



Whistleblowing Policy

The Combined Authority's policy on Whistleblowing and how to raise concerns

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<i>Authorised by:</i> <u>Russell Gott</u> _____ <i>On Behalf of</i> Management	(Signature)		
<i>Agreed by:</i> <u>Pam Sian</u> _____ <i>UNISON Representative</i>	(Signature)		
<i>Agreed by:</i> <u>Phil Bown</u> _____ <i>Unite Representative</i>	(Signature)		

N.B. The original copy of this policy containing signatures is held in the Human Resources office.

CONTENTS

1. Introduction.....	3
2. Policy Purpose.....	3
3. Related Policies & Employment Legislation.....	4
4. Our Responsibilities.....	4
5. Procedure	5
5.1 How to Raise a Concern within the Combined Authority	5
5.2 Who to Raise Concerns With.....	5
5.3 What Will Happen Next?	5
6. How to Raise the Matter Externally	6
7. Prescribed Persons.....	6
8. Disclosure in other cases.....	6
9. Untrue Allegations.....	7
10. Equality Impact Assessment	7
11. Changes to Policy.....	7

1. Introduction

The Combined Authority is committed to the highest standards of integrity, openness and accountability in everything we do. As individuals we have integrity, as an organisation we are trustworthy.

We are committed to encouraging all individuals, including non-CA employees, to be open in raising any concerns with us. This Whistleblowing Policy details the formal procedures for doing so in relation to matters that are in the public interest. It also explains the protections in place.

We respect everyone who plays a part in our organisation. As an employee, ex-employee, agency worker, consultant or contractor, you could be the first to realise that there might be something wrong within the CA. You can raise concerns that are in the public interest under this policy where you reasonably believe that any of the following have happened in the past or present, or are likely to happen in the future:

- ⇒ a criminal offence
- ⇒ a failure to comply with any legal obligation
- ⇒ a miscarriage of justice
- ⇒ endangering the health & safety of anyone
- ⇒ Possible fraud, bribery or corruption
- ⇒ Unethical conduct
- ⇒ damage to the environment
- ⇒ Information relating to any of the above has been or is likely to be deliberately concealed

Such concerns should be raised in accordance with this policy in order for it to be classed a protected disclosure and to receive the appropriate legal protections.

If this policy doesn't capture what you want to raise, it may be that one of our other policies do, such as the Grievance Policy. In any case, if you are unsure please ask your manager or the Human Resources team for guidance.

2. Policy Purpose

This Policy sets out how to raise concerns and how those concerns will be dealt with and explains what protections are in place for you when making a 'protected disclosure'.

Within this document, you will find a process in place enabling you to raise any concerns outside the normal line management structure, if you believe that is more appropriate. We would encourage everyone to raise their concerns with us in the first instance, however if you feel unable to do so, the procedure below also explains how concerns may be raised externally. We also have a responsibility to protect ourselves from false allegations. This policy details the penalties in place where this is identified.

3. Related Policies & Employment Legislation

We remain up to date and compliant with all current employment legislation.

The main pieces of legislation surrounding Whistleblowing are the:

- ⇒ [Public Interest Disclosure Act 1998](#) amended the [Employment Rights Act 1996](#) by providing certain protections to individuals who are raising legitimate concerns. These are known as protected disclosures
- ⇒ [Enterprise and Regulatory Reform Act 2013](#) introduces into the [Employment Rights Act 1996](#) a number of changes to the protection of whistle-blowers. This policy complies with those changes.

Policies:

- ⇒ Our [Code of Conduct Policy](#) explains the levels of integrity expected of our employees, and explains the levels of integrity expected for members and voting co-opted members of the Authority,
- ⇒ Our [Anti-Fraud, Bribery and Corruption Policy/ Strategy](#) explains our commitment to protecting ourselves against the perpetration of fraud, bribery and corruption from both internal and external sources.
- ⇒ Our [Dignity & Respect at Work Policy](#) confirms our intention to protect employees who make a protected disclosure from bullying, harassment or victimisation. It also protects you against dismissal for raising a protected disclosure.
- ⇒ Our [Disciplinary, Conduct & Capability Policy and Procedure](#) may be used in relation to an individual identified in relation to potential wrongdoing. It may also be used where a false allegation is raised or where you receive detrimental treatment by colleagues for raising your concerns.
- ⇒ Our [Grievance Policy Depending on the nature of your concern](#), might provide a better framework for reaching a resolution.

4. Our Responsibilities

We are committed to using this policy to:

- ⇒ raise issues that are in the public interest and raising our concerns if we think something might be wrong at the CA
- ⇒ Respecting the right of colleagues to raise their concerns
- ⇒ Not raising malicious or vexatious allegations
- ⇒ Advising individuals of the correct procedure to follow depending on the nature of the concern being raised
- ⇒ Provide advice & guidance on raising concerns.
- ⇒ Investigate thoroughly any complaints received
- ⇒ Make decisions on contacting the Police and/ or external audit
- ⇒ Respond to the complainant

- ⇒ Make decisions on referring matters to the Disciplinary, Conduct & Capability procedure.

