



Whistleblowing policy

City region
Rural powerhouse

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1 Introduction

1.1 This policy provides a framework for employees, workers, and contractors to raise concerns about issues happening at the Combined Authority. For example, health and safety risks, criminal or unlawful activity, or activities that could damage the environment. It sets out how concerns can be raised and the protection that people working for the Combined Authority have if they raise an issue.

1.2 This policy covers concerns raised by employees, workers, and contractors. It reflects the specific protections they have in law when making a protected disclosure. This is also known as raising a whistleblowing concern or blowing the whistle. Further information on what a protected disclosure is, and who the law protects is set out below.

1.3 York and North Yorkshire Combined Authority is committed to maintaining high standards of integrity and accountability. It aims to create an open environment in which employees and those working on behalf of the Combined Authority can raise issues and be confident that they will be acted upon. The Combined Authority's message to anyone working for the Combined Authority is straightforward - if in doubt, raise it!

1.4 The Public Interest Disclosure Act 1998 (PIDA) is the law that protects people against detrimental treatment or dismissal if they make a protected disclosure. It is part of the Employment Rights Act 1996. This policy is designed to reflect the legislation (PIDA 1998 was updated by the Enterprise and Regulatory Reform Act 2013) as well as guidance from the government and other organisations. (Whistleblowing guidance has been issued by the Department for Business, Energy & Industrial Strategy, the National Audit Office and the charity, PROTECT).

1.5 A guide for managers and other employees on what to do if they receive a whistleblowing report is contained in appendix A of this policy. A training package for managers on whistleblowing can be found on the Combined Authority's Learning Zone. The Learning Zone also includes a training package for all employees about whistleblowing. This provides further information on the issues set out in this policy.

2 Aims and scope of the policy

2.1 This policy aims to:

- encourage workers to raise concerns they have about their workplace or working practices
- make sure managers know what a whistleblowing concern is and how they must address it
- ensure that workers receive a response to any concern raised
- inform workers about how they can pursue an issue further if they are not satisfied with the action taken by the Combined Authority.

- reassure workers that they will be protected from dismissal or negative treatment if they raise concerns

2.2 This policy applies to most people working for the Combined Authority. This includes employees, workers, agency personnel, contractors and staff seconded to or from a third party. Throughout the rest of the policy, the terms worker, or workers is used to mean anyone covered by the policy and the protections of PIDA.

2.3 PIDA does not provide protection under the law for job applicants, genuinely self-employed workers, or volunteers.

Definitions

2.4 Protected disclosures are concerns raised that are protected under PIDA. To be a protected disclosure, anyone raising a concern must:

- reasonably believe that their concern is in the public interest – this is explained in paragraph 2.6
- reasonably believe their concern is a type of wrongdoing covered by the law – a list of the types is included in paragraph 2.7
- raise it in a way that that is in accordance with the law – further information on this is provided in section 7

2.5 A reasonable belief is one where the whistleblower has some reasonable grounds or basis for believing there has been wrongdoing. It does not actually have to be true. For example, it does not matter if it turns out they were mistaken if they had reasonable grounds for believing it when they originally raised the concern.

2.6 An issue in the public interest means that it will usually affect people other than just the person raising it. Something that relates only to an individual's own employment may not be covered by the law. Although there are some circumstances when this could still be in the public interest. For example, an issue about bullying or harassment that reflects a wider cultural issue in a team. This policy is intended to cover workers raising an issue in the public interest. If a person needs to address a problem that relates only to their own employment, then they should refer to the Resolving Issues at Work Policy.

