

Whistleblowing Policy & Procedure

Corporate Services

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1. Policy purpose

Purpose

- 1.1. West Yorkshire Combined Authority (the Combined Authority) is committed to creating an environment with the highest possible standards of openness, probity and accountability. In accordance with this commitment we encourage employees and others with serious concerns about any aspect of the Combined Authority's work to come forward and voice those concerns without fear of reprisal.
- 1.2. This Policy sets out how to report whistleblowing concerns and how those concerns will be dealt with. These include something the whistleblower believes goes against the core values of Standards in Public Life and the Code of Conduct for members of the Board and staff. In particular members of the Board, as key decision makers, have a right and a responsibility to speak up and report behaviour that contravenes these values.

Definitions

- 1.3. Various terms will be used throughout this Policy that may be unfamiliar but for the avoidance of doubt these are defined as follows:
 - Whistleblowing - where an individual who has concerns about a danger, risk, contravention of rules or illegality provides useful information to address this. In doing so they are acting in the wider public interest, usually because it threatens others or impacts on public funds. By contrast, a grievance or private complaint is a dispute about the individual's own position and has no or very limited public interest.
 - Whistleblower – this is a person making a protected disclosure in the public interest under this Policy. They might be an employee, a Combined Authority or LEP Board Member, a contractor, a third party or a member of the public.
 - Combined Authority – West Yorkshire Combined Authority; the accountable body for the LEP and the employer of staff who advise and carry out work for the LEP.
 - LEP – The Leeds City Region Enterprise Partnership
 - Responsible Officer - this is the person with overall responsibility for maintaining and operating this Whistleblowing Policy. They will maintain a record of concerns raised and the outcomes (but will do so in a form that does not endanger confidentiality) and will report to senior decision makers as necessary.
 - Relevant Concern – something the whistleblower has been asked to do, or is aware of, which they consider to be wrong-doing and is in the public interest to raise.
 - Protected disclosure- is a matter that is a relevant concern which qualifies for protection under the Public Interest Disclosure Act 1998.
 - The Standards in Public Life, also known as 'the Nolan Principles', include the principles of integrity, objectivity, accountability, openness, honesty, leadership and impartiality. These should be followed by all public sector employees and post holders.

Policy Statement

- 1.4. The Combined Authority recognises that individuals may often be the first people to realise that there may be something wrong within the organisation. This Policy aims to:
- Encourage people to feel confident about raising serious concerns and to question and act upon their concerns without fear of reprisal, victimisation or harassment;
 - Provide avenues for individuals to raise those concerns and receive feedback on any action taken;
 - Allow people to take the matter further if they are dissatisfied with the response; and
 - Reassure all whistleblowers (but employees in particular, who may have specific concerns about their position and employment status) that they will be protected from possible reprisals or victimisation if they have made a disclosure in the public interest.

Scope

- 1.5. This Policy applies to anyone concerned about something they believe is happening at the Combined Authority, and the Leeds City Region Enterprise Partnership (LEP). This includes staff, customers and third parties, including members of the public.
- 1.6. It details the legal protections available to all employees, irrespective of grade or role. The Combined Authority is also the accountable body for the Leeds City Region Enterprise Partnership (LEP) and for the avoidance of doubt where employees of the Combined Authority are acting on behalf of the LEP they remain covered by this Policy.
- 1.7. The Policy also applies to contract staff, consultants, contractors, temporary workers and joint venture partners, and where reference is made to employees in the Policy and process guidance this should be interpreted as also including this wider extended group.

Objectives

- 1.8. The Combined Authority are committed to using this Policy to:
- provide clear rules and guidance to enable the raising of relevant concerns related to activities associated with the Combined Authority and/ or the LEP;
 - respect the right of colleagues to raise their concerns and respond to these appropriately;
 - deter those considering making malicious or vexatious allegations;
 - advising individuals of the correct procedure to follow depending on the nature of the concern being raised; and
 - provide advice and guidance on raising concerns and ensure compliance with legislation on this area.

2. Regulatory and Compliance

- 2.1. This Policy is focussed on providing appropriate means for whistleblowers to raise relevant concerns and offer protection for those employed by the Combined

Authority from potential reprisal under the Public Interest Disclosure Act 1998 (PIDA) as a result of making a protected disclosure.

- 2.2. Any suspicions of fraud, corruption and/ or money laundering covered by the Fraud Act 2006, Bribery Act 2010, Money Laundering Regulations 2017 and Proceeds of Crime Act 2002 among others concerning theft and forgery can be reported using the procedure set out in this Policy.
- 2.3. A concern may also relate to a breach of any number of employment and Health and Safety laws and regulations such as the Equality Act 2010, the Health & Safety at Work Act 1974. The Enterprise and Regulatory Reform Act 2013 also introduced a number of changes to the protection of whistleblowers which this Policy complies with.
- 2.4. The Combined Authority is subject to the Public Sector Equality Duty (PSED) and is legally required to have due regard to the need to:
 - Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
 - Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
 - Foster good relations between people who share a protected characteristic and people who do not share it.

