



Tyne and Wear Integrated Transport Authority

PUBLIC INTEREST DISCLOSURES ("WHISTLEBLOWING") POLICY

POLICY FOR THE CONFIDENTIAL REPORTING OF CONCERNS

Updated 24.3.11

1 INTRODUCTION

- 1.1 This policy reflects the Authority's commitment to good practices, to valuing its staff and seeking continuous improvement in service delivery.
- 1.2 Employees are often the first to realise that there may be something 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 to report what may just be a suspicion of malpractice.
- 1.3 The Authority is committed to the highest possible standards of openness, probity and accountability. In line with that commitment it expects its employees and others that it deals with who have 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.
- 1.4 This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. The policy is intended to encourage and enable employees to raise concerns within the Authority rather than overlooking a problem or 'blowing the whistle' outside.
- 1.5 The policy applies to all employees and those contractors working for the Authority on Authority premises, for example, agency staff, builders and drivers. It also covers suppliers and those providing services under a contract with the Authority in their own premises, for example their homes. The Authority will seek to ensure that as part of its procurement processes this policy is brought to the attention of such external contractors, suppliers and service providers (described in this policy as "Contractors").
- 1.6 These procedures are in addition to the Authority's complaints procedures, grievance procedure, Policy on Fraud and Corruption and other statutory reporting procedures.
- 1.7 This policy has been discussed with the relevant trade unions and professional organisations and has their support.
- 1.8 References in this policy to "the Monitoring Officer" mean the Head of Corporate Law of Newcastle City Council who is the Legal Adviser and Monitoring Officer to the Authority.

2 AIMS AND SCOPE OF THIS POLICY

- 2.1 This policy aims to:
- make you feel confident to raise concerns and to question and act upon concerns about practice;
 - give you ways to raise your concerns and receive feedback on any action taken;
 - guarantees that you receive a response to your concerns and ensures that you are aware of the process to follow if you are not satisfied; and
 - reassure you that you will be protected from possible reprisals or victimisation.
- 2.2 There are existing procedures in place if you have a grievance relating to your own employment or consider that you are being harassed due to your race or sex, or if you are concerned about health and safety risks, including risks to the public as well as to other employees. Indeed you are under a legal obligation (as notified to you in corporate health and safety policy statements), to report to your supervisor or manager any work situation which you consider to represent:
- A danger to the health and safety of yourself, fellow employees or members of the public; or
 - A shortcoming in the Authority's arrangements for health and safety.
- 2.3 If you are reluctant to raise such health and safety concerns with your supervisor or manager, or if you have raised them and are concerned about the response, then arrangements exist for you to raise the health and safety concerns with the Lead Authority's Health and Safety Service based in the Chief Executive's Directorate and/or with Health and Safety Representatives from the relevant trade union.

This policy is intended to cover 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;
 - fraud and corruption;
 - sexual or physical abuse of clients;
 - any attempt to prevent disclosure of any of the above, or
 - other conduct which gives you cause for concern.
- 2.4 Thus any serious concerns that you have about any aspect of service provision or the conduct of your staff or members of the Authority or others acting on behalf of the Authority can be reported under this policy. 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 and policies; or
 - falls below established standards of practice; or
 - amounts to improper conduct.
- 2.5 This policy supplements and does not replace the corporate complaints procedure, or the grievance procedure and other procedures established to deal with aspects of harassment i.e. sexual, racial harassment, and with health and safety concerns.

3 SAFEGUARDS

3.1 Harassment or Victimisation

The Authority is committed to good practice and high standards and aims to be supportive of its employees.

The Authority recognises that the decision to report a concern can be a difficult one to make. However uncovering malpractice will be doing a service to the Authority. You will be doing your duty to your employer and those for whom you are providing a service.

The Authority will fulfil its responsibility to ensure that you are NOT harassed, victimised or otherwise disadvantaged when you raise a concern. Any employee who engages in any form of victimisation or harassment against you as a result of raising a concern may be subject to disciplinary action.

Allegations by an employee who is the subject of disciplinary investigations or proceedings concerning the conduct of those proceedings can only be raised through the disciplinary appeals procedures.

3.2 Confidentiality

All concerns will be treated in confidence wherever possible and every effort will be made to preserve your anonymity if you so wish. You may need however to come forward as a witness, but if you wish to be supported by a representative of your choice then this would be available to you.

3.3 Anonymous Allegations

This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful but the Authority will consider them so far as is possible or practicable.

3.4 Untrue Allegations

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 maliciously or for personal gain, disciplinary action may be taken against you.

4 HOW TO RAISE A CONCERN

4.1.1 Procedure for Authority employees

As a first step, you should raise concerns with your immediate manager or their 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 your immediate manager or their managers are involved, you should approach your Director. The manager receiving notification of concerns under this policy will inform the Monitoring Officer that a confidential report has been received and provide a copy. If the concern relates to financial irregularities or failures of financial controls the manager receiving the report must immediately notify the Deputy Clerk and

Treasurer. If you believe that the Director is involved, you should approach the Monitoring Officer directly.

4.1.2 Concerns may be raised verbally or in writing. If you make a written report please use the attached pro-forma. Reports should be sent to your immediate manager or their superior or to the Director and a copy sent to the Monitoring Officer.

4.1.3 Procedure for Contractors

As a first step, you should normally raise concerns with your manager, who will then inform the Authority's lead officer who is dealing with the particular contract. If you do not have a manager, you should raise your concerns direct with the Authority's lead officer. This depends on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that your manager or the Authority's lead officer is involved, you should approach the Monitoring Officer direct. Otherwise, the Authority's lead officer receiving notification of concerns under this Policy will inform the Monitoring Officer that a confidential report has been received and provide a copy. If the concern relates to financial irregularities or failures of financial controls the Authority's lead officer receiving the report will also immediately notify the Head of Audit and Strategic Risk of Newcastle City Council. (Tel 2116511)

4.1.4 Concerns may be raised verbally or in writing. If you make a written report you should, if possible, make it using a similar report form to the attached pro-forma. A copy of any report you send to your manager or the Authority's lead officer should also be sent to the Monitoring Officer for monitoring purposes.

4.2 The Monitoring Officer is responsible for the maintenance and operation of this policy and will monitor how the complaint is handled and ensure that the requirements of this policy are fulfilled.

4.3 The earlier you express the concern the easier it will be to take action.

4.4 Employees of the Authority can obtain advice and guidance on how matters of concern may be pursued from the Authority's Head of Strategic HR, Room 5a, Civic Centre, Tel 2115226. Employees of the Authority and Contractors can get confidential, independent advice from the charity Public Concern at Work on 0207 404 6609. Their website is at www.pcaw.co.uk.

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.

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

4.6 Concerns can be raised through your trade union.

5 HOW THE AUTHORITY WILL RESPOND

5.1 The Authority will respond to your concerns, and it will be necessary to investigate your concerns but this is not the same as either accepting or rejecting them.

- 5.2 Within 3 *working days* of a concern being raised, you will be sent a written response:
- acknowledging that the concern has been received;
 - indicating how we propose to deal with this matter;
 - giving an estimate of how long it will take to provide a final response;
 - telling you whether any enquiries have been made;
 - supply you with information on staff support mechanisms.

The Monitoring Officer will be sent a copy of this response.

- 5.3 Where appropriate, matters raised may:
- be investigated by management, internal audit, or through the disciplinary process;
 - be referred to the police or other statutory agencies;
 - be referred to the external auditor.
- 5.4 In order to protect individuals and those about whom concerns are raised, 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, child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 5.5 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.
- 5.6 The amount of contact between the individual 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 investigating officers, will seek further information from you.
- 5.7 Where any meeting is arranged, and this can be off-site if you so wish, you can be accompanied by a trade union or professional association representative or a friend.
- 5.8 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.
- 5.9 The Authority accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will be informed of the outcomes of any investigation.

6 THE RESPONSIBLE OFFICER

- 6.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and may report as necessary to the Authority, but in such a way that your confidentiality will be preserved.
- 6.2 It is the responsibility of any manager/Director who receives a whistleblowing report to:
- Copy the original report immediately to the Monitoring Officer. The initial written response to the person raising the concern must also be copied to the Monitoring Officer.

In addition any further responses must be copied to the Monitoring Officer, who must as soon as possible also be informed of the outcome(s) of any investigation and any actions instigated as a result.

7 HOW THE MATTER CAN BE TAKEN FURTHER

- 7.1 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 satisfied with the outcome of your confidential report you can write to the Clerk and ask for the investigation and outcome to be reviewed. If you remain dissatisfied, and you feel it is right to take the matter outside of the Authority, you may wish to take advice from your trade union, your local Citizens Advice Bureau, any of the external agencies listed in paragraph 7.4 below, or your legal adviser on the options that are available to you.
- 7.2 One possibility is that you may wish to rely on your rights under the Public Interest Disclosure Act 1998. This Act gives you protection from victimisation if you make certain disclosures of information in the public interest. The provisions are quite complex and include a list of prescribed persons outside of the Authority who can be contacted in certain circumstances. You should seek advice on the effect of the Act from the persons referred to above.
- 7.3 If you do take the matter outside of the Authority, you should ensure that you do not disclose information where you owe a duty of confidentiality to persons other than the Authority (e.g. service users) or where you would commit an offence by making disclosure. In order to ensure that you do not make any such disclosures you may want to check the position with the Authority's Legal Adviser.
- 7.4 External Contacts

If for any reason you do not wish to use the internal arrangements set out above, or require additional support and advice, a list of external agencies is given below.

(This is not exhaustive. A fuller list is available in The Public Interest Disclosure (Prescribed Persons)(Amendment) Order 2003 – see www.uk-legislation.gov.uk).

Audit Commission for England and Wales
Tel 020 7828 1212
www.audit-commission.gov.uk

Environment Agency
Tel 08708 506 506
www.environment-agency.gov.uk

Health and Safety Executive
Tel 0845 345 0055
www.hse.gov.uk

Information Commissioner
Tel 0303 123 1113
www.ico.gov.uk

Pensions Regulator
Tel 0870 6063636

www.thepensionsregulator.gov.uk/

Public Concern at Work

Tel 020 7404 6609

www.pcaw.co.uk

Standards Board for England

Tel 0161 8175300

www.standardsforengland.gov.uk

If you are a member of a Trade Union you can also contact them for advice and support. The main local contacts for the Authority are: -

Unison 0191 211 6980

GMB 0191 233 3930

Unite 0845 605 2198

Advice about your rights is also available from: - Citizens Advice Bureau

(Newcastle City) 0844 499 4717

Newcastle Law Centre 0191 230 4777

**POLICY FOR CONFIDENTIAL
REPORTING OF CONCERNS
("WHISTLE BLOWING")
REPORT FORM**

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 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. If you wish to make a report please use this pro-forma.

1 Background and history of the concern (giving the relevant dates).

2. The reasons why you are particularly concerned about the situation.

(Please attach additional sheets if necessary)

3. You are encouraged to put your name to this report. Concerns expressed anonymously are much less powerful but the Authority will consider them so far as is possible. If you feel able to, please give your name and details below.

Name:.....
Directorate (if applicable):.....
Address:.....
.....

Contact Telephone Number:..... Date

PLEASE SEND THIS FORM TO YOUR MANAGER, OR ALTERNATIVELY TO THEIR MANAGER OR THE DIRECTOR AS APPROPRIATE. YOU MUST ALSO SEND A PHOTOCOPY OF THE COMPLETED FORM AT THE SAME TIME TO THE HEAD OF CORPORATE LAW AT NEWCASTLE CIVIC CENTRE, FOR MONITORING PURPOSES.