2.7 The list below sets out the types of concerns that qualify for protection under the law if they are raised.

- A criminal offence – for example, corruption, theft, or fraud
- Failure to comply with a legal obligation such as a statutory requirement, a contract, or common law obligations (for example, negligence)
- A miscarriage of justice
- Health and safety risks. This includes risks to anyone, not just workers – for example, risks to customers and service users

- Environmental damage – any wrongdoing that endangers or damages the environment
- Cover up. This includes anything where wrongdoing in any of the above areas has been deliberately concealed

3 Safeguards

3.1 The Combined Authority recognises that a decision to report a concern can be a difficult one. In many cases it is workers who are best placed to learn of wrongdoing within service areas or to hear about issues where standards have fallen below those that the Combined Authority and public expect. The Combined Authority is grateful to everyone who reports their concerns.

3.2 Workers should have nothing to fear by reporting their concerns if they have grounds for believing what they are reporting is true. Even if it is later found to be incorrect. No action will be taken against anyone genuinely reporting a concern.

3.3 While rare, deliberately false reports are sometimes made. If false or deliberately misleading information is provided, then this would be considered a serious matter. It could result in action being taken under the Combined Authority's disciplinary policy. Equally, deterring another worker from reporting a genuine concern is also a serious matter and may result in disciplinary action being taken.

3.4 The Combined Authority will not tolerate any negative treatment (including harassment or victimisation) of a worker who has raised a whistleblowing concern, by anyone (including colleagues and managers). Any allegations of negative treatment of someone raising a concern will be investigated. Where evidence of mistreatment is found then this could result in disciplinary action being taken.

3.5 The Combined Authority recognises that workers may want to raise a concern in confidence under this policy. If a worker asks the Combined Authority to protect their anonymity, then efforts will be made to protect their identity from being disclosed. However, this cannot be guaranteed. For example, if evidence needs to be presented in court, or revealed as part of a subsequent investigation. If it becomes clear that a whistleblower's anonymity cannot be protected, then this will be discussed with them before any disclosure is made.

3.6 The Combined Authority encourages workers to put their names to information they disclose. Concerns expressed anonymously will be considered by the Combined Authority. However, they can be harder to investigate. This may make it more difficult to gather evidence to confirm wrongdoing. It will also not be possible to provide feedback to an anonymous whistleblower during or following an investigation. Anonymous reports are however preferred to silence.

4 How to raise a concern

4.1 Many whistleblowing concerns are raised and properly addressed within individual service areas. In most cases, workers are therefore encouraged to raise concerns with their line manager in the first instance. (People raising a concern may not directly say they are whistleblowing or making a protected disclosure. It is therefore essential that managers understand when an issue raised with them would be considered whistleblowing. Further information is available in the guidance notes included with this policy. Training is also available through the Learning Zone. Managers can also contact Veritau for advice on any issues raised.) Line managers will provide feedback to the whistleblower about the action they are taking. Contractors should report issues to the Combined Authority's designated contract or client manager.

4.2 Concerns do not have to be made in writing. Any issues raised verbally will be treated just as seriously.

4.3 If a worker raises an issue with their line manager but it is not adequately addressed or if the concern involves the line manager, then they should speak to a more senior officer.

4.4 The Combined Authority recognises that there may be times when whistleblowers feel unable to speak to anyone in their own service area. For example, if they believe the issue involves more senior officers or if the issue has already been raised through the normal channels but has not been addressed. In this situation workers can contact the Combined Authority's independent whistleblowing hotline on 0800 9179 247, which is overseen by Veritau.

4.5 If anonymous concerns are raised through social media, then they will be considered under the more general counter fraud or complaints policies unless it is beyond doubt that the person raising the concern would fall under the whistleblowing policy.

5 How the Combined Authority will respond

5.1 All whistleblowing reports will be carefully considered. Initial enquiries will be made to help decide whether an investigation is needed or what action may be required.

5.2 The Combined Authority aims to acknowledge all whistleblowing reports within five working days. The line manager or other officer dealing with a whistleblowing issue will try to write or speak to the whistleblower promptly, to provide additional information on what is being done. For example, whether an investigation is needed or if specific action is to be taken.

