



**Service Policy: LEGPOL03  
Whistleblowing/ Confidential  
Reporting Policy**

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**Amendment History:**

Version	Date	Author	Reasons for Change
1.0	22/04/2010		Review of existing policy
2.0	14/04/2011		Review of existing policy
3.0	12/07/2012		Review of existing policy
4.0	3/10/2012		Incorporation of Fraud Response Plan
5.0	20/11/2013		Review due to changes in legislation
6.0	27/10/15		Changes in legislation
7.0	01/06/17		Annual Review
8.0	01/04/19		Annual Review
9.0	20/08/2020		Annual Review – updated references
10:	01/04/2022		Annual Review
11	01/04/2023		Annual Review
12	01/04/2024		Annual Review

**Equalities Impact Assessment:**

Initial	Full	Date	Reviewed by	Comments
	x	2023	ED&I Team	Located on Portal

**Civil Contingencies Impact Assessment:**

Date	Reviewed by	Comments

**Related Documents:**

Doc. Type	Ref No.	Title	Location
		Standing Orders & Financial Regs	Portal
		Anti Fraud & Corruption Policy	Portal
		Employee Code of Conduct	Portal

**Distribution List:**

Name	Position	Department

**Sign-Off List:**

Name	Position

**Target Audience:**

All MFRS	Principal Officers	Senior Officers	Operational Crews	Fire Safety	Community Fire Safety	Support Staff
x						

**Ownership:**

FOI exemption required?	Yes	URL
	No	x Reason

**Legislation:**

Title
Fraud Act 2006
Bribery Act 2007
Money Laundering Regulations 2010

**Contact:**

Department	Email	Telephone ext.

## LEGPOL03 Whistleblowing/ Confidential Reporting Policy

### 1. Policy Introduction and Background:

The Authority is committed to the provision of the highest quality services and to full accountability for those services. Whilst the Authority has in place rules, regulations, quality standards and procedures to ensure that the highest standards of conduct and commitment to service delivery are followed, irregularities, wrong-doing or serious failures in standards do sometimes occur. The Authority wants to identify and remove such malpractice in the performance and delivery of its services.

The Public Interest Disclosure Act 1998 gives legal protection to employees against being dismissed or penalised by their employers, as a result of publicly disclosing certain serious concerns. The Act was enacted to ensure a climate of greater frankness between employers and workers, so that irregularities can be identified and addressed quickly and to strengthen employment rights by protecting responsible workers who blow the whistle about wrongdoing or failures in the workplace.

It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. However, where an individual discovers information which they reasonably believe shows malpractice or impropriety within the organisation, then this information should be disclosed without fear of reprisal and may be made independently of line management.

This policy and procedure is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or operational decisions taken by the Authority, nor should it be used to consider any matters which should be addressed under the Authority's separate procedures for :-

- Staff discipline
- Staff grievance
- Harassment or bullying at work
- Complaints about the Service from the public
- Complaints about the conduct of Elected Members

Copies of these procedures are available from the People and Organisation Department or on the Portal.

### 2. Policy Explanation:

#### WHAT IS WHISTLEBLOWING?

Whistleblowing encourages and enables employees to raise serious concerns within the Authority

rather than overlooking a problem or “blowing the whistle” outside. Employees are often the first to realise that there is something seriously wrong in the Authority but may not express their concern for fear that speaking up could be disloyal to colleagues or managers of the Authority.

### **WHAT IS THE AUTHORITY’S COMMITMENT?**

The Authority is committed to the highest standards of openness, probity and accountability and seeks to conduct its affairs in a responsible manner. In line with this commitment – the Authority expects employees, and others that we deal with, to be able to voice any serious concerns they have about any aspect of the Authority’s work without fear of reprisal.

### **WHAT IS THE AIM AND SCOPE OF THIS POLICY?**

The scope of the policy is to cover concerns in regard to malpractice or impropriety within the Authority which are in the public interest and might include the following (although this below is not an exhaustive list) :-

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or with appropriate regulations and policies of the Authority
- Dangers to health and safety or the environment
- Criminal activity
- Professional malpractice
- Improper conduct or unethical behaviour
- An act of Theft
- Involvement in Bribery
- Involvement in Corruption
- Breach or risk of breach of security of premises or information
- Attempts to conceal any of the above

### **DOES THE POLICY PROVIDE PROTECTION?**

The policy is designed to offer protection to those employees or workers of the Authority who disclose public interest concerns provided the disclosure is made:

In the belief that it is substantially true ( it is not necessary that the disclosure is made in good faith however if a worker is dismissed for whistleblowing and makes a successful claim for unfair dismissal a tribunal may reduce compensation by up to 25% if they think that a disclosure was made in “bad faith”);

In the reasonable belief of the person disclosing that the disclosure is in the public interest ( please note that public interest is not defined in the legislation and will be considered on a case by case basis)

In the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety;

Without seeking any personal gain.

Employees will also be protected if they make the disclosure to an appropriate person/body outside the Authority (e.g. HSE) although it is reasonable to expect employees to use this procedure rather than air complaints outside the Authority.

### **WHAT NOT TO DO:**

The employee should not do the following:

- Do not disclose information about fraud or Financial Irregularity to the press, elected members or the general public, without the authority of the Chief Fire Officer.
- Do not tamper with the evidential trail such as tampering with the individual's PC, mobile phone or any other electronic device which they own or use.
- Do not make the individual aware of your suspicions.
- Do not share your suspicions with anyone other than those with the proper authority.
- Do not try to conduct your own investigation

### **WHO SHOULD THE CONCERN BE REPORTED TO?**

The person should make the disclosure to their Line Manager, or their superior, or if they believe that management is involved, they should approach the Monitoring Officer or Internal Audit.