3. Related policies and strategies

- 3.1. The Combined Authority (including the LEP) has a Complaints Policy and procedures available on their websites that in many cases will be more appropriate for third parties or members of the public to follow without going through the whistleblowing process. However, if a member of the public or third party believes that their complaint fits the description of a 'relevant concern', they may report their concerns through the Whistleblowing Policy Procedure.
- 3.2. Internal whistleblowers should consider, before raising a concern under this policy, whether it is actually more appropriate to do so under one of the Combined Authority's workforce policies first:
 - Grievance Policy
 - Employee Equality and Diversity Policy
 - Anti-bullying and Harassment Procedure
- 3.3. This Policy also has direct links to the following:
 - The **Code of Conduct Policy**- which explains the levels of integrity expected of the Combined Authority's employees, members and voting co-opted members of the Authority.
 - The **Anti-Fraud, Bribery and Corruption Policy/ Strategy and Anti- Money Laundering Policy** explain our commitment to protecting the Combined Authority against the perpetration of fraud, bribery and corruption from both internal and external sources and how we meet our responsibilities in line with the latest money laundering regulations.

- The **Disciplinary, Conduct & Capability Policy and Procedure** may be used in relation to an individual identified as potentially doing wrong. It may also be used where a false allegation is raised or where there is detrimental treatment by colleagues for raising concerns.

4. Roles and Responsibilities

- 4.1. This Policy applies to all Combined Authority and LEP Members, employees, contractors and persons carrying out the Combined Authority's public functions.
- 4.2. Everyone has a responsibility to ensure that they comply with this Policy when raising concerns and dealing with these, and that the people who have come forward are protected from any detriment as a result. All employees must ensure that any behaviour that is not in accordance with this policy is challenged.
- 4.3. Directors and Heads of Services have responsibility for driving forward the Combined Authority's work on openness and transparency relevant to the functions and services they have responsibility for, and ensuring those making a disclosure are appropriately protected, with the support of HR Services.
- 4.4. The Responsible Officer (the Head of Internal Audit) is responsible for the operation of the procedures within this Policy and reporting on these, and any changes needed to either the policy or procedures.
- 4.5. The Governance and Audit Committee is responsible for monitoring compliance with this Policy. Reviews on the effectiveness of whistleblowing arrangements will be undertaken on a periodic basis and reported to the Governance and Audit Committee.

5. Impact Assessment

- 5.1. In the creation of this Policy, consideration has been given to any possible adverse equality impact for the following groups: disability; gender; gender reassignment; marital status (including civil partnerships); sexual orientation; race; religion or beliefs; age; pregnancy and maternity. The Policy is considered to have no adverse equality impact.

6. Privacy notice

- 6.1. Any personal data that is processed pursuant to this Policy will be processed for the purposes of meeting the Combined Authority's legal obligations under the Data Protection Act 2018 and the General Data Protection Regulations (GDPR).
- 6.2. Further privacy information can be found in the customer privacy notice which is available on the Combined Authority website, and employee privacy notice which is available on the intranet.
- 6.3. A copy of the LEP privacy policy can be found on the LEP website.

7. Policy review or changes

- 7.1. The Combined Authority reserves the right to amend the details of this Policy as required following consultation with relevant parties including recognised trade unions. Any feedback or comments on this Policy should be directed to the Responsible Officer.
- 7.2. This Policy will be monitored and reviewed on an annual basis, to ensure that it meets the needs of the Combined Authority and LEP and remains compliant with relevant legislation.
- 7.3. The Responsible Officer will provide an annual report to the Combined Authority's Governance and Audit Committee (which has responsibilities for overseeing the effectiveness of governance arrangements), and to the LEP Board and Combined Authority as required.

