

TYNE & WEAR  
**archives&  
museums**

# **Confidential Reporting Policy**

**Version 1.0**

Table of Contents	Page
1. Introduction	3
2. Who is the policy for?	3
3. Who does the policy apply to?	3
4. What Is Malpractice Or Wrongdoing?	3
5. Our Assurances to you	4
6. How do I raise a Concern?	5
7. How we will handle the matter	6
8. Monitoring of the policy	7
9. Nominated Officers	8
10. Data Protection Officer	8

## Document History

Version	Date	Amendment	Name/Group
0.1	28/01/10	Document Created	Jackie Reynolds
0.2	28/01/10	Legal amendments	Sharon Turnbull
0.3	28/01/10	Assistant Director	Iain Watson
0.4	01/02/10	Director	Alec Coles
1.0	01/02/10	Final Amendments & submission to Audit Committee	Jackie Reynolds

Version	Filename	Author
1.0	G:\Corporate Governance Shared\Confidential Reporting Policy\Confidential Reporting Policy v1.0.doc	Jackie Reynolds

## 1. Introduction

Many people, at one time or another, may have concerns about what is happening at work. More often than not, these concerns are relatively minor and can be easily resolved. However, when those concerns are about unlawful conduct, financial malpractice or dangers to the public or environment, it can be difficult to know what to do.

Confidential reporting or 'whistle blowing' is about helping people to raise legitimate concerns or worries about Tyne & Wear Archives & Museums' activities and practices.

TWAM has adopted this policy to make it possible for anyone who works for, or with TWAM, to voice those concerns. These issues will be taken seriously and treated on a confidential basis.

## 2. Who is the policy for?

TWAM has introduced this policy to:

- Make employees feel comfortable in raising concerns regarding serious malpractice
- Provide the method by which employees may raise concerns and receive feedback on any action taken
- Ensure that employees receive a response to concerns
- Provide opportunities for employees to further pursue a concern if are not satisfied with the initial response
- Reassure employees that they will be protected from possible reprisals if they have made any disclosure in good faith.

## 3. Who does the policy apply to?

The policy applies to all those working for TWAM, including temporary and agency staff, and those contractors working for TWAM on TWAM premises; it also covers suppliers and those providing services under a contract with TWAM in their own premises.

Version	Filename	Author
1.0	G:\Corporate Governance Shared\Confidential Reporting Policy\Confidential Reporting Policy v1.0.doc	Jackie Reynolds

#### 4. What Is Malpractice Or Wrongdoing?

4.1 Malpractice and wrongdoing may be something which:-

- is unlawful;
- contravenes TWAM's Financial Procedures or policies;
- is not in accordance with established standards of practice;
- amounts to improper conduct by an employee, elected member, volunteer or contractor;
- may damage the reputation of TWAM.

4.2 The overriding concern should be that it is in the public interest for:

- malpractice to be identified where it occurs;
- where malpractice is proven, that it be corrected and, if appropriate, punished with appropriate sanctions.

4.3 The following are examples of issues which could be raised under this policy. It is not intended to be an exhaustive list and there may be other matters which could be dealt with under this policy:

- any unlawful act or omission, whether criminal or a breach of civil law
- maladministration, as defined by the Local Government Ombudsman
- breach of any statutory code of practice
- breach of, or failure to implement or comply with any policy determined by TWAM
- failure to comply with appropriate professional standards or other established standards of practice
- corruption or fraud
- actions which are likely to cause physical danger to any person, or give rise to a risk of significant damage to property
- failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost, or loss of income, to TWAM or would otherwise seriously prejudice TWAM
- abuse of power, or the use of TWAM powers and authority for any unauthorised or ulterior purpose
- unfair discrimination in TWAM's employment or services
- dangerous procedures risking health and safety
- abuse of clients
- damage to the environment

Version	Filename	Author
1.0	G:\Corporate Governance Shared\Confidential Reporting Policy\Confidential Reporting Policy v1.0.doc	Jackie Reynolds

- other unethical conduct

This policy is not intended to replace the Customer Comments, Compliments and Complaints, employee grievance or other established TWAM procedures.

