

For Publication

Bedfordshire Fire and Rescue Authority
Audit and Standards Committee
2 December 2021

REPORT AUTHOR: ASSISTANT CHIEF OFFICER/FRA TREASURER

SUBJECT: REVIEW OF MONITORED POLICIES

For further information on this Report contact: Nicky Upton
Service Assurance Manager

Background Papers: National Documents referred to in the report.

Implications (tick ✓):

| | | | | |
|-----------------|-------|---|------------------------|---|
| LEGAL | | ✓ | FINANCIAL | ✓ |
| HUMAN RESOURCES | | ✓ | EQUALITY IMPACT | ✓ |
| ENVIRONMENTAL | | | POLICY | ✓ |
| CORPORATE RISK | Known | ✓ | OTHER (please specify) | |
| | New | | | |

Any implications affecting this report are noted at the end of the report.

PURPOSE:

To report on the review of the policies on Protected Reporting (Whistleblowing), Anti-Fraud, Bribery and Corruption incorporating the National Fraud Initiative (NFI), Use of Regulation of Investigatory Powers Act 2000 (RIPA) and the Authority's Complaints and Compliments process.

RECOMMENDATION:

That Members consider and note the arrangements in place for the review of these policies.

Introduction

1.1 The agreed terms of reference for the Audit and Standards Committee include the monitoring of the policies on:

- Whistleblowing
- Anti-fraud, Bribery and Corruption incorporating the National Fraud Initiative (NFI)
- Complaints and Compliments

The Audit and Standards Committee has received annual updates on these policies since 5 December 2012 covering the arrangements for review.

1.2 The Whistleblowing and Anti-Fraud, Bribery and Corruption policies are included in the Authority's Handbook which, together with the Complaints and Compliments process, are published on the Service's Website at <https://bedsfireresauth.moderngov.co.uk/ieListDocuments.aspx?CId=141&MId=319&Ver=4&Info=1> and <https://www.bedsfire.gov.uk/About/Governance/Complaints-Comments-and-Compliments.aspx>

1.3 The review of the Regulation of Investigatory Powers Act 2000 (RIPA) Service Order is undertaken every 3 years with the first review undertaken in 2016; it will be reviewed again in 2022 subject to any changes in privacy legislation.

2. Protected Reporting (Whistleblowing)

2.1 The Protected Reporting (Whistleblowing) Policy and procedure takes account of the requirements of the Employment Rights Act 1996, the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act (2013).

2.2 The Protected Reporting (Whistleblowing) Policy was introduced in December 2004 and has been regularly reviewed since then; it is currently under review.

2.3 Within the last twelve months to November 2021, no complaints had been received under the Protected Reporting (Whistleblowing) policy.

3. Anti-Fraud, Bribery and Corruption

- 3.1 Members have been informed annually since 5 December 2012, of the Service's arrangements in relation to the Anti-Fraud, Bribery and Corruption Policy which incorporates the Service's participation in the National Fraud Initiative. The policy is reviewed every two years and is in the process of being reviewed. The Service Orders providing guidance on bribery – Anti bribery guidance for all employees (ref V10 27/01) and guidance for managers (V10 27/02) will be reviewed again in December 2021.
- 3.2 In 2021 there have been no cases of suspected fraud.

4. National Fraud Initiative

- 4.1 Since 1996 the Government has run the National Fraud Initiative (NFI). The Service participates in this exercise that matches electronic data within and between public and private sector bodies to prevent and detect fraud. The NFI compares information held by different organisations to identify potentially fraudulent claims and overpayments. Examples of data used include payroll, pension and benefit payments. The NFI works within a strong legal framework, including the Data Protection Act 1998, which protects individuals' personal data.
- 4.2 The National Fraud Initiative process runs every other year. Data was submitted to the NFI for the 2020/21 exercise and matches were released in January for BFRS to investigate. All investigations are now complete with no cases of fraud identified.

5. The Regulation of Investigatory Powers Act 2000 (RIPA)

- 5.1 The Regulation of Investigatory Powers Act 2000 (RIPA) as amended by the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 specifies that Fire Authorities are entitled to authorise directed surveillance all be it under very strict and specified criteria.
- 5.2 In 2015 the Service introduced a policy (amended in 2016) and related procedures enabling the use of Directed Surveillance for the purposes of investigation in respect of ensuring compliance with formal notices (e.g. Prohibition Notices) served under the Regulatory Reform (Fire Safety) Order 2005.
- 5.3 To date no application has been made to use any form of Directed Surveillance.

5.4 The Service provides annual returns on the use of RIPA as required under the current legislation to the Information Commissioner and has provided nil returns since its introduction.

6. Complaints and Compliments

6.1 The Service's Complaints and Compliments Policy outlines its commitment to deal with complaints in a quick and effective manner. The Policy was introduced in July 2001 and has been regularly reviewed since; it will be reviewed again in 2022.

6.2 The Service Assurance Manager is responsible for maintaining the register of customer compliments and complaints, which is available for inspection on request.

6.3 Members are regularly advised of the variety of complaints and compliments received by the Service from the section reported in the Information Bulletin presented to each meeting of the Fire Authority.

6.4 These Bulletins also note the number of complaints which have progressed past Stage 1 for that period. The Stage 1 procedure involves resolution at Functional Head or Deputy Functional Head level within ten working days.

6.5 Members noted that no trends had been identified but that the Service reviewed complaints to ensure any appropriate action was taken to modify its practices or procedures.

6.6 Members are advised that in the last twelve months there has been one complaint received past Stage 1. Investigation at Stage 2 made no changes to the original investigation and the complainant was notified of the outcome and provided with information on how to proceed if they remained unsatisfied. Although they responded they remained unsatisfied and would contact other bodies about this matter (June 2021), the Service has not received any further correspondence regarding this complaint to date.

6.7 For Members' information, compliments and complaints recorded in 2020/21 and 2021/22 (to 31 October 2021) are noted as Appendix A & B to this report.

GAVIN CHAMBERS
ASSISTANT CHIEF OFFICER/FRA TREASURER

APPENDIX A

Compliments

| 2020/21 | | 2021/22 | |
|-------------------|---------------|-------------------|---------------|
| Month | Number | Month | Number |
| April | 18 | April | 3 |
| May | 12 | May | 5 |
| June | 8 | June | 1 |
| July | 4 | July | 6 |
| August | 9 | August | 1 |
| September | 8 | September | 4 |
| October | 9 | October | 0 |
| November | 6 | November | |
| December | 4 | December | |
| January | 6 | January | |
| February | 5 | February | |
| March | 9 | March | |
| Year Total | 98 | Year Total | 20 |

Complaints

| 2020/21 | | 2021/22 | |
|-------------------|---------------|-------------------|---------------|
| Month | Number | Month | Number |
| April | 0 | April | 0 |
| May | 2 | May | 2 |
| June | 1 | June | 3 |
| July | 0 | July | 3 |
| August | 2 | August | 4 |
| September | 2 | September | 2 |
| October | 2 | October | 0 |
| November | 0 | November | |
| December | 0 | December | |
| January | 1 | January | |
| February | 2 | February | |
| March | 1 | March | |
| Year Total | 13 | Year Total | 14 |