5.3 If an investigation is undertaken, the line manager or investigating officer will provide feedback on the outcome, and details of action to be taken as far as possible. Although it may not always be possible to provide full details. For example, it would not be appropriate to share personal data about other people.

6 Investigation and reporting process

6.1 The steps line managers need to take will depend on the nature, complexity, and seriousness of the issue raised. An outline of the process managers should follow is set out below. Further information for managers on who they need to inform about whistleblowing issues is set out in the guidance at appendix A.

6.2 Straightforward whistleblowing issues may be dealt with directly by line managers. The manager must ensure the requirements for acknowledging concerns and providing feedback are followed (see section 5 above). When the issue has been dealt with, the line manager must provide details to Veritau of the concern raised and the outcomes (Veritau keeps a record of all whistleblowing concerns raised, on behalf of the Combined Authority).

6.3 For more complex cases, and any case involving suspected fraud, corruption, or theft, managers must refer the issue to Veritau at the outset. Veritau will liaise with the manager to decide how the issue should be investigated. The officers assigned to investigate each case will depend on the nature of the issue. For example, safety issues may be investigated by the Health & Safety Team, alleged fraud or criminality by the Counter Fraud Team, or employment issues by the manager or a manager from another team, with support from Human Resources.

6.4 The amount of contact between officers investigating whistleblowing concerns and the whistleblower will depend on the nature of the matters raised and the clarity of the information provided. If necessary, further information may be sought from the whistleblower.

6.5 If a face to face meeting is necessary or desirable the whistleblower has the right, if they so wish, to be accompanied by a Union representative or a colleague who is not involved in the area of work to which the concern relates.

6.6 The Combined Authority will take steps to support whistleblowers during an investigation, where possible. For example, if they are required to give evidence in any proceedings, the Combined Authority will provide advice and support with the process as far as appropriate. Whistleblowers should contact HR if they suffer any negative treatment as a result of raising an issue. Investigating managers should be alert to the possibility of a whistleblower being mistreated and should liaise with the Head of HR or relevant HR business partner if they have concerns.

6.7 All whistleblowing issues raised will be logged centrally by Veritau. The Chief Executive, CFO / s73 officer, and Monitoring Officer will be notified of relevant whistleblowing issues. Numbers of whistleblowing concerns raised and significant trends will also be reported annually to the Audit Committee.

7 How matters can be taken further

7.1 This policy aims to provide workers with the means to raise concerns within the Combined Authority. If workers have reported an issue in accordance with the policy, but are not satisfied that it has been addressed then they may contact the following prescribed bodies:

- the Combined Authority's External Auditor – Mazars
- the NSPCC or Ofsted (for concerns about children at risk of abuse). The NSPCC and Ofsted offer dedicated national whistleblowing hotlines or visit [Ofsted](#) for further details.
- relevant professional bodies or regulatory organisations, for example, the Information Commissioner's Office, Care and Quality Commission (CQC), and the Health and Safety Executive. The Department for Business, Innovations and Skills maintains [a list of prescribed persons and organisations who may be contacted](#).

7.2 Disclosure of issues to a non-prescribed body (such as a newspaper or through social media) does not provide whistleblowers with protection under PIDA. Workers who are considering making a disclosure, other than to the prescribed bodies, should obtain specialist legal advice before doing so.

8 Independent advice

8.1 Free confidential advice on how to raise a concern about malpractice at work can be sought from the independent charity PROTECT. They can be found at [PROTECT](#), or contacted by email at info@protect-advice.org.uk. The charity's lawyers can give free confidential advice about how to raise a concern about serious malpractice at work.

9 Data protection

9.1 When managing whistleblowing reports, the Combined Authority processes personal data collected in accordance with its information governance policies. Data collected following receipt of a whistleblowing concern is held securely. It is only accessed or disclosed to individuals as necessary to manage, investigate, or take action in relation to the concern raised.

10 Review of the policy

10.1 This policy will be reviewed at least every three years or when any significant changes to whistleblowing legislation, guidance or case law occurs.