## 5. Our Assurances to you

### 5.1 Harassment or Victimisation

If you raise a concern in good faith and genuinely believe it to be well founded, you need not fear reprisals. You will be doing your duty to TWAM and to the public. TWAM will not tolerate any harassment or victimisation of employees under any circumstances.

### 5.2 Separation from other procedures

If you are involved in other procedures, such as disciplinary or redundancy, these will be kept quite separate from the investigation of your complaint. This does not mean that such procedures will be halted as a result of a concern being raised under this policy.

### 5.3 Deliberately False Or Malicious Allegations

You will not be penalised in any way, where you make an allegation in good faith. A concern that is considered to be raised frivolously, maliciously or for personal gain may, however, result in action being taken against you.

### 5.4 Confidentiality

Your concern will be treated in strict confidence, within this Procedure, and everything done to keep your identity confidential (if this is what you want). Depending on the nature and conduct of the investigation, however, anonymity cannot be guaranteed throughout other than in particular circumstances

### 5.5 Anonymous Allegations

An anonymous concern may carry less weight than one which is signed. The investigating manager would have to consider the seriousness of the issue, the credibility of the concern and the likelihood of being able to confirm the allegation in other ways.

## 6. How do I raise a Concern?

### 6.1 If you suspect wrongdoing in the workplace:

- **do not** approach or accuse the individuals directly
- **do not** try to investigate the matter yourself
- **do not** convey your suspicions to any one other than those with the proper

Version	Filename	Author
1.0	G:\Corporate Governance Shared\Confidential Reporting Policy\Confidential Reporting Policy v1.0.doc	Jackie Reynolds

authority.

## 6.2 First Steps

As a first step, you should normally raise concerns with your immediate manager or supervisor. However, the most appropriate person to contact will depend on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that senior management is involved in the matter of concern, or the normal channels of communication are inappropriate for some reason, you should approach the TWAM Nominated Officer (an Officer who has been nominated for the purpose of dealing with concerns under this policy). If you feel that this would be inappropriate in the light of the particular matter concerned, or if you are not a TWAM employee, you can contact any of the Nominated Officers specified in the Policy.

## 6.3 Raising your concern

You can raise your concern orally (i.e. face to face or over the phone) or in writing. If you write, mark the envelope 'personal and confidential'. Give as much information as you can. Remember also to give your name, your position and your place of work. Indicate whether, or not, you are prepared to be contacted at work (if not, give an alternative address or phone number). If you are not employed by TWAM please let us know your relationship to TWAM (*for example, contractor, partner organisation*).

## 6.4 Describing your concern

The following headings should help you organise your thoughts but you do not have to follow them exactly:

- The nature of your are concern;
- Any relevant background information;
- Other procedures which you have already used - and the outcome;
- The person and people involved and where they work;
- Dates and times;
- The names and jobs of any other people who will (or may) support your concern.

The earlier a concern is raised the better. Whilst you will not be expected to prove that allegations are true, you will need to show that you have a reasonable basis for your concern.

## 7. How we will handle the matter

**7.1** Once an employee has raised their concern, we will assess what action should be taken. This may involve an internal inquiry or a more formal investigation.

In any case, within ten working days, the employee will be written to with:

Version	Filename	Author
1.0	G:\Corporate Governance Shared\Confidential Reporting Policy\Confidential Reporting Policy v1.0.doc	Jackie Reynolds

- an acknowledgement that the concern has been received;
- our understanding of the concern that has been reported;
- an indication of how the matter will be dealt with;
- an indication of any initial enquires that have been made;
- information on staff support mechanisms;
- notification of any further investigations that will take place and if not, why not.

Where appropriate, the matters raised may:

- be investigated by management, Internal Audit, or through the disciplinary process;
- be referred to the external auditor;
- form the subject of an independent enquiry;
- be referred to the police.

**7.2** The amount of contact between the officers considering the issues and the person raising the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, TWAM will seek further information from the person raising the issue. Any meeting with the employee may be arranged off-site, if necessary. The employee may be accompanied by a union representative, a colleague, or a friend.

When someone raises a concern they might be asked to consider how the matter might best be resolved. If someone has a personal involvement or potential conflict of interest in the matter we ask that they tell us of that interest at the outset.

**7.3** Whilst the purpose of this policy is to enable us to investigate malpractice and take appropriate steps to deal with it, we will give as much feedback as possible to anyone raising concerns. If requested, we will confirm our response in writing. Please note, however, that we will not be able to divulge the precise action we take if this infringes our duty of confidence.

**7.4 If you are not satisfied with TWAM’s response**

This procedure is meant to give everyone an effective way to raise a concern *within* TWAM (and if possible, to resolve it internally). You should not feel that you have to take an issue outside TWAM to get satisfaction. But if you are still unhappy after using the procedure (and getting a final response), you are entitled to consider taking your concern elsewhere. If you do this, these are some contacts which are available:

- the external auditor;
- a trade union;
- the Citizens Advice Bureau;
- a relevant professional body or regulatory organisation;

Version	Filename	Author
1.0	G:\Corporate Governance Shared\Confidential Reporting Policy\Confidential Reporting Policy v1.0.doc	Jackie Reynolds

- the police;
- the charity “Public Concern at Work” (020 7404 6609).

If you do wish to take the matter outside TWAM, you must ensure that you do not disclose confidential information; doing so could lead to disciplinary action against you. Check with a Nominated Officer or Data Protection Officer if you are unsure. In addition, if you wish to secure the protection afforded by the Public Interest Disclosure Act 1998, you must ensure that your disclosure is protected within the meaning of the Act and that it complies with a set of specific conditions which vary according to who the disclosure is made to. Again please check with a Nominated Officer or Data Protection Officer about these matters.

## 8. Monitoring of the policy

The responsibility for the effectiveness and efficiency of this policy rests with the Director. The Director will be advised about and maintain records of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Tyne & Wear Archives & Museums Audit Committee.

## 9. Nominated Officers

Tyne & Wear Archives & Museums	Alec Coles, Director Discovery Museum, Blandford Square, Newcastle upon Tyne, NE1 4JA 0191 277 2153 <a href="mailto:alec.coles@twmuseums.org.uk">alec.coles@twmuseums.org.uk</a>
Tyne & Wear Archives & Museums	Iain Watson, Assistant Director Discovery Museum, Blandford Square, Newcastle upon Tyne, NE1 4JA 0191 277 2276 <a href="mailto:iain.watson@twmuseums.org.uk">iain.watson@twmuseums.org.uk</a>
Tyne & Wear Archives & Museums	Jackie Reynolds, Head of Corporate Affairs Discovery Museum, Blandford Square, Newcastle upon Tyne, NE1 4JA 0191 277 2158 <a href="mailto:jackie.reynolds@twmuseums.org.uk">jackie.reynolds@twmuseums.org.uk</a>
Treasurer to the Joint Committee	Paul Woods, Director of Financial Resources Newcastle City Council, Room 136, Civic Centre, Newcastle upon Tyne, NE99

Version	Filename	Author
1.0	G:\Corporate Governance Shared\Confidential Reporting Policy\Confidential Reporting Policy v1.0.doc	Jackie Reynolds

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 Head of Audit & Strategic Risk

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 Newcastle upon Tyne, NE99 1RD  
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[philip.slater@newcastle.gov.uk](mailto:philip.slater@newcastle.gov.uk)

**10. Data Protection Officer**

Peter Dinsdale, FOI & Data Protection Officer  
 Newcastle City Council, Room 248, Civic Centre, Newcastle upon Tyne  
 0191 277 7038  
[peter.dinsdale@newcastle.gov.uk](mailto:peter.dinsdale@newcastle.gov.uk)

Version	Filename	Author
1.0	G:\Corporate Governance Shared\Confidential Reporting Policy\Confidential Reporting Policy v1.0.doc	Jackie Reynolds