

Policy

P048 A3

Whistleblowing policy

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1 Purpose

The aim of this policy is to help Transport for London (TfL) to conduct its business with honesty and integrity. In order to maintain high standards, it is essential that everyone working for TfL shares this aim and feels able to raise any concerns they have about the way business is being conducted.

2 Scope

This policy applies to Employees of TfL, Docklands Light Railway Limited, Rail for London Limited, London Bus Services Limited, London Buses Limited, Victoria Coach Station Limited who are on TfL employment contracts (Paybands 1-5 and Directors) and those staff on predecessor organisation employment contracts where the individual has transferred to the employment of TfL

3 Policy statement

TfL aims to ensure that the process for raising such concerns is simple, effective and confidential wherever possible. TfL also aim to create an environment in which employees feel able to follow the process without fear of any reprisals being taken against them. There must be an open and accountable environment in which employees feel able to raise concerns internally without fear of disciplinary or any other action being taken against them and be assured that an investigation will take place.

4 Background

The aim of the policy is underpinned by the fact that employees have protection in law under the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013 (The Policy is designed to deal with concerns raised in relation to the specific issues which are in the public interest as detailed below, and which fall outside the scope of other policies and procedures).

Certain kinds of disclosure qualify for protection and are disclosures of information which the person reasonably believes tend to show one or more of the following matters is either happening now, took place in the past or is likely to happen in the future as follows:

- a criminal offence
- the breach of a legal obligation
- a miscarriage of justice
- a danger to the health and safety of any individual
- damage to the environment
- the deliberate covering up of information relating to any of the above matters
- in addition to those categories covered by the Acts we are extending this to include: serious financial irregularities

However this procedure is not to be used in the event of a complaint about your employment, such as your terms and conditions of work, relationships with your manager or colleagues, discrimination, bullying or harassment. These matters are dealt with under the appropriate TfL HR Employment Policy. Advice is available from HR Services.

5 Requirements

5.1 Making a Disclosure – Internally

TfL understands its responsibilities and provides a confidential and independent reporting service (Safeline) that can be used by anyone working for TfL or any of its subsidiaries (including all employees, contractors and agency staff) to raise concerns about the way that business is conducted.

Where possible, disclosures should be discussed in the first instance with the line manager or another person whom the employee reasonably believes to be solely or mainly responsible for the relevant failure. Where an employee feels unable to raise the matter through either of these channels, they should contact either HR Services on 0800 0155 071, the Internal Audit Director on [REDACTED] or Extn [REDACTED] Safeline on 0808 169 8911.

The issues raised may relate to another employee, a group of employees or TfL.

TfL will protect any employee who makes a disclosure where the employee reasonably believes that the information tends to show malpractice and the disclosure is made in the public interest regardless of whether the concern raised is upheld. The aim is to ensure that concerns are dealt with quickly and by the person who is well placed to resolve the problem.

Where an employee has made a protected disclosure TfL will work with them to ensure they are not subject to any detriment, either by TfL or by any colleagues. Where a line manager is aware that one of their team has made a protected disclosure, they should seek advice and support from HR Services to ensure that the employee does not suffer any detriment. Any employee, who makes a disclosure and feels that as a result they have suffered adverse treatment, will be able to raise a formal complaint. The complaint should be made to the TfL HR Director, or the Internal Audit Director. If the complaint is upheld against the individual(s) responsible, then action will be taken as outlined in the Discipline at Work Policy and Procedure.

5.2 Making a Disclosure – Externally (to a prescribed person or body)

Employees may make disclosures to a prescribed external person or body. If an employee makes a qualifying disclosure to such a person, it will be protected providing they make the disclosure:

- as they reasonably believe the information tends to show malpractice and any allegations are substantially true and the disclosure is made in the public interest
- that the disclosure is not for the purposes of personal gain and

- that the matter falls within the description of matters for which the person(s) or body (ies) has been prescribed. (For example, breaches of Health & Safety may be brought to the attention of the Health & Safety Executive)

In Appendix A the full list of the appropriate persons or bodies can be found under 'List of prescribed persons'.

In addition to the above, any employee who has health, wellbeing or safety concerns can report them to the Confidential Incident Reporting and Analysis Service (CIRAS) on 0800 4 101 101. CIRAS complements these guidelines, it does not replace them.

5.3 Confidentiality

TfL will respect confidences as far as practicable, with due regard to an individual's right to privacy under data protection and human rights legislation.

However, if an individual is under inquiry, that person is entitled to know the nature of the allegations being made and any person criticised as a result of an inquiry has the right to be told the nature of the evidence upon which the criticism has been based.

While TfL will take every step to try and ensure that a whistleblower's identity is not revealed without their consent, in some cases the nature of the allegations or evidence may give an indication as to their source. Also, in limited cases there may be an obligation to reveal information under Freedom of Information legislation or by order of the court in legal proceedings. Information obtained in the course of an inquiry may, in the public interest, be published in an inquiry report.