5. Procedure

5.1 How to Raise a Concern within the Combined Authority

We have robust processes in place to enable you to feel able to raise any concerns that you have. We recognise that the decision to report a concern can be a difficult one. However, it is best to raise your concerns at the earliest opportunity. If you are unsure, the Head of Legal & Democratic Services or Internal Audit Manager can give advice and guidance on how matters of concern can be raised. Your trade union representative can also provide support and assistance

5.2 Who to Raise Concerns With

It is recommended that you raise your concerns with your line manager or other appropriate manager within your directorate. However, if you believe that management are involved, or your concerns are of a particularly serious nature, you should instead raise it with the Managing Director, Head of Legal & Democratic Services or Internal Audit Manager.

Alternatively, you can raise your concerns on the Whistleblowing phone line on 0113 2517359. This service is confidential and callers will not be asked to give their name if they don't want to.

You can bring your Trade Union representative (or a work colleague) with you to all discussions on the concerns raised. Trade Union reps can also provide you with support and guidance on how to raise your concerns and if this is the appropriate policy.

You are encouraged to put your name to the disclosure, but this is not essential because anonymous disclosures will also be investigated. It is best to raise concerns in writing, but in any case, you will need to give as much information as you can to enable us to investigate. The collection of evidence is better left to those assigned to investigate the matter.

5.3 What Will Happen Next?

In order to protect individuals, initial enquires will be forwarded to the Head of Legal & Democratic Services who will consult with the Internal Audit Manager. An assessment will be made to decide whether an investigation is appropriate.

If an internal investigation is conducted, the matter may also be referred to the Police and/ or our external auditors. The decision on how best to proceed will depend on the facts of the case.

Every effort will be made not to reveal the identity of the whistle-blower beyond those who specifically need to know. As far as possible, your concerns will be treated as confidential if that is what you request. However, there may be

occasions where it becomes necessary for you to attend a hearing and/or to make a formal statement.

We will take your concerns seriously and will not allow any mistreatment of you as a result of your disclosures. The CA will not tolerate colleagues victimising and/or harassing individuals because they raised concerns via this policy. Any such actions will be dealt with via our Disciplinary, Conduct & Capability Policy & Procedure.

We appreciate that you may want reassurance that the matter has been properly addressed and we will feedback appropriate information on the outcome of the investigation.

6. How to Raise the Matter Externally

If you choose to raise your concerns externally, there are specific places you should take the information to keep the protections provided by the legislation.

We are keen to encourage you to bring your concerns to us in the first instance so they can be resolved internally. Where you do not feel it is appropriate to raise it internally, or where the internal process has not achieved a satisfactory outcome for you, there are external routes available

7. Prescribed Persons

Where your concerns are in the public interest, you can take them to a number of persons who have been prescribed by the Secretary of State.

A full list of prescribed persons to whom you can make a protected disclosure can be obtained through the following link: [List of Prescribed Persons](#)

When taking a disclosure to one of the prescribed persons, it is important that you reasonably believe the matter you are disclosing falls within their remit and that the information and allegations you are disclosing are substantially true.

8. Disclosure in other cases

In certain circumstances you will be protected if you make a disclosure to someone other than the CA, your legal adviser or a prescribed person.

However, the rules relating to these wider disclosures are stricter. In order to qualify for protection, you must reasonably believe that the information disclosed and any allegations contained in it are substantially true and must also:

- ⇒ not make the disclosure for personal gain (e.g. disclosure to a newspaper in return for a payment would not be protected);

- ⇒ have already made a disclosure of substantially the same information to the CA or to a prescribed person unless you reasonably believe that you will be subject to detriment for doing so or, if there is no prescribed person, or that the CA would destroy or conceal evidence;
- ⇒ do so only if it is reasonable in all the circumstances having regard, in particular, to the person to whom the disclosure is made (e.g. disclosure to the police or an MP is more likely to be protected than disclosure to the press); the seriousness of the matter; whether the failure is continuing or is likely to occur in future; whether the disclosure breaches a duty of confidentiality owed by the CA to any other person; whether the employer or a prescribed person has taken appropriate action; and whether you complied with the CA's Whistleblowing Policy if you previously made a disclosure of substantially the same information to the CA

9. Untrue Allegations

We will protect our employees from malicious or unfounded allegations of wrong doing.

If you make an allegation which is not confirmed by the investigation, the matter will be concluded and you will be advised as such. In the unlikely event that malicious or vexatious allegations are made, the matter may be referred to our Disciplinary, Conduct & Capability Policy

10. Equality Impact Assessment

In the creation of this policy, consideration has been given to any possible adverse equality impact for the following groups: disability; gender; gender reassignment; marital status (including civil partnerships); sexual orientation; race; religion or beliefs; age; pregnancy and maternity. The policy is considered to have little or no adverse equality impact.

11. Changes to Policy

The CA reserves the right to amend the details of this policy as required following consultation with recognised trade unions and other relevant parties.

This policy will be monitored and reviewed on an annual basis, to ensure that it meets the needs of the CA and ensure compliance with relevant legislation.

A written request can be made to review this policy at any time, by any of the signatories, giving appropriate reasons for requesting the review