also indicate a lack of good faith on the part of the author. Anonymous allegations may not be investigated and the opportunity to do something will be lost.

**Q What if I raise a concern which is untrue?**

A If you make an allegation in good faith, but it is not confirmed by investigation, no action will be taken against you. The Authority encourages you to raise serious concerns in good faith. However, if you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you. Persistent allegations made in bad faith could amount to a criminal or civil offence.

**Q With whom should I raise my concerns?**

A Normally with your line manager, but this may depend upon the seriousness and sensitivity of the issues involved and the identity of persons who may be suspected of malpractice. For example, if you believe that management is involved, you should approach me or another member of Principal Management, or the Clerk to the Fire Authority. When sending confidential information, you should ensure that the envelope is sealed, marked for the attention of the intended recipient and clearly marked "Personal and Confidential". Use of the e-mail system is not recommended as you will not be sure who has access to your mailbox or that of the recipient.

**Q Can I raise my concern with someone who is independent of Management?**

A You may raise a concern with the Clerk to the Fire Authority. The Clerk is accountable directly to the Fire Authority and is independent of Service Management. Any concerns you may have which involve me or another member of Principal Management should be raised with the Clerk.

**Q Where can I obtain further guidance on the procedure?**

A A copy of the Code is available on the staff intranet. Further advice or guidance on how to pursue matters of concerns may be obtained from a member of the Service Management Board or from the Clerk to the Fire Authority.

**Q What further action is being taken to publicise the Code?**

A Over the next few weeks, Further guidance will be available on this and other relevant policies.

**Q What if I wish to bring matters to the attention of the public?**

A The Confidential Reporting Code is intended to provide you with an avenue within the organisation to raise concerns. The Authority intends that concerns raised in accordance with the Code will be properly addressed and hopes that you will be satisfied with any action taken. If you are not satisfied and feel it is right to take the matter outside the Authority, you may wish first to seek advice from your Trade Union, Professional Body or other appropriate advisor to ensure that any action you propose to take does not breach your obligation to the Fire Authority, as your employer, and thus give rise to potential disciplinary action, or breach the criminal or civil law