improving
public transport
through technology

# Confidential Reporting Code

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## STATUS OF THIS DOCUMENT

This document is Released.

If there are any comments or feedback arising from the review or use of this document, please contact us at secretariat@rtig.org.uk

# 1 Context

## 1.1 WHAT IS THE CODE ABOUT?

1.1.1 Employees, members and others can sometimes be the first to realise that there may be something seriously wrong with procedures and/or processes within RTIG Inform. However, they may not always express their concerns because they feel that speaking up would be disloyal to their colleagues or to the organisation. They may also fear the threat of harassment or victimisation and in these circumstances, they may feel it easier to just ignore their concern rather than report what may just be a suspicion of malpractice.

1.1.2 'Whistleblowing' is the term used when an employee passes on information concerning wrongdoing. This is generally referred to as 'making a disclosure' or 'blowing the whistle'. Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998).

1.1.3 RTIG Inform is committed to the highest possible standards of openness, honesty and accountability. In line with that commitment we expect employees, and others that we deal with, who have any serious concerns about any aspect of the organisation's work to come forward and voice those concerns. Wherever possible, employees are encouraged to use relevant procedures to report issues in an open and transparent way, because that is the type of organisational culture we are trying to foster. It is recognised, however, that some cases will have to proceed on a confidential basis.

1.1.4 This document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. The Confidential Reporting Code is intended to encourage and enable employees to raise serious concerns within RTIG Inform rather than overlooking a problem or 'blowing the whistle' outside.

## 1.2 WHO DOES THE CODE APPLY TO?

1.2.1 This code covers all employees, job applicants, contractors and suppliers.

1.2.2 The code also applies to former employees, job applicants, agency staff working for RTIG Inform, contractors and suppliers.

1.2.3 The code is recommended as good practice to all other groups associated with the RTIG Inform.

1.2.4 These procedures are in addition to RTIG Informs complaints procedure and other reporting procedures.

# 2 Scope of the code

2.1.1 There are existing procedures in place to enable you to lodge a resolution (formerly grievance) relating to your own employment.

2.1.2 An employee who makes a disclosure under this code must reasonably believe:

i) That they are acting in the public interest;

ii) That the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:

- criminal offences;
- failure to comply with an obligation set out in law;
- miscarriages of justice;
- endangering of someone's health and safety;
- damage to the environment;
- covering up wrongdoing in the above categories.

2.1.3 Examples of the above could include:

- conduct which is an offence or a breach of law;
- health and safety risks, including risks to the public as well as other employees;
- the unauthorised use of funds;
- negligence;
- unauthorised disclosure of confidential information;
- possible fraud and corruption;
- sexual or physical abuse of children and/or vulnerable young people/adults;
- deliberate concealment of the above matters.

2.1.4 The above list is neither exclusive nor exhaustive.

2.1.5 Thus, any serious concerns that you have, which are in the public interest, about any aspects of service provision or the conduct of officers or members of RTIG Inform or others acting on behalf of RTIG Inform, can be reported under the Confidential Reporting Code.

# 3 Other procedures

3.1.1 This code covers concerns outside of the following areas and does not replace the following procedures:

## 3.2 COMPLAINTS PROCEDURE

3.2.1 Complaints by an individual member or members about the standard of service, actions or lack of actions by RTIG Inform should be managed under the complaints guidance.

## 3.3 FINANCIAL PROCEDURE RULES AND FINANCIAL MANAGEMENT STANDARDS

3.3.1 Under RTIG Informs financial procedure rules the General Manager and Company Secretary are ultimately responsible to the Board for ensuring that financial procedures are correctly applied and observed by employees and contractors providing services on RTIG Inform's behalf. They are also responsible for reporting any known breach or suspected breach of procedures or any failures of financial controls to the Chair.

3.3.2 The Chair must be notified immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of RTIG Inform's property or resources.

