



Tay Road Bridge

TAY ROAD BRIDGE JOINT BOARD

Whistleblowing Policy

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Purpose	To encourage and assist employees to report any concerns they have about possible fraud or other wrongdoing in connection with Tay Road Bridge Joint Board operations or activities and to ensure that all concerns reported are dealt with thoroughly and consistently.
Scope	The policy applies to all those directly employed by the Tay Road Bridge Joint Board and to agency, casual and supply workers and contractors who are working for or on behalf of the Tay Road Bridge Joint Board. For the purposes of this policy, all those groups are 'employees'.

WHISTLEBLOWING POLICY

Introduction

The Tay Road Bridge Joint Board aims to deliver the best possible services it can to users of the Tay Road Bridge. One of the ways it does this is by operating to the highest standards of conduct. It will always try to act openly, honestly and ethically and it expects that everyone who works for or with the Tay Road Bridge Joint Board will do the same.

The Tay Road Bridge Joint Board needs to know where these standards are not being met – where fraud, misconduct or other wrongdoing may be taking place. Actions like these can have a negative impact on those who depend on us for services. They also damage the Tay Road Bridge Joint Board's reputation and reduce people's trust in us. If we are made aware of wrongdoing we can investigate and stop it. In addition, work will be done to tighten the internal control environment so that the risk of these issues happening again is reduced.

Those who work for or with the Tay Road Bridge Joint Board will usually be in the best position to become aware of possible wrongdoing. Where they do, it is essential that they report their concerns to the correct people in the Tay Road Bridge Joint Board. The purpose of this policy is to encourage employees to report suspicions of wrongdoing and to ensure that such reports will be taken seriously and dealt with thoroughly, appropriately and in a consistent way.

The reporting of suspected wrongdoing at work is often described as 'whistleblowing'. Employees who 'blow the whistle' are, subject to certain conditions, regarded by law as making a 'protected disclosure'. The terms of the Public Interest Disclosure Act 1998 (PIDA) give employees protection against suffering harm for having made such a disclosure. This policy and its supporting procedures incorporate the protection given by the Act.

Policy Statement

The Tay Road Bridge Joint Board will encourage and assist employees to 'blow the whistle' – to report any reasonable concern, they have about possible wrongdoing at or in connection with its work. The Tay Road Bridge Joint Board will support those who 'blow the whistle'

and ensure that they suffer no harm as a result of reporting or trying to report a concern. It will consider every report and act appropriately on the findings of investigations.

The Tay Road Bridge Joint Board will act openly and transparently in dealing with concerns. Whilst it will try to address issues through its own processes, it will invite the involvement of external agencies immediately if this is required.

The remainder of this policy and its supporting procedures describes the principles the Tay Road Bridge Joint Board will observe and the actions it will take to meet these commitments.

Scope

This policy is about dealing with issues which are in the 'public interest'. The matters that it will address are described immediately below.

The policy is not for dealing with employees' personal issues e.g. complaints about contracts of employment. These should be raised and will be dealt with under the terms of the Tay Road Bridge Joint Board's Grievance Procedure or another appropriate procedure.

However, the overriding priority is that genuine concerns about wrongdoing are reported and reported promptly. It is preferable that a concern is reported under a procedure which is not applicable to the particular case rather than not reported at all.

'Employees'

Those who become aware of/or witness wrongdoing in relation to Tay Road Bridge Joint Board work may be directly employed by the Tay Road Bridge Joint Board, may be agency, casual or supply workers or may be contractors. Consequently, for the purposes of this policy, the term 'employee' includes all of these categories.

What Should Be Reported?

