

For Publication

Bedfordshire Fire and Rescue Authority
Audit and Standards Committee
6 December 2018
Item No. 8

REPORT AUTHOR: ASSISTANT CHIEF OFFICER (HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT)

SUBJECT: REVIEW OF MONITORED POLICIES

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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		CORE BRIEF	

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 the arrangements in place for the Protected Reporting (Whistleblowing) policy, the Anti-Fraud, Bribery and Corruption policy incorporating the National Fraud Initiative (NFI), Use of Regulation of Investigatory Powers Act 2000 (RIPA) and the Authority's Complaints and Compliments process and note arrangements for their review.

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), and Complaints and Compliments. The Audit and Standards Committee received papers in their meetings of 5 December 2012, 11 February 2014, 15 January 2015 and 10 December 2016 which provided them with information in respect to the arrangements for the review of the Protected Reporting (Whistleblowing) Policy, the Anti-fraud, Bribery and Corruption Policy and the Authority's Complaints and Compliments process.
- 1.2 The review of the Regulation of Investigatory Powers Act 2000 (RIPA) was undertaken for the first time in 2016, it will be reviewed again in 2020 subject to any changes in privacy legislation.
- 1.3 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?CIId=141&MIId=319&Ver=4&Info=1> and <https://www.bedsfire.gov.uk/About/Governance/Complaints-Comments-and-Compliments.aspx>

2. Protected Reporting (Whistleblowing)

- 2.1 The Protected Reporting (Whistleblowing) Policy and procedure take 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 updated in March 2006, January 2009 and August 2015 and is currently under review. In their meeting of 11 February 2014 Members were advised of requirements of the Enterprise and Regulatory Reform Act 2013 Sections 17-20.
- 2.3 The following changes were incorporated into the planned review of the Protected Reporting (Whistleblowing) policy in August 2015 these included:
 - The narrowing of the definition of 'protected disclosure' to those made in the 'public interest'.
 - Removed the requirement that a worker or employee must make a protected disclosure in 'good faith'.
 - Reinforced the requirement to protect whistleblowers from bullying or harassment by co-workers.
 - Clarified the meaning of 'worker' for the purpose of defining who comes within the remit of the policy and associated procedure.
- 2.4 Within the last twelve months to November 2018, no complaints had been received under the Protected Reporting (Whistleblowing) policy.

3. Anti Fraud, Bribery and Corruption

- 3.1 Members of the Audit and Standards Committee received information in their meetings of 5 December 2012, 11 February 2014, 15 January 2015 and 10 December 2015 informing them 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 was reviewed and was re-issued 21 January 2015 and updated 24 November 2015. The policy was reviewed 11 November 2016, 10 April 2018 and as it remains current it will be reviewed again April 2020. The Service Orders providing guidance on bribery – Anti bribery guidance for all employees (ref V10 27/01) and guidance for managers (V10 27/02), were reviewed in 15 December 2016 as they remain current they will be reviewed again in December 2019.
- 3.2 In 2018 there has been no cases of suspected fraud.

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

- 4.1 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.
- 4.2 In July 2015 the Service introduced a policy and related procedures enabling the use of Directed Surveillance for the purposes of investigation in respect of ensuring compliance with formal notices (eg Prohibition Notices) served under the Regulatory Reform (Fire Safety) Order 2005.
- 4.3 The policy was subsequently updated in April 2016 to broaden the range of officers that could authorise its use. To date no application has been made to use any form of Directed Surveillance.
- 4.4 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 2016.

5. Complaints and Compliments

- 5.1 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.
- 5.2 In their meeting of 8 December 2016 Members were advised that the policy was reviewed and updated 11 March 2015 and would be reviewed in 2016. Following a review the Policy was updated 10 November 2016 and June 2017 with only minor changes and will be reviewed again June 2019.
- 5.3 The Service Assurance Manager is responsible for maintaining the register of customer compliments and complaints, which is available for inspection on request.
- 5.4 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.

- 5.5 These Bulletins also note the number of complaints received by the Service, over the period in question, which have progressed past Stage 1 of the Service's complaints handling procedures. The Stage 1 procedure involves resolution at Functional Head or Deputy Functional Head level within ten working days.
- 5.6 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.
- 5.7 Members are advised that in the last twelve months there has been one complaints received passed Stage 1. This was resolved at Stage 2.
- 5.8 For Members' information, a note of compliments and complaints recorded in 2017/18 and 2018/19 (to 31 October 2018) are noted as an Appendix A & B to this report.

6 National Fraud Initiative

- 6.1 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.
- 6.2 The 18/19 process commenced in October 2018 when the Service's data was submitted. Matches are expected to be released in January 2019 at which point investigations will be carried out as necessary.

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APPENDIX A

Compliments

2017/18		2018/19	
Month	Number	Month	Number
April	3	April	3
May	5	May	2
June	3	June	0
July	2	July	5
August	0	August	6
September	11	September	6
October	1	October	5
November	7	November	
December	4	December	
January	2	January	
February	2	February	
March	10	March	
Year Total	50	Year Total	27

Complaints

2017/18		2018/19	
Month	Number	Month	Number
April	0	April	1
May	0	May	1
June	0	June	4
July	0	July	0
August	0	August	5
September	2	September	1
October	1	October	2
November	1	November	
December	1	December	
January	1	January	
February	1	February	
March	1	March	
Year Total	8	Year Total	14

APPENDIX B

2017/18					2018/19 to 31 October 2018				
Nature of Complaint	Complaints Received	Upheld	Not Upheld	Complainant(s) Satisfied?	Nature of Complaint	Complaints Received	Upheld	Not Upheld	Complainant(s) Satisfied?
Summary:	8	5	3	8	Summary:	14	8	5	13
Driving of Service vehicle (including parking).	1		1	Yes	Driving of Service vehicle (including parking).	1		1	Yes
Ex member of staff impersonating a firefighter	1	1		Yes	Inappropriate behaviour	3	1	2	Yes (1 not BFRS staff)
Inappropriate behaviour	2	2		Yes	Noise from stations/incidents	1	1		Yes
Noise from stations/incidents	1	1		Yes	Inaappropriate use of social media	4	4		Yes
Parking of vehicles in Southfields Road, Kempston	1	1		Yes	Inappropriate use of personal information during school visit	1	1		Yes
Response time to incident	1		1	Yes	Smoke coming from smoke house	1	1		Yes
Member of public not contacted by Service following injury sustained at Station Open Day	1		1	Yes	Member of staff using public road/parking for private business use	1		1	Yes
					Treatment of son whilst in fire cadets	1		1	Yes (Stage 2)
					Method used to gain entry to property	1		1	Yes