Appendix A

Whistleblowing Procedure

1. What is a 'relevant concern'?

- 1.1. The Combined Authority is committed to the highest standards of integrity, openness and accountability in everything we do. As individuals we have integrity, as an organisation we are trustworthy. We are committed to encouraging all individuals, including non-Combined Authority employees, to be open in raising any concerns with us.
- 1.2. As a current or former employee, agency worker, consultant or contractor, you could be the first to realise that you have been asked to do something, or are aware of the actions of another at the Combined Authority either in the past or present, or likely to happen in the future which could be considered 'wrong'.
- 1.3. Examples (but not a definitive list) of the types of concerns to be raised using this procedure include:
 - a criminal offence, including possible fraud or other financial irregularity, bribery, corruption, blackmail or money laundering;
 - a failure to comply with any legal or regulatory duty or obligation or which falls below established standards of practice subscribed to;
 - a miscarriage of justice;
 - an abuse of power for personal gain or other improper use of authority;
 - endangering the health and safety of anyone;
 - unethical or improper conduct;
 - endangering the environment; or
 - information relating to any of the above has been, or is likely to be, deliberately concealed.
- 1.4. Whistleblowers should not however raise malicious or vexatious concerns, nor should they raise knowingly untrue concerns. In addition, this procedure should not be used to raise concerns of a HR or personal nature, such as complaints relating to a management decision or terms and conditions of employment. These matters should be dealt with using the relevant alternative procedure, for example, the Combined Authority's grievance procedure. Equally, this policy would not apply to matters of individual conscience where there is no suggestion of wrongdoing but, for example, an employee or Board Member is required to act in a way which conflicts with a deeply held personal belief.

2. How to raise a concern with the Combined Authority

- 2.1. The Combined Authority has robust processes in place to enable you to raise any relevant concerns that you have. We recognise that the decision to report a concern can be difficult. However, it is best to raise your concerns at the earliest opportunity.
- 2.2. Proof is not required at this point, only a reasonable belief that disclosing the information is in the public interest before raising a concern. It is important to follow the correct procedure when raising a whistleblowing concern and that you do not attempt to investigate it yourself as the collection of evidence is best left to those assigned to consider the matter reported.
- 2.3. When raising a concern under the procedure it does help if this is in writing, and for as much information to be given as possible to help assess the situation. Ideally the referral should include the following information:
 - the background and reason behind the concern;
 - whether you have already raised a concern with anyone, and the response; and
 - any relevant dates when actions related to the concern took place.
- 2.4. If you are unsure who to speak to, you can raise the matter with your union representative if you have one, or your line manager or their line manager (but only if you do not think they are involved).
- 2.5. It is important that the concern is raised with the person best placed to deal with the matter. In most cases this will be the Responsible Officer, who is the Head of Internal Audit, and can be contacted via e-mail to bronwyn.baker@westyorks-ca.gov.uk.
- 2.6. Alternatively, a confidential whistleblowing hotline is operated by the Internal Audit team. The number for this is 0113 2517 359. Callers will not be asked to give their name if they don't want to. You can also e-mail internalaudit@westyorks-ca.gov.uk
- 2.7. If you have a concern involving the Responsible Officer or Internal Audit, the matter should be raised with the Monitoring Officer, who is the Head of Legal and Governance Services and can be contacted at caroline.allen@westyorks-ca.gov.uk.
- 2.8. Ultimately, if it is of an extremely serious nature you can raise your concern with the Combined Authority's Managing Director/ LEP Chief Executive Officer, Ben Still.

3. Confidentiality and anonymity

- 3.1. The Combined Authority takes all complaints and concerns raised seriously. Any disclosures made under this procedure will be treated in a sensitive manner, and your identity will be treated in confidence. We will restrict this information to a 'need to know' basis. However, if the situation arises where it is not possible to resolve the concern without revealing your details (for example in matters of criminal law), we will advise you before proceeding.

- 3.2. The same considerations of confidentiality should be afforded to the subject of the concern, as far as appropriate, to prevent any damage to their reputation should the allegations raised prove to be unfounded or vexatious.
- 3.3. The Combined Authority encourages you to report concerns under the Whistleblowing Policy in a way that you feel comfortable with. The best way to raise a concern is to do so openly, as this makes it easier for us to investigate, if necessary prosecute, and provide feedback to you.
- 3.4. However, concerns can also be raised anonymously (i.e. without providing a real, or any, name), and will still be investigated as far as possible, on the basis of the information provided, at our discretion. When exercising this discretion the factors to be taken into account would include the seriousness of the issue raised; the credibility of the concern; and the likelihood of confirming the allegation from attributable sources. If pursued, the investigation itself may however reveal you as the source of information.
- 3.5. The Ministry of Housing, Communities and Local Government may request information arising from this process if they have their own concerns or have been approached with similar complaints. The expectation is that this information will be provided on an anonymous basis. However, it may be necessary to provide personal details to progress a complaint.

