

## 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	<a href="#">TfL Code of conduct</a>
P088	<a href="#">Business ethics policy</a>
P046	<a href="#">Business expenses policy</a>
Working at TfL	<a href="#">Challenging wrongdoing</a>

## 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 Custom**

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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:customersupport@thepensionsregulator.gsi.gov.uk)  
Website: [www.thepensionsregulator.gov.uk](http://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

