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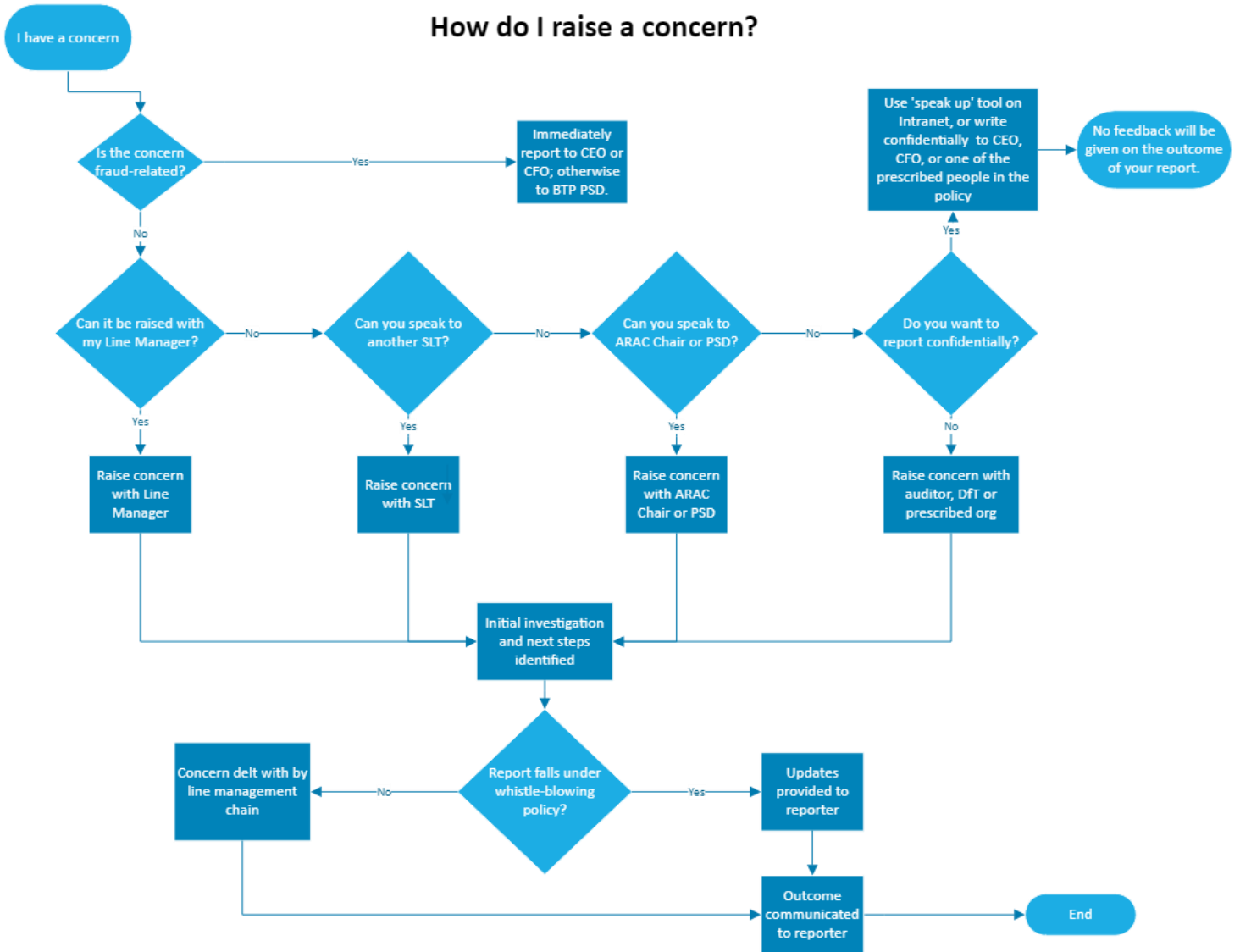


**BRITISH TRANSPORT POLICE AUTHORITY**

**Raising a Concern and Whistleblowing Policy**

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# How do I raise a concern?