4. How concerns will be dealt with

- 4.1. All investigations will be conducted sensitively and as quickly as possible. While the outcome you wish cannot be guaranteed, the Combined Authority will handle the matter fairly and in accordance with this procedure. It will take your concerns seriously and will not allow any mistreatment of you as a result of your disclosures.
- 4.2. The concern raised and initial enquires to be made will be discussed by the Head of Internal Audit with the Head of Legal & Governance Services, and advice on investigation options sought from relevant members of staff.
- 4.3. An assessment will be made as to whether a full internal investigation or audit is appropriate or whether the matter should be referred to external audit, the police or another relevant authority for consideration. The decision on how best to proceed will depend on the facts of the case.
- 4.4. The Combined Authority appreciates that you may want reassurance that the matter has been properly addressed. If you have identified yourself, unless you have asked us not to, within 10 clear working days of a concern being raised, the Responsible Officer will write to you to:
 - acknowledge that the concern has been received and indicate how they propose to deal with the matter;
 - tell you whether any initial investigation or enquiry has been made and whether further investigation will be made, and if not, why not; and

- if the investigation is to continue, how frequently they will keep you up to date on progress and an estimate of how long it will take to provide a final response.
- 4.5. Before a final decision is taken on how to proceed, or as part of the investigation, you may be asked to meet with those investigating the allegation. If a meeting is arranged, either electronically or face to face, you may wish to be accompanied by a trade union representative, colleague or friend for support and advice. The person who accompanies you should not be involved, or have a direct interest in, the area of work to which the concern relates.
- 4.6. The amount of contact between the investigators and you will vary depending on the concern raised, any difficult issues and any further clarity required. Throughout any investigation, if you are an employee, you will still be expected to continue your duties/ role as normal unless deemed inappropriate.
- 4.7. If requested, the Combined Authority will confirm to you when the matter is concluded and, if appropriate considering the security and confidentiality rights of all parties, its outcome.
- 4.8. If changes are made to policies and processes as result of whistleblowing investigations, these will be publicised as appropriate, again taking into consideration the importance of protecting the anonymity and confidentiality of individuals.

5. Protections & untrue allegations

- 5.1. The Public Interest Disclosure Act (1998) gives legal protection to employees against being dismissed or penalised by their employers as a result of disclosing certain concerns raised in the reasonable belief that it is in the public interest.
- 5.2. The Combined Authority believes that no member of staff should be at a disadvantage because they raise a legitimate concern and will take action to protect them when they do. Any colleague victimising and/ or harassing individuals because they raised concerns via this policy will be dealt with via our Disciplinary, Conduct & Capability Policy & Procedure.
- 5.3. The Combined Authority will also protect our employees from malicious or unfounded allegations of wrong doing. If a whistleblower makes an allegation in good faith, but the investigation finds their concerns are unfounded no action will be taken against them.
- 5.4. If it has been found a referral was made to cause trouble, for personal gain, or to discredit the organisation, the matter will be referred to HR for investigation under our Disciplinary, Conduct & Capability Policy if made by another employee, Board member or contractor.

6. How to take the matter further if you are not satisfied

- 6.1. This procedure is intended to provide whistleblowers with an avenue to raise legitimate concerns. We are keen to encourage you to bring your concerns to us in the first instance so they can be resolved internally. Where you do not feel it is appropriate to raise it internally, or where the internal process has not achieved a satisfactory outcome for you, there are external routes available.
- 6.2. If you choose to raise your concerns externally, there are specific places you should take the information to keep the protections provided by the legislation. These include:
 - the police;
 - the relevant regulatory body or professional body;
 - your Trade Union;
 - your solicitor;
 - your Citizens Advice Bureau; or
 - a prescribed person or body- for the LEP these are prescribed by the Secretary of State for Business, Energy and Industrial Strategy (BEIS) and are listed on the BEIS website.
- 6.3. If your concern relates to the LEP, rather than the Combined Authority, you can report it directly to the Department for Business Energy and Industrial Strategy, or the Cities and Local Growth Unit in the Ministry of Housing, Communities and Local Government ¹.
- 6.4. When taking a disclosure to one of the prescribed persons, it is important that you reasonably believe the matter you are disclosing falls within their remit and that the information and allegations you are disclosing are substantially true. You should also consider any legal duty of confidentiality you owe to the Combined Authority.
- 6.5. In certain circumstances you will be protected if you make a disclosure to someone other than the Combined Authority, your legal adviser or a prescribed person. However, the rules relating to these wider disclosures are stricter and certain conditions need to be met.
- 6.6. Additional information about raising concerns within Public Interest Disclosure law can be obtained from the whistleblowing charity Protect (formerly Public Concern at Work or PCaW). For information visit www.pcaw.org.uk or telephone their advice line 020 3117 2520. Protect contributed to the formulation of the legislation and is a legal advice centre designated as such by the Bar Council. Further information and signposting for potential whistleblowers is also available at www.gov.uk.

¹ Reports to the Cities and Local Growth Unit in the Ministry of Housing, Communities and Local Government should be made via the following email address: localgrowthassurance@communities.gov.uk, or by writing to: LEP Compliance Deputy Director, Cities and Local Growth Unit, Fry Block, 2 Marsham Street, London, SW1P 4DF. You should clearly mark your email or letter as "Official – Whistleblowing"

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