## 3.4 ARRESTABLE OFFENCES

3.4.1 In any case where a Director has reason to believe that an employee or contractor of RTIG Inform may have committed an arrestable offence, the Chair must be informed and where it is considered an arrestable offence has occurred, the Chair will inform the police.

## 3.5 RESOLUTION PROCEDURE

3.5.1 The Resolution Policy is designed to ensure that concerns, problems and complaints arising in the course of employment can be raised and resolved quickly and in a fair and reasonable manner. The Resolution Policy exists to provide a mechanism for employees to raise concerns that are not covered by other procedures.

3.5.2 If it is unclear which procedure the employee wishes to pursue, the employee or manager should seek advice from the Chair.

## 3.6 CONTRACT PROCEDURE RULES

3.6.1 The Contract Procedure Rules (CPRs) provide the framework for procurement activity across RTIG Inform setting out how contracts for goods, works, services and utilities should be put in place and managed, and detailing the record keeping and reporting requirements related to procurement activity.

3.6.2 The CPRs should not be seen in isolation, but rather as part of the overall regulatory framework as set out in the Articles of Association.

3.6.3 All procurement procedures must:

- realise value for money by achieving the optimum combination of whole life costs and
- quality of outcome;
- be consistent with the highest standards of integrity;
- operate in a transparent manner;
- ensure fairness in allocation of public contracts;
- comply with all legal requirements including European Union (EU) treaty principles;
- support all relevant priorities and policies including the Business Plan.

3.6.4 If you become aware that there has been a breach of the contract procurement rules you can report such a breach using the Confidential Reporting Code.

# 4 Safeguards

4.1.1 RTIG Inform is committed to good practice and high standards and wants to be supportive of employees.

4.1.2 RTIG Inform recognises that the decision to report a concern can be a difficult one to make. If you believe what you are saying is true and the statement being made is in the public interest, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

4.1.3 It is understandable that whistle-blowers are sometimes worried about possible repercussions.

4.1.4 RTIG Inform aims to encourage openness and will support employees who raise genuine concerns under this code, even if they turn out to be mistaken.

4.1.5 RTIG Inform will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in the public interest. This action will depend on the type of concern and specific arrangements.

4.1.6 Employees or ex-employees must therefore not suffer any detrimental treatment as a result of raising a disclosure. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a disclosure.

4.1.7 Employees must not threaten or retaliate against whistle-blowers in any way. If you are involved in such conduct you may be subject to disciplinary action.

4.1.8 On occasions, you may be asked whether you would be prepared to obtain further information. This would be entirely at your discretion and a full risk assessment would be completed, prior to such a course of action being agreed.

4.1.9 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

# 5 Confidentiality

5.1.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. Any breach of confidentiality will be regarded as a serious matter and will be dealt with accordingly.

5.1.2 Although every effort will be made not to reveal your identity you may however be called as a witness if this matter is progressed.

5.1.3 RTIG Inform, complies with all relevant statutory obligations. Personal information processed by RTIG Inform will be handled in accordance with RTIG Inform's privacy statement, which can be accessed on the website provides more specific information on the data collected and how it is handled, a copy of which can be accessed here.

5.1.4 If you have any concerns about how your data is handled, please contact either the Data Protection Officer at secretariat@rtig.org.uk or the Information Commissioner's Office.

# 6 Anonymous allegations

6.1.1 This code encourages you to put your name to your allegation whenever possible.

6.1.2 Concerns expressed anonymously can be more difficult to investigate. When considering an investigation into an anonymous complaint, the following will be taken into consideration:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources..

# 7 Untrue allegations

7.1.1 If you make an allegation in the public interest but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you under the Disciplinary Policy.

# 8 How to raise a concern

8.1.1 As a first step, you should normally raise concerns with your immediate manager or their superior. This can be done verbally or in writing. Wherever possible concerns should be made in writing direct by the person raising the concerns.

8.1.2 The concern form should normally be reviewed by the manager to whom the concern has been raised and any points of clarity or additional information noted following any discussion with the person raising the concern.