An employee should report their concerns where they believe that an of the following has happened, is happening or is likely to happen:-

- a criminal offence e.g. fraud stealing from the Tay Road Bridge Joint Board or its service users, abuse of Tay Road Bridge users
- the improper use of Tay Road Bridge Joint Board or other public funds or any other financial irregularity
- the improper use of Tay Road Bridge Joint Board assets e.g. information, equipment (including IT), vehicles or buildings
- bribery i.e. payment for favours or to influence decisions or behaviour or any other corrupt activity

- a failure to comply with a legal obligation e.g. a statutory duty to provide a certain level of care
- an action or a failure to act which endangers the health or safety of an individual(s) e.g. failure to comply with a safety policy or procedure or a safe system of work
- an action damaging the environment
- a miscarriage of justice
- the concealment of information about any of the above

Principles

In implementing this policy, the Tay Road Bridge Joint Board will:-

- make it as simple and straightforward as possible to report a concern – offering a range of methods and enabling 24/7 and anonymous reporting
- protect employees who report genuine concerns from any form of harm or disadvantage because they have reported or intend to report a concern
- take disciplinary action against any employee who is found to have bullied, victimised, harassed or in any way acted against an employee because they have reported a concern or intend to do so.
- treat all reported confidentially and protect, as far as possible, the identity of an employee who makes a report and does not wish their identity to be known
- deal with anonymous reports on their merits and investigate these as far as is appropriate and possible
- where possible, acknowledge the receipt of all reports and inform the reporting employee of the progress of any investigation and its outcome
- ensure that employees who are thinking about reporting a concern or who have already done so are aware of the internal and external sources of advice and support available to them
- deal with suspected wrongdoing through its internal processes as far as is possible but involve external agencies immediately if it becomes necessary to do so

- ensure that all supervisors and managers are enabled, through induction, information and other support, to promote this policy and to respond appropriately where an employee reports a concern to them

Reporting Concerns

Employees will be able to report concerns in a variety of ways.

Preferably, they will speak to their supervisor/manager. However, they may not feel able to do that e.g. their supervisor may be involved in the suspected wrongdoing or the individual may just want to make an anonymous report. Whatever the reason, if an employee wants to take another route, they can:-

- speak to a senior manager at the Tay Road Bridge Joint Board or any Board Officer at Dundee City Council.
- report online
 - on Dundee City Council's internet site: Visit: <https://www.dundee.gov.uk/service-area/corporate-services/corporate-finance/whistleblowing-and-fraud-reporting> or
 - on Dundee City Council's intranet site: Visit: <https://www.dundee.gov.uk/service-area/corporate-services/corporate-finance/whistleblowing-report-suspected-wrongdoing>
- e-mail to whistleblowing@dundee.gov.uk
- telephone 01382 431250 or 0300 123 5829
- send a letter to: Dundee City Council, Corporate Services Department, Corporate Fraud Team, 50 North Lindsay Street, DUNDEE, DD1 1NZ
- seek the help of their Trade Union

Employees should report their concerns to the Tay Road Bridge Joint Board in the first instance, but are entitled to raise their concerns with external bodies – 'prescribed persons' – which in Scotland are principally the Secretary to the Accounts Commission for Scotland and the Auditor General for Scotland.

Employees will be told about this option but it will be stressed that they should use internal processes first.

Protecting Employees who Report Wrongdoing

The Tay Road Bridge Joint Board will ensure that no employee suffers harm or disadvantage because they have reported or intended to report a concern about suspected wrongdoing provided that they:-

- i. have reasonable grounds to suspect the wrongdoing, and
- ii. are not acting maliciously or for personal gain

An employee who reports a concern on this basis is automatically protected by law against dismissal or having done so. The Tay Road Bridge Joint Board will protect the employee from suffering any detriment e.g. harassment, victimisation or discrimination because they have made or intend to make a report.

Any employee suspected of bullying, harassing, discriminating against or taking any other action against an employee because they have reported suspected wrongdoing or in order to deter them from doing so will be subject to the terms of the Disciplinary Procedure.

The Tay Road Bridge Joint Board recognises that reporting a concern about wrongdoing may be difficult and stressful. It will therefore offer the employee support and assistance e.g. confirm the various protections to which they are entitled and, where appropriate, offer counselling and advise them of the various sources of information, advice and support which are available, internally and externally.

Dealing with Reports

All reports, however they are received, will be shared with Dundee City Council's Head of Human Resources and Business Support, Dundee City Council's Senior Manager – Internal Audit and the Clerk of the Tay Road Bridge Joint Board. They or their delegated officer will determine how to respond e.g. whether an investigation or other action is required and how this should be progressed.