5.4 Untrue allegations

If an employee makes an allegation, which is not confirmed by subsequent investigation, no action will be taken against that individual provided that TfL does not believe that the allegation may have been made maliciously. A disclosure no longer needs to be made in 'good faith' however where the disclosure is not made in good faith the employment tribunal, if involved, will be able to reduce compensation by 25%. If however, an individual makes malicious allegations and particularly if he or she persists with them; disciplinary action may be taken against the individual concerned. The decision as to whether the allegation was made maliciously will be taken after a fact-finding enquiry in accordance with the Discipline Policy and Procedure.

5.5 The Public Interest Disclosure Act 1998 and the Enterprise & Regulatory Reform Act 2013

The provisions introduced by these Acts protect employees from being subjected to a detriment by their employer if they disclose information deemed to be in the public interest. 'Detriment' is defined in a number of ways including denial of promotion, facilities or training opportunities that the employer would otherwise have offered. Employees who are protected by the provisions may make a claim for unfair dismissal if dismissed for making a protected disclosure. In addition employees that have been subjected to detriment by their employer for making a protected disclosure may, after exhausting internal procedures, make a claim to a tribunal.

6 Support & Advice

Support and advice can be obtained through speaking to your manager or contacting HR Services on 0800 0155072 or internally on extension 1729.

7 Person accountable for this document

Name	Job title
Martin Boots	Head of Employee Relations and HR policy

8 References

Document no.	Title or URL
P078	TfL Code of conduct
P088	Business ethics policy
P046	Business expenses policy
Working at TfL	Challenging wrongdoing

9 Document history

Issue no.	Date	Changes	Author
A1	10/02/2014	Revisions by HR Policy manager	Jo Page
A2	October 2015	TfL change control 04176 to revise contact information and reformat. There is no change of substance in this revision.	Jo Page
A3	January 2020	Section on CIRAS added to 5.2. Corrections to links and formatting. CR-11932.	Tekpenor Anim

10 Appendix A - selection of prescribed persons

Further bodies can be found in notes provided by the Department for Business, Innovation and Skills. The notes are called 'Disclosures in the public interest: Protections for workers who 'blow the whistle' – Guidance notes'.

- **The Audit Commission for England and Wales (including auditors appointed by the Commission)**

Matters in respect of which the person is prescribed:

The proper conduct of public business, value for money, fraud and corruption in local government and health service bodies

Contact

The Audit Commission
1 Vincent Square
LONDON
SW1P 2PN
Tel: 020 7630 1019

- **The Certification Officer**

Matters in respect of which the person is prescribed:

Fraud and other irregularities relating to the financial affairs of trade unions and employer's associations

Contact

Certification Officer
Brandon House
180 Borough High Street
LONDON
SE1 1LW
Tel: 020 7210 3734/3735
Fax: 020 7210 3612

- **Financial Conduct Authority**

Matters in respect of which the person is prescribed:

The listing of securities on a stock exchange; prospectus on offers of transferable securities to the public

Contact

Head of Listing Department
London Stock Exchange
Old Broad Street
LONDON
EC2N 1HP
Tel: 020 7797 3884
Fax: 020 7334 8976



- **The Commissioners for Her Majesty's Revenue and Customs**

Matters in respect of which the person is prescribed:

Value added tax, insurance premium tax, excise duties and landfill tax. The import and export of prohibited or restricted goods, Income tax, corporation tax, capital gains tax, petroleum revenue tax, inheritance tax, stamp duties, national insurance contributions, statutory maternity pay, statutory sick pay, tax credits, child benefits, collection of student loans and the enforcement of the national minimum wage

Contact

Her Majesty's Revenue and Customs
Cross Cutting Policy
Room 1E/04
1 Parliament Street
London
SW1A 2BQ
Tel: freephone 0900 595000
Fax: free fax 0800 523 0506
Email: customs.confidential@hmrc.gov.uk

- **Comptroller and Auditor General of the National Audit Office**

Matters in respect of which the person is prescribed:

The proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally funded public services.

Contact

The Comptroller and Auditor General
National Audit Office
157-197 Buckingham Palace Road
Victoria
LONDON
SW1W 9SP
Tel: 020 7798 7999

- **The Director of the Serious Fraud Office**

Matters in respect of which the person is prescribed:

Serious or complex fraud

Contact

The Director of the Serious Fraud Office
Elm House
10-16 Elm Street
LONDON
WC1X 0BJ
Tel: 020 7239 7272
Fax: 020 7837 1689

- **The Environment Agency**

Matters in respect of which the person is prescribed:

Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment including those relating to pollution, abstraction of water, flooding, the flow of rivers, inland fisheries and migratory salmon or trout

Contact

The Environment Agency
Rio House
Waterside Drive
Aztec West
Almondsbury
BRISTOL
BS12 4UD
Tel: 0800 807060 (24 hour line)
or enquiries 01454 624400
Fax: 01454 624409

- **Prudential Regulation Authority**

Matters in respect of which the person is prescribed:

The carrying on of investment business or of insurance business. The operation of banks, deposit-taking businesses and wholesale money market regimes. The functioning of financial markets, investment exchanges and clearing houses. The functioning of other financial regulators. Money laundering, financial crime, and other serious financial misconduct, in connection with activities regulated by the Financial Services Authority

Contact

Head of Prudential Regulation Authority
Prudential Regulation Authority
25 The North Colonnade
Canary Wharf
LONDON
E14 5HS
Tel: [REDACTED]
Fax: [REDACTED]
Email: [REDACTED]@fsa.gov.uk

- **Gas and Electricity Markets Authority**

Matters in respect of which the person is prescribed:

The generation, transmission, distribution and supply of electricity, participation in the operation of an electricity interconnector (as defined in section 4(3E) of the Electricity Act 1989) and activities ancillary to these matters

The transportation, shipping and supply of gas through pipes, participation in the operation of a gas interconnector (as defined in section 5(8) of the Gas Act 1986) and activities ancillary to these matters

Contact

The Gas and Electricity Markets Authority
9 Millbank
London
SW1P 5GE
Tel: 020 7901 7000

- **Health and Safety Executive**

Matters in respect of which the person is prescribed:

Matters which may affect the health or safety of any individual at work; matters which may affect the health and safety of any member of the public arising out of, or in connection with, the activities of persons at work

Contact

Health and Safety Executive
Information Services
Caerphilly Business Park
Caerphilly
South Wales
CF83 3GG
Tel: 0845 345 0055
Fax: 0845 408 9566
Email: hse.infoline@natbrit.com

- **Local authorities**

(The local authority which under section 18 of the Health and Safety at Work etc Act 1974 is responsible for the enforcement of the relevant statutory provisions)

Matters in respect of which the person is prescribed:

Matters which may affect the health or safety of any individual at work; matters which may affect the health and safety of any member of the public arising out of, or in connection with, the activities of persons at work

Contact

The appropriate local authority

- **Information Commissioner**

Matters in respect of which the person is prescribed:

Compliance with the requirements of legislation relating to data protection*

(*Data protection legislation regulates the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information)

Contact

The Office of the Information Commissioner
Wycliffe House
Water Lane
Wilmslow
CHESHIRE
SK9 5AF
Tel: 01625 545700
Fax: 01625 524510
Email: mail@dataprotection.gov.uk

- **The Pensions Regulator**

Matters in respect of which the person is prescribed:

Matters relating to occupational pension schemes and other private pension arrangements

Contact

The Pensions Regulator
Napier House
Trafalgar Place
Brighton
BN1 4DW
Tel: 0870 6063636
Textphone: 0870 2433123
Fax: 0870 2411144
E-mail: customersupport@thepensionsregulator.gsi.gov.uk
Website: www.thepensionsregulator.gov.uk

- **The Office of Communications**

Matters in respect of which the person is prescribed:

The provision of electronic communications networks and the use of the electromagnetic spectrum, broadcasting and the provision of radio and television services, media ownership and control and competition in communications markets

Contact

Chairman
The Office of Communications
Riverside House
2a Southwark Bridge Road
London
SE1 9HA
Tel: 020 7981 3000
Fax: 020 7981 3333

- **Office of Fair Trading**

Matters in respect of which the person is prescribed:

Matters concerning the sale of goods or the supply of services, which adversely affect the interests of consumers.

Matters relating to consumer credit and hire, estate agency, unfair terms in consumer contracts and misleading advertising

The abuse of a dominant position in a market and the prevention, restriction or distortion of competition

Contact

Office of Fair Trading
Fleetbank House
2-6 Salisbury Square
LONDON
EC4Y 8JX
Tel: 020 7211 8000
Fax: 020 7211 8800

- **HM Treasury**

Matters in respect of which the person is prescribed:

The carrying on of insurance business

Contact

HM Treasury
Insurance Directorate
Parliament Street
LONDON
SW1P 3AG
Tel: 020 7270 1720
Fax: 020 7270 4694

- **Secretary of State for Business Innovation and Skills**

Matters in respect of which the person is prescribed:

Fraud and other misconduct in relation to companies, investment business, insurance business, or multi-level marketing schemes (and similar trading schemes); insider dealing

Contact

Vetting Section
Companies Investigation Branch
Department of Business, Innovation and Skills
66-74 Victoria Street
LONDON
SW1H 0WU
Tel: 020 7215 3120
Fax: 020 7215 3112

- **Consumer Safety**

Contact

Consumer Affairs Directorate
V418
Department of Trade and Industry
1 Victoria Street
LONDON
SW1H 0ET
Tel: 020 7215 5496
Fax: 020 7215 0339

- **The Rail Regulator**

Matters in respect of which the person is prescribed:

The provision and supply of railway services

Contact

The Rail Regulator
Office of the Rail Regulator
One Kemble Street
LONDON
WC2B 4AN
Tel: 020 7282 2000
Fax: 020 7282 2040