8.1.3 The complaint should then be sent to the RTIG Inform Chair.

8.1.4 All concerns will be logged for monitoring purposes and the Chair, in consultation with appropriate Directors, and any other relevant officers, will agree how the concern should be investigated.

8.1.5 In certain circumstances, you may feel unable, or it may not be appropriate, to raise your concerns with your immediate manager due to the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. If this is the case, the concern can be reported direct to the Chair

8.1.6 The earlier you express the concern the easier it is to take action.

8.1.7 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

8.1.8 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.

8.1.9 You may invite your trade union, professional association representative or a work colleague to be present during any meetings or interviews in connection with the concerns you have raised.

8.1.10 Ideally you should feel able to make a disclosure within RTIG Inform however there may be circumstances where you feel unable to. You can make a disclosure under whistleblowing law to prescribed person(s) who are mainly regulators and professional bodies but include other persons and bodies such as MPs. The relevant prescribed person depends on the subject matter of the disclosure. A full list of prescribed persons can be found here[1].

[1] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/404330/bis-15-43-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed.pdf

# 9 How RTIG Inform will respond

9.1.1 RTIG Inform will respond to your concerns. Following the recording of the concern, either directly by the whistle-blower or the manager to whom it was reported, the concern should then be immediately forwarded to the Chair for logging and monitoring purposes.

9.1.2 The Chair is independent and has unlimited access to any officer, member or information within RTIG Inform and, in consultation with the appropriate officer, can agree the most appropriate way of investigating the concern.

9.1.3 Where appropriate, the matters raised may:

- be investigated by management, internal audit and corporate fraud, or through the
- disciplinary process;
- be referred to the police;
- be referred to the external auditor;
- form the subject of an independent inquiry.

9.1.4 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principles, which RTIG Inform will have in mind, are your well-being and the public interest.

9.1.5 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.

9.1.6 Within ten working days of a concern being raised, the person with whom you have raised your concern will respond to you in writing:

- acknowledging that the concern has been received;
- indicating how we propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any initial enquiries have been made;
- supplying you with information on employee support mechanisms; and
- telling you whether further investigations will take place and if not, why not.

9.1.7 A copy of the response will be forwarded to the Chair for monitoring purposes.

9.1.8 The amount of contact between the officers 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, RTIG Inform will seek further information from you. However, should this further information need to be gleaned by you, from another person, without them being made aware of your involvement in the confidential reporting process, specific procedures will need to be applied.

9.1.9 Should a manager believe that this additional information may assist the enquiry, and that the information can only be obtained by you, no action will be taken until the matter has been referred to the relevant person(s) for a decision to be made as to whether such a course of action is both necessary and proportionate.

## 9.2 IMPORTANT:

9.2.1 All employees must not, under any circumstances attempt to obtain any further information covertly either directly or indirectly without first having complied with procedures in relation to employee surveillance which can be found in the Regulation of Investigatory Powers Act (RIPA). Failure to do so may infringe Human Rights and render RTIG Inform liable to legal action.

9.2.2 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a trade union or professional association representative or a work colleague.

9.2.3 RTIG Inform 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 RTIG Inform will arrange for you to receive advice about the procedure.

9.2.4 RTIG Inform accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

9.2.5 This code is intended to provide you with an avenue within RTIG Inform to raise concerns. RTIG Inform hopes you will be satisfied with any action taken.

9.2.6 If you are not, and if you feel it is right to take the matter outside RTIG Inform, the following are possible contact points:

9.2.7 your local Citizens' Advice Bureau;

9.2.8 the police;

9.2.9 the independent whistleblowing charity Protect (formerly Public Concern at Work) –

9.2.10 telephone020 3117 2520 (Advice Line – option 1) or further details are available at https://protect-advice.org.uk/homepage/

9.2.11 prescribed person(s) as detailed in https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/404330/bis-15-43-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed.pdf ..