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### INTRODUCTION

- 1.1 The British Transport Police Authority (BTPA) wants to achieve the highest possible standards of openness, probity and accountability. In line with that commitment the BTPA encourages employees and others with serious concerns about any aspect of the work of the Authority or the British Transport Police (BTP) to come forward and voice those concerns without fear of reprisals. This policy document makes it clear that employees can do so without the fear of victimisation, subsequent discrimination or disadvantage.
- 1.2 This policy applies to all current and former BTPA employees, Authority members and any contractors working for the BTPA including those designated as being on casual hours, temporary, agency, or on work experience.
- 1.3 This Whistle-blowing Policy will be fair and transparent and adheres to the principles of:
  - Confidentiality
  - Support of the workforce
- 1.4 This policy supports the Public Interest Disclosure Act 1998 (PIDA) which provides protection for workers who raise 'qualifying disclosures' that are:
  - Made in good faith;
  - Where the employee believes the disclosure to be substantially true;
  - Not malicious or false allegations, and
  - Not providing the employee with personal gain.
- 1.5 It should be emphasised that this policy is intended to assist individuals who have a **reasonable, honest belief** that they have discovered malpractice or serious wrongdoing provided that they make the disclosure in accordance with the policy. They do not need proof. The policy is not designed to question financial or business decisions taken by the BTPA or BTP nor may it be used to reconsider any matters which have already been addressed under harassment, complaint or disciplinary procedures. Individuals who make disclosures outside the arrangements set out here will not be protected under this policy and may not be protected under the PIDA.
- 1.6 The Responsible Officer – The Chief Executive and Accounting Officer - has overall responsibility for the maintenance and operation of this policy, maintains a record of concerns raised and the outcomes, and will report as necessary to the Authority's Audit & Risk Assurance Committee. The Chief Financial Officer is the Deputy Chief Executive and should be contacted in the absence of the Responsible Officer.
- 1.7 The Chair of the Audit & Risk Assurance Committee is the lead Authority member for Whistle-blowing and should be contacted if your concern relates to BTPA senior management. Other places you can report are listed in Section 2.7.
- 1.8 A list of other relevant policies, including the BTP Confidential Reporting & Whistle-blowing policy are included in Appendix A.

## 2 AIMS AND SCOPE OF THIS POLICY

2.1 The policy aims to:

- encourage employees to feel confident in raising serious concerns and to question and act upon concerns about practice;
- provide avenues to raise concerns in confidence and receive feedback on any action taken;
- allow the matter to be taken further if there is dissatisfaction with the BTPA's response, and
- Provide reassurance that employees will be protected from reprisals or victimisation for whistle-blowing in good faith.

2.2 This policy is not intended to replace either the Authority or BTP People & Culture policies, including Grievance Policies. Grievances are concerns, problems or complaints raised by a staff member with management. Anybody may at some time have problems or concerns with their working conditions or relationships with colleagues that they wish to raise. Sometimes an employee believes they are blowing the whistle when, in fact, their complaint is a personal grievance. Please refer to Appendix A.

*N.B. This policy does not supersede the requirements under the BTP/A Anti- Fraud and Corruption Policy and Financial Regulations immediately to inform the Chief Executive and Accounting Officer or Authority Chief Financial Officer of any financial and accounting irregularities or suspected irregularities.*

### **Legislative Framework**

2.3 The Public Interest Disclosure Act (PIDA) 1998 exists to provide protection to individuals who make certain disclosures about wrongdoing or safety in the workplace where it is in the wider public interest to do so. This protection from dismissal or detriment is dependent on any disclosures being made in good faith and in a prescribed way. The Employment Rights Act 1996 (as amended by the PIDA) sets out how workers may make such disclosures in a way that will attract the protection provided by the PIDA.

2.4 Workers who make a disclosure under the BTPA whistleblowing policy should believe that they are acting in the public interest. This means in particular that personal grievances and complaints are not usually covered by whistle-blowing law.

2.5 The protected disclosures afforded the PIDA protection, for instances either past or present, are:

- Conduct which is an offence or a breach of the law;
- Failure to comply with a legal obligation;
- Disclosures related to miscarriages of justice;
- Health and safety risks including risks to the public as well as other employees;
- Damage to the environment, and
- Deliberate covering up of any of the above matters.

2.6 In addition, the following major concerns will be covered in this policy:

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- The unauthorised use of public funds and resources
- Possible fraud and bribery or irregularity
- National security threat (e.g. failure to follow vetting procedures)
- Sexual, physical or psychological abuse; or
- Other unethical conduct.

This is not intended to be a comprehensive list and any matters raised under this policy will be considered seriously.

2.7 To apply PIDA protection, reports must be deemed to be 'reasonable and proportionate'. This means, the person or body to whom a report is made should be able to be justified. It is encouraged to report concerns internally. However, in good faith, PIDA allows information to be disclosed outside the organisation to:

- The National Audit Office (the BTPA external auditor)
- A legal advisor, in the course of obtaining legal advice;
- A Government Minister, if the worker is employed in a Government organization – this can be done via the DfT counter-fraud team whose hotline is **07827 843953**, email: [Counter-FraudBribery@dft.gov.uk](mailto:Counter-FraudBribery@dft.gov.uk),
- A Prescribed Regulator (for England, Wales and Scotland) as set out in the guidance on whistleblowing provided by the Department for Business, Energy and Industrial Strategy (BEIS). In general, these 'persons' are regulatory or supervisory bodies such as the Criminal Case Review Commission, the Independent Office for Police Conduct or the Health & Safety Executive. A full list of prescribed organisations is in Appendix A; or
- Another person, where, under the circumstances it is reasonable to do so. E.g. if the concern is exceptionally serious, requiring immediate public and independent scrutiny.

2.8 Reporters should be mindful that any release of information held by the BTP in breach of force policy or provisions may result in disciplinary action and/ or criminal investigation. A potential Reporter is therefore strongly encouraged to seek independent advice before releasing information to an external party .

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### **3 SAFEGUARDS**

- 3.1 The Authority is committed to good practice and high standards and wants to be supportive of all employees.
- 3.2 Harassment or Victimisation - BTPA recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Authority will not tolerate harassment or victimisation and will do what it lawfully can to protect you when you raise a concern in good faith. An instruction to cover up illegal or unethical conduct is itself a disciplinary offence. Even if told by someone in authority not to pursue a concern, individuals should not agree to remain silent.
- 3.3 Confidentiality - The Authority will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential to all except the recipient of the report, so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required. Any documents should be noted as Official – Sensitive and care taken by the Responsible Officer to share only to restricted addressees as required.
- 3.4 Untrue Allegations - If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. If, however, the investigation shows that an individual was seeking to make personal gain or has made malicious or vexatious allegations and particularly if he or she persists with making them, which they know to be untrue, they may be subject to disciplinary action.

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### 4 PROCEDURES FOR RAISING A CONCERN

- 4.1 All employees and contractors are expected to report wrongdoing of which they become aware as soon as practicable.
- 4.2 As an initial step, employees should normally raise concerns either verbally or in writing to their immediate Line Manager. It has the advantage of enabling an immediate response, where appropriate, and direct feedback. However, this depends on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. If the employee feels it is more appropriate, any member of the Senior Leadership Team can be contacted, or the Authority Chief Executive and Accounting Officer may be contacted directly. In exceptional circumstances, for example if the concern involves senior management, the employee is able to go beyond the Chief Executive to:
- The Chair of the BTPA Audit and Risk Assurance Committee (lead Member for whistle-blowing);
  - The Heads of Internal Audit or External Auditor;
  - Other Police forces;
  - Health and Safety Executive, or
  - The independent charity Public Concern at Work (020 7404 6609)
- 4.3 They will be invited to set out the background and history of the concern, giving names, dates and places where possible, and the reasons why they are particularly concerned about the situation. If they do not feel able to put their concern in writing, they can telephone or meet the appropriate person they have contacted.
- 4.4 The earlier the concern is expressed, the easier it is to take action.
- 4.5 Although they are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for their concern.
- 4.6 Anonymous disclosures - This policy encourages individuals to put their name to any disclosures they make. However, an employee making a complaint has the right to raise their concern in confidence. Anonymity cannot be protected where this would have an adverse effect on any disciplinary, civil or criminal proceedings. In exercising discretion, the factors to be taken into account will include:
- The seriousness of the issues raised;
  - The credibility of the concern; and
  - The likelihood of confirming the allegation from alternative credible sources.
- 4.7 An employee may use the '[Speak up](#)' function available on the Intranet to anonymously submit a concern to BTP's Professional Standards team, which can be passed back to the BTPA Responsible Officer.
- 4.8 An employee may reasonably make a whistle blowing report anonymously outside of the BTPA if the following applied:
- The worker reasonably believed that he or she would be victimised if the disclosure had been made to the employer or to a prescribed person;
  - There was no prescribed person and the employee reasonably believed that disclosure to the employer would result in destruction or concealment of evidence, or

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- The employee had already disclosed substantially the same information to the employer or prescribed person without effect. However, individuals must only use this policy whilst employed by the Authority.

### 5 THE AUTHORITY'S RESPONSE

- 5.1 The action taken by the Authority will depend on the nature of the concern. All reporters of concerns will have their receipt acknowledged within ten working days. BTPA, after consideration, may decide that the matter raised might:
- Be investigated internally – within BTPA or seeking additional resource from within BTPA's Professional Standards team
  - Be referred to the Police
  - Be referred to the external Auditor
  - Form the subject of an independent inquiry.
- 5.2 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. All action involved will be proportionate to the seriousness of the original concern.
- 5.3 The person receiving the whistle blowing allegation will be responsible for ensuring that it is investigated properly and shared with the Responsible Officer. The nature of the investigation will depend upon the concern raised.
- 5.4 As soon as practical, but within ten working days, the receiver of the report will write to the Reporter to:
- Acknowledge receipt of the report,
  - Outline the initial enquiries made or other steps taken,
  - Indicate the proposed method of dealing with the concern, e.g. grievance resolution, referral to Professional Standards Department, local line management intervention etc,
  - Provide an estimate of the timescales involved where possible, or
  - Provide an explanation for not pursuing the matter where appropriate.
- 5.5 The person raising the concern will be given as much information as possible on updates and the outcomes of the investigation, subject to the constraint of the Authority's duty of confidentiality to employees, or any legal constraint. Periods between updates should not exceed 28 days. The information provided should be sufficient to ensure that a person expressing a legitimate concern can be assured that the matter has been addressed.
- 5.6 Note, those reporting confidentially will not receive updates.

### 6. Supporting the Reporter

- 6.1 It is recognized that speaking up or reporting concerns isn't easy. Support must be tailored to the individual situation.
- 6.2 The PIDA legislation seeks to reassure reporters that they will be supported should they suffer detriment for speaking up in line with the criteria in Section 2. An employee can seek redress through an employment tribunal,



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if they suffer detriment.

- 6.3 Line Managers or the recipient of a report must display positive leadership and never discourage the reporting of concerns. Where employees have trust in their immediate line manager and are confident that they will be supported from the outset, the overall efficacy of this, and related processes, is enhanced.
- 6.4 The relevant managers must maintain a record of issues raised, any support offered and any support that is taken up. It must be particularly noted that a Reporter may be suffering increased levels of stress either within or outside the workplace. Managers and supervisors should be particularly alert to the potential effects of this on an individual, and can signpost to Wellbeing services. Where individuals are absent from work as a result of such effects, support will be given to enable them to return to work as soon as possible.

**Appendix A – Policies and further information**

Speak Up portal [Link](#)

BTP Confidential Reporting & Whistleblowing Policy (for BTP officers and police staff) [Link](#)

Joint BTPA / BTP Anti-Fraud and Corruption [Link](#)

PSD Policy Booklet [Link](#)

Wellbeing Portal [Link](#)

Grievance Policy [Link](#)

Discipline (Police Staff) [Link](#)

Unsatisfactory Performance Policy (Police Staff) [Link](#)

BTP Complaints and Misconduct Regulations (2020) [Link](#)

BTP Performance Regulations (2020) [Link](#)

Standards of Professional Behavior [Link](#)

Dealing with Vexatious and Malicious Grievances [Link](#)

Full List of Prescribed Persons (as at October 2023) [Link](#)