It is likely that an employee who reports a concern will be asked to a meeting to discuss it. If that happens they will have the right to be accompanied by a work colleague or a trade union representative.

The action taken in response to a reported concern will depend on the nature of the concern. The Tay Road Bridge Joint Board may:-

- carry out an internal investigation (HR, Internal Audit and/or Corporate Fraud Team)
- deal with the matter through an internal procedure
- refer the issue to the Police and/or external auditors,

- refer the issue to an external public or regulatory authority
- bring in external specialists to investigate where required

It may be that no investigation is required.

It is impossible to be prescriptive about how a concern will be dealt with. All reports will be considered seriously, on their merits and as quickly as is reasonably possible. The nature of a concern will determine the nature, type and extent of any investigation required and the reasonable length of any such investigation. However, as soon as it is clear that this is to exceed three months, there should be a review meeting involving Dundee City Council's Head of Human Resources and Business Support, and/or Dundee City Council's Senior Manager – Internal Audit and/or the Clerk of the Tay Road Bridge Joint Board.

Confidentiality

The Tay Road Bridge Joint Board will, as far as is reasonable possible, protect the identity of an employee who makes a disclosure and does not wish their identity to be known.

However, identifying the employee may be unavoidable in the course of investigations or formal proceedings e.g. where a statement is required or if the issue has to be referred to an external agency.

Anonymous Reporting

A key aim of this policy is to give employees the confidence to report concerns 'openly'. However, the Tay Road Bridge Joint Board recognises that it may receive anonymous reports of wrongdoing. Where this happens, it will take action after considering the seriousness of the alleged wrongdoing, the credibility of the report and the availability of alternative and attributable sources to support or not, what has been reported.

Anonymous reports are not the preferred option. However, the Tay Road Bridge Joint Board would prefer to be told about wrongdoing anonymously rather than not hearing about it at all.

Feedback to Employee who Raise Concerns

Unless they request otherwise, the Tay Road Bridge Joint Board will write to an employee who submits a concern, acknowledging its receipt, within five working days. It will maintain contact with the employee, telling them as much of the following as possible:-

- how the report will be dealt with
- how long this is likely to take
- whether their further involvement is required and, if so, how
- how the matter has been dealt with
- the name and details of a person they can contact if they wish to discuss anything relating to the concern

If the employee wishes, and subject to any legal and/or confidentiality constraints, the Tay Road Bridge Joint Board will let the employee know the outcome of their report. Where they cannot be given any or full details, the Tay Road Bridge Joint Board will tell them as much as it can and explain why there are matters that it cannot tell them about.

Where an employee's report of suspected wrongdoing proves to be unfounded they will not be subject to any action against them provided that they had reasonable grounds to suspect wrongdoing and were not acting maliciously or for personal gain.

However, an employee who is found to have reported wrongdoing without reasonable cause, for personal gain or with malicious or other inappropriate intent will be subject to the terms of the Disciplinary Procedure.

Supporting Employees

Employees with questions or concerns about whistleblowing and/or this policy can contact the Head of Dundee City Council's Human Resources and Dundee City Council's Senior Manager - Internal Audit, or Clerk of the Tay Road Bridge Joint Board or their Trade Union. They can get personal information at the ACAS website at:-

Visit <http://www.acas.org.uk/index.aspx?articleid=1919> or get specific help from the independent charity Protect <https://protect-advice.org.uk>

Communication and Training

The terms of this policy will be communicated to all employees following its approval and then be the subject to regular 'refresher' publicity campaigns. Supervisors and managers will be given information and support to carry out their responsibilities and the policy will be included in all induction training.

Recording and Reporting

Dundee City Council's Head of Human Resources and Business Support and Dundee City Council's Senior Manager – Internal Audit and the Clerk of the Tay Road Bridge Joint Board will be responsible for recording all reports received and the action taken in response. The Clerk of the Tay Road Bridge Joint Board will report on activity to the Tay Road Bridge Joint Board annually.

