



# **Tyne & Wear Archives & Museums**

## **Confidential Reporting Policy**

Name of governing body: Tyne & Wear Archives & Museums Strategic Board

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## **1. Introduction**

Confidential reporting or 'whistle blowing' refers to the raising of concerns about suspected malpractice happening at work.

Members of staff are often the first to be aware that there may be something seriously wrong within their organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to their employer. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report any suspicions.

Tyne & Wear Archives & Museums (TWAM) is committed to achieving the highest possible standards of openness, honesty and accountability. In line with this commitment, this policy has been developed to encourage and enable individuals to raise serious concerns about suspected malpractice within TWAM. It makes clear that individuals can raise concerns in good faith without fear of victimisation, subsequent discrimination or disadvantage.

Confidential reporting is viewed by TWAM as a positive act that can make a valuable contribution to the organisation's efficiency and long-term success.

## **2. Aims of the policy**

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
- Provide opportunities for employees to further pursue a concern if they 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.

It is closely aligned to Newcastle City Council's [Whistleblowing Policy](#) and [Grievance Procedure](#) which employees may wish to reference or follow as an alternative.

## **3. Who does the policy apply to?**

The policy applies to all those working for TWAM, TWAM Enterprises and Exhibitions by TWAM, including volunteers, temporary and agency staff, and those contractors working on TWAM premises. It also covers suppliers and those providing services under a contract with TWAM in their own premises. For the

purpose of this policy, where the term 'employee' is used, this may refer to an individual in any of the above situations.

#### **4. What Is Malpractice or Wrongdoing?**

4.1 The following are examples of malpractice or wrongdoing which could be raised under this policy. It is not intended to be an exhaustive list:

- 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, appropriate professional standards or other established standards of practice
- breach of, or failure to implement or comply with any policy determined by TWAM
- 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 or the environment
- 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
- abuse of clients or staff
- other unethical conduct

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.

#### **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 concern. 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, 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 anyone other than those with the proper 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. If you believe that the normal channels of communication are inappropriate for some reason, you should approach a TWAM Nominated Officer (an Officer who has been nominated for the purpose of dealing with concerns under this policy) instead.

### 6.3 Raising your concern

You can raise your concern in person, 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, email or phone number). If you are not employed by TWAM please let us know your relationship to TWAM (*for example, volunteer, 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 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:

- 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; Where appropriate, the matters raised may:
  - o be investigated by management, Internal Audit, or through the disciplinary process;
  - o be referred to the external auditor;
  - o form the subject of an independent enquiry;
  - o be referred to the police.

**7.2** If necessary, TWAM will seek further information from the person raising the issue. Any meeting required to gather this additional information may be arranged off-site, if necessary. The person raising the concern 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:

- Newcastle City Council (please refer to NCC's 'Whistle Blowing Policy' for more information in the first instance)
- the external auditor;
- a trade union;
- the Citizens Advice Bureau;
- a relevant professional body or regulatory organisation;
- the police;
- the charity "Protect" (formerly "Public Concern at Work")

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	Keith Merrin, Director of TWAM Discovery Museum, Blandford Square, Newcastle upon Tyne, NE1 4JA <a href="mailto:keith.merrin@twmuseums.org.uk">keith.merrin@twmuseums.org.uk</a>
Tyne & Wear Archives & Museums	Jackie Reynolds, Head of Finance, Governance and Resources Discovery Museum, Blandford Square, Newcastle upon Tyne, NE1 4JA <a href="mailto:jackie.reynolds@twmuseums.org.uk">jackie.reynolds@twmuseums.org.uk</a>
Treasurer to the Strategic Board	Mark Nicholson, Chief Finance Officer Newcastle City Council, Centre, Newcastle upon Tyne, NE99 1RD <a href="mailto:mark.nicholson@newcastle.gov.uk">mark.nicholson@newcastle.gov.uk</a>
Newcastle City Council	Philip Slater, Audit, Risk & Insurance Manager / Data Protection Officer Newcastle City Council, Civic Centre, Newcastle upon Tyne, NE99 1RD <a href="mailto:philip.slater@newcastle.gov.uk">philip.slater@newcastle.gov.uk</a>
TWAM Enterprises	Commercial Manager Discovery Museum, Blandford Square, Newcastle upon Tyne, NE1 4JA