

Speak Out Policy (Whistleblowing)



Version 1.3

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Version	Date	Comment
1.0	October 2012	Policy published
1.1	August 2016	Policy refresh: addition of final section directing employees to correct service
1.2	October 2017	Refresh of wording and change to contact name and email address in section four
1.3	February 2018	Amend to section three and four and removal of section eight

1. Policy statement

Network Rail's reputation and future depends on us all maintaining the highest standards of business behaviour and acting with integrity in everything we do. We're trusted with significant resources by the Government and taxpayers; to maintain this trust, we must make sure we use these resources appropriately.

Behaving ethically, and with integrity, is about more than just our organisation's reputation – it's about making sure that Network Rail is a place where we're all proud to work. This relies on everyone who works for us, or on our behalf, doing the right thing. That's why it's so important that we speak out if we see, or suspect, wrongdoing.

Our Speak Out (whistleblowing) policy makes it easier for everyone working for Network Rail, or on our behalf, to raise such a concern, without fear of retaliation. Network Rail will protect those who speak out from any reprisal or victimisation.

2. Scope

This policy applies to everyone that works for or on behalf of Network Rail in every wholly-owned Network Rail company, in every joint venture company under Network Rail control, and to those working in a Network Rail alliance. This includes, but is not limited to, employees (full and part time), contractors, secondees, agency staff, suppliers, consultants and agents.

Joint venture companies not under Network Rail control and joint venture partners should adopt a similar policy.

3. When should I speak out?

Everyone at Network Rail has a responsibility to raise genuine concerns about suspected wrongdoing taking place in Network Rail or in situations where you believe it is in the public interest (where making a disclosure is in the interests, welfare or wellbeing of the general public) to report, in line with the Public Interest Disclosure Act 1998. This includes reporting:

- Financial malpractice (fraud or corruption)
- Theft, or other criminal activity
- Conflicts of interest
- Dishonesty or unfairness in dealing with customers and suppliers
- Miscarriages of justice, breaches of human rights or acts of modern slavery
- Anything that could harm the environment, or the communities that we work in
- Attempts to hide, or assist others, in any of the above.

You can use the Speak Out service to report any of the above.

If you're worried that something might be wrong, but aren't sure, ask yourself the following questions:

- Is it, or might it be illegal?
- Does it breach the Code of Business Ethics?
- If it were a story in the newspapers, how would it portray Network Rail?
- Could it lose the company money?
- Could it harm the environment, or the communities that we work in?

If the answer to any of these questions raises any doubt or concern in your mind, then you should speak out. By honestly raising your concerns at an early stage you could help to protect Network Rail's reputation, or save the company money. You do not need evidence to speak out – a reasonable level of suspicion is enough.

Bullying and harassment

If you need to report a concern about bullying or harassment taking place within Network Rail, you can do so via the Speak Out service. However, please note:

- You should not contact Speak Out to report a concern about bullying and harassment if the case is already being managed through Network Rail's disciplinary or grievance procedure or HR Direct, as this can result in investigations being duplicated
- Depending on the circumstances, a concern regarding bullying and harassment may not be covered by the Public Interest Disclosure Act 1998. The Business Integrity Department will review your case and confirm whether the Act applies
- If reporting a concern about bullying and harassment you should provide as much detail about the allegation as you can, as without such information it may not be possible to initiate an investigation.

Speak Out is not the best service to report:

- **Individual grievances**

If you would like to raise an individual grievance or appeal the outcome of a grievance, you should not use Speak Out. Instead, please refer to the below HR services:

- HR Online for guidance –
<http://connect/CorporateServices/HRonline/Default.aspx>
- Employee Helpline – 0844 371 0115
- Your HR Business Partner
- Your line manager or another senior manager.

- **Safety concerns**

If you need to report a safety concern, you should not use Speak Out. Instead, you should use Close Call reporting via one of the below:

- Phone – 01908 723500
- App – available via the Network Rail app catalogue
- Email – CloseCallReporting@networkrail.co.uk.

4. How can I Speak Out?

You can raise a concern in the following ways:

1. In the first instance raise your concerns through your line manager or another senior manager. If you are a manager and someone has raised a concern to you, guidance on your next steps can be found via [HR Direct](#)
2. You can use our reporting service, Speak Out, which is run on our behalf by an external third party called InTouch. The service is available 24 hours a day, seven days a week. After making a report, this is handed to our internal investigating team, the Business Integrity Department, for initial review. You can make a report anonymously, if you wish.

When making a report, you can:

- a) Speak to a call handler by phoning Speak Out on Freephone number 0808 143 0100
 - b) Leave a voicemail by phoning Speak Out on Freephone number 0808 143 0100; or
 - c) Make a report [online](#) via the web form (www.intouchfeedback.com/networkrail).
3. You can contact the Ethics team by emailing ethics@networkrail.co.uk who will pass your concern on to our Business Integrity Department for initial review (unless your concern relates to bullying and harassment, in which case you should consider options one and two above)
 4. You can contact Rajiv Patel, Director, Risk & Assurance (rajiv.patel@networkrail.co.uk) or Stuart Kelly, Group General Counsel (stuart.kelly@networkrail.co.uk) who will ensure that your concern is dealt with appropriately (unless your concern relates to bullying and harassment, in which case you should consider options one and two above).

If you make a report, even if it is not confirmed by subsequent investigation, there won't be any action taken against you. Network Rail may however, consider taking disciplinary action against you if you have participated in the wrongdoing or if you make a malicious or 'joke' report.

Network Rail does not tolerate any form of victimisation, bullying or harassment of those who raise concerns, so if you're facing any form of reprisal, you must make this known to the Ethics team immediately.

Please note that if reports made to Speak Out would be better managed through an alternative Network Rail service (e.g. Close Call) the report will be re-allocated for investigation.

5. How are concerns handled?

All concerns raised under this policy will be treated fairly and in complete confidence. Our internal investigating team, the Business Integrity Department, will conduct an initial review of any concerns raised, and make a decision on how the concern will be best investigated. The Business Integrity Department may work with other areas and individuals in the business to conduct an investigation.

Investigations do take time and there may not be any immediate visible action, but this doesn't necessarily mean that the investigation has been closed or that the concerns raised haven't been taken seriously. If you have used the Speak Out service you should use your unique case number to check whether the Business Integrity Department have left any messages, or additional questions for you.

6. Confidentiality

We encourage you to raise concerns openly by providing your name and contact details. Doing so makes it easier for our Business Integrity Department to assess the issue, contact you for further information or clarify the information provided, where necessary.

We will take