If anyone other than the Monitoring Officer receives a disclosure under this Policy they should refer it immediately to the Monitoring Officer who will become the Designated Person for the purposes of this Policy. If either of these people are named as part of the disclosure then Internal Audit should be contacted directly. Contact details are as follows

Lead Audit Manager  
Internal Audit  
Municipal Buildings  
Dale Street, Liverpool L2 2DH  
Tel: +44 (0)151 225-2657

It is better if the concern is raised in writing. This allows the opportunity to set out the background and history of the concern, giving names, dates and places where possible and the reason why the employee or member is particularly concerned about the situation.

If the disclosure is received in writing, a written acknowledgement will be provided within five working days.

### **WHAT IS THE PROCEDURE FOR MAKING A DECISION?**

In order to protect both the individuals and the Authority, initial enquiries will be made to decide

The designated person will consider the information made available to them and decide whether options should be taken (e.g. in the case of anonymous allegations) and if so on the form of investigation to be undertaken. This may be :-

- To investigate the matter internally
- To refer the matter to the Police
- To call for an independent inquiry
- To refer the matter to the Internal Auditor

If the decision is an investigation should be conducted by more than one of these means, the designated person should satisfy him/herself that such a course of action is warranted.

Where the matter is to be the subject of an internal inquiry, the designated person will then consider how to determine whether there is a prima facie case to answer. This consideration will include deciding :-

- Who should undertake the investigation
- The procedure to be followed
- The scope of the concluding report

### **HOW WILL THE MATTER BE INVESTIGATED?**

Normally, the Internal Auditor or other independent officer of the Authority (normally a member of the Authority's Strategic Leadership Team) will undertake this investigation and report their findings to the designated person. This investigation will include an assessment of whether a possible criminal offence has been committed. The further conduct of the investigation will be determined by this assessment. Investigations should not be carried out by the person who will have to reach a decision on the matter. Any investigation will be conducted as sensitively and speedily as possible.

Where a disclosure is made and where the assessment is that no criminal offence has been committed, the person or persons against whom the disclosure is made will be told of it (without at this stage revealing the identity of the person making the disclosure) the evidence supporting it and will be allowed to respond before any investigation, or further action, is concluded.

Taking into account the report on the investigation, the designated person will decide if there is a case to answer and whether informal procedures should be followed or it might form the basis of a special investigation.

In some instances, it might be necessary to refer the matter to an external authority (for example another fire authority or a district council) for further investigation.

### **CAN THE AUTHORITY SUSPEND AN EMPLOYEE DURING INVESTIGATION?**

At any point in the decision making process or any investigation, it may become necessary for the Authority to suspend an employee, who is the subject of a disclosure under this Policy.

If an employee is suspended then the information gained in respect of any such employee, will be shared with the Professional Standards Manager who will be the officer dealing with the suspension issues.

Such action will only be taken with the protection of the employee and/or the Authority in mind.

However, it will be at this point that the suspension processes and this Whistle blowing Policy will begin to operate in tandem and both the Designated Person and the Professional Standards Manager will work together to ensure that confidentiality is maintained and that the procedures work smoothly and as quickly as possible

For more information on precautionary suspension, please refer to the Discipline Policy and Conduct and Capability Procedures located in the **"Conduct and Capability"/"Shared Documents" within the Professional Standards tile** on the People and Organisational Development page via the intranet.

### **HOW WILL THE FEEDBACK BE GIVEN?**

The designated person will inform the person making the disclosure of what action, if any, is to be taken. If no action is to be taken, then the person concerned will be informed of the reason for this.

### **HOW WILL THE OUTCOME BE GIVEN?**

A record of all disclosures and any subsequent actions taken will be made by the designated person who will retain such records for a period of three years and provide a copy to the Monitoring Officer.

A central register will be maintained by the Monitoring Officer, which will record details of all allegations and referrals together with the outcomes of all investigations and agreed actions. The Monitoring Officer will report the central register to the Authority on an annual basis.

**WILL THE CONCERN REPORTED BE DEALT WITH IN A CONFIDENTIAL MANNER?**

The Authority will treat disclosures in a confidential and sensitive manner and every effort will be made not to reveal the identity of the person making the allegation, so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the person making the disclosure may need to provide a statement as part of the evidence required.

**DOES THE POLICY PROVIDE PROTECTION FOR UNTRUE AND ANONYMOUS ALLEGATIONS?**

This policy encourages people to put their name to any disclosures they make. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the recipient of the allegation.

In exercising this discretion, the factors to be taken into account will include :-

- The seriousness of the issues raised
- The credibility of the concern, and
- The likelihood of confirming the allegation from alternative credible sources.

If a person makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. Moreover, the Authority will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect anyone who raises a concern in good faith. If, however, a person makes malicious or vexatious allegations, and particularly if he or she persists with them, disciplinary action may be taken against the person concerned, which could result in dismissal in appropriate cases.

**IS THERE ANY INDEPENDENT ADVICE AVAILABLE?**

Independent advice on the protection offered to employees who disclose public interest concerns is available from Protect, Speak Up, Stop Harm (previously known as Public Concern at Work). This charity offers free, impartial and confidential advice and guidance to potential whistleblowers. Their details are :-

Protect, Speak Up, Stop Harm  
The Green House  
244-254 Cambridge Heath Road  
London E2 9DA

Whistleblowing Advice Line: 020 3117 2520  
Website: <https://protect-advice.org.uk/>

**3. Policy Implementation:**

The Service Instructions used to underpin this Policy are:

- LEGPOL05 Anti Fraud & Corruption Policy
- Standing Orders & Financial Regulations
- Employee Code of Conduct

All Policies can be found on the [Website](#)

POLICY