



**LIVERPOOL
CITY REGION**
COMBINED AUTHORITY



METROMAYOR
LIVERPOOL CITY REGION

CONFIDENTIAL REPORTING (WHISTLEBLOWING): Guidance for Members of the Public

December 2023



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1. Introduction

- 1.1 Liverpool City Region Combined Authority and Merseytravel (hereafter referred to as “the organisations”) are committed to the highest possible standards of honesty, openness and accountability.
- 1.2 “Whistleblowing” is the term used when someone who is employed in an organisation reports a concern in the public interest about suspected wrongdoing, malpractice, illegality or risk in their workplace.
- 1.3 The organisations also recognise that members of the public may have concerns they wish to raise, and this guidance sets out the process for doing this.
- 1.4 When a concern is raised, the organisations will:
 - Investigate all concerns which fall within the scope of this guidance; where it is deemed appropriate to do so;
 - Respond in a timely manner;
 - Inform persons bringing concerns forward of the outcome of any investigation (subject to legal constraints);
 - Implement appropriate actions to remediate any wrongdoing proven as a result of the whistleblowing concern, and learn appropriate lessons;
 - Treat all concerns in confidence and make every effort not to reveal the identity of the person raising the concern without consent, unless required by law;
 - Not tolerate harassment, victimisation or detrimental treatment of person who brings forward a concern in the public interest; and
 - Take appropriate action in the event of an individual suffering harassment, victimisation or detrimental treatment as a result of raising a concern in the public interest.

2. What is Whistleblowing?

- 2.1 **Confidential reporting or “whistleblowing”** is the term used when an employee raises a concern about perceived wrongdoing or malpractice in the workplace that has a public interest aspect to it and falls within the categories defined in the Public Interest Disclosure Act 1998 (PIDA). Officially, this is called “making a disclosure in the public interest”. Whistleblowing is important to protect and reassure the workforce, and to maintain a healthy working culture and an efficient organisation.
- 2.2 This relates to “any disclosure of information which, in the reasonable belief of the worker making the disclosure, tends to show one or more of the following:
 - a. that a criminal offence has been committed, is being committed or is likely to be committed;



- b. that a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject;
 - c. that a miscarriage of justice has occurred, is occurring or is likely to occur;
 - d. that the health or safety of any individual has been, is being or is likely to be endangered;
 - e. that the environment has been, is being or is likely to be damaged; or
 - f. that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.”
- 2.3 As stated above, the organisations recognise that members of the public may also wish to raise concerns that meet the criteria above. Concerns that do not relate to the areas listed at points a-f above are not covered by this Protocol and should be raised via the organisations’ Customer Comments process which can be found at: [Customer Comments | Liverpool City Region Combined Authority \(liverpoolcityregion-ca.gov.uk\)](https://liverpoolcityregion-ca.gov.uk)
- 2.4 There are legal protections for employees who “whistleblow” and this is defined in the Public Interest Disclosure Act (PIDA) 1998. This does not extend to members of the public. However, the organisations will ensure that any member of the public raising a concern in the public interest is treated fairly and without reprisal or victimisation.

3. Raising a Concern

- 3.1 When a member of the public has a concern about the Liverpool City Region Combined Authority/Merseytravel’s business, they must first consider whether the concern satisfies the criteria at section 2.2 (a-f) of this guidance. If it does, this guidance and reporting mechanism can be used. If it does not, the Customer Comments process should be used to report the issue [Customer Comments | Liverpool City Region Combined Authority \(liverpoolcityregion-ca.gov.uk\)](https://liverpoolcityregion-ca.gov.uk)
- 3.2 Members of the public may wish to discuss their concerns on a confidential basis with a solicitor, Citizen’s Advice Bureau or trusted friend to seek advice prior to raising the concern to the organisations. Protect, the whistleblowing charity, can also be contacted for advice and support: www.protect-advice.org.uk. The earlier a concern is expressed, the easier it is for the organisations to take appropriate action.
- 3.3 Concerns can be raised anonymously; however, anonymous concerns can be more difficult to investigate and substantiate, therefore members of the public are encouraged to give their name and contact details. This also means that feedback can be provided to the person raising the concern. Anonymous concerns will be reviewed and investigated in line with this Protocol.
- 3.4 Where a member of the public has a concern that falls under the scope of the Protocol, the organisations encourage them to raise the concern by writing to:

Private and Confidential

Head of Internal Audit
Liverpool City Region Combined Authority
Seventh Floor
1 Mann Island
Liverpool
L3 1BP

- 3.5 There is a reporting form at Appendix A of this Protocol, which will assist in reporting the relevant details of the concern. A person reporting a concern should provide as much information as possible, including:
- who the concern relates to;
 - full details of the nature of the concern;
 - provide any evidence they have in support of the concern; and
 - name and contact details (unless they wish to remain anonymous).
- 3.6 If a member of the public does not feel comfortable raising their concern with the organisations, concerns may be raised externally to a “prescribed regulator”. The following link provides a list of prescribed regulators with whom concerns can be raised: [Whistleblowing: list of prescribed people and bodies - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/whistleblowing-a-guide-to-prescribed-regulators)

4. Responding to a Concern

- 4.1 All concerns raised will be reviewed and investigated where necessary. However, investigating a concern is not the same as either accepting or rejecting it.
- 4.2 Investigations will be conducted in accordance with all relevant legislation.
- 4.3 In order to protect individuals who are the subject of a concern, and to determine whether the concern relates to the organisations’ areas of responsibility, an initial assessment will be made to decide whether an investigation is appropriate and, if so, what form it should take, in accordance with the Investigation Protocol. If appropriate, an issue may be referred to the Police, Action Fraud, or to the organisations’ appointed external auditor.
- 4.4 Any investigation into concerns will be conducted with confidentiality. Every effort will be made not to reveal the identity of the person raising the concern without consent, unless required by law. Where this is not possible, the consent of the member of the public will be sought before their identity is revealed, however, there are some issues for which the organisations would be obliged to override confidentiality, such as when someone’s life may be in danger. Equally, the organisations cannot guarantee to protect the identity of an employee raising a concern where this indicates a criminal offence may have been committed and the case may be referred to the Police who will likely wish to interview them.



- 4.5 The investigating officer may need to contact the person raising the concern to obtain further information or clarify points raised. When any meeting is arranged, the member of the public may wish to be accompanied by a suitable person such as a trusted friend. The person raising the concern may also be asked to make a statement or come forward as a witness, for example, during disciplinary proceedings or any criminal case which may result.
- 4.6 The organisations will take steps to minimise any difficulties that a member of the public may experience as a result of raising a concern. For instance, if the person is required to give evidence in criminal or disciplinary proceedings, arrangements will be made for the employee to receive advice about the procedure.

5. Receiving a Response

- 5.1 Within ten working days of a concern being raised, the person to whom the concern was raised will write to the member of the public:
- Acknowledging that the concern has been received;
 - Indicating how the organisations propose to deal with the matter;
 - Estimating how long it will take to provide a final response;
 - Telling the employee whether any initial enquiries have been made;
 - Supplying the employee with information on employee support mechanisms and;
 - Telling the employee if no further investigations will take place and the reason/s for this.
- 5.2 The employee raising the concerns will, subject to legal constraints, be informed of the outcome of any investigation. This will not usually detail the investigation outcomes as this could breach others' rights to confidentiality.

6. Taking the Matter Further

- 6.1 This Protocol details how concerns can be raised internally and how the organisations will deal with these. However, the following external organisations can also be contacted for advice in the event that the person raising the concern is not satisfied with the outcome of an internal investigation:
- Protect – an independent charity established to support and advise whistleblowers – www.protect-advice.org.uk
 - The external auditor;
 - Trade union;
 - Citizens Advice Bureau or a solicitor;
 - Relevant professional bodies;
 - A “prescribed person” - please see the following link for a list of prescribed persons: [Whistleblowing: list of prescribed people and bodies - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
 - The Police;

- Action Fraud; or
- Member of Parliament.

APPENDIX A

Confidential Reporting (Whistleblowing) Protocol Confidential Reporting Form

1. Please describe the nature of your concern
2. Please give all background information relevant to your concern including key dates, people and organisations involved.
3. Have you reported the concern to any other person or organisation? If you have, please provide the details of this
4. What are the reasons for the concern?
5. How do you think the matter should be resolved?
6. Do you have any personal interest in the matter?

Person raising the concern:	Form completed by (if not the person raising the concern):
Name:	Name:
Address:	Employee Number:
Telephone Number:	Post Title:
Signed:	Signed:
Date:	Date:
Form received by:	
Name:	
Employee Number:	
Post Title:	
Signed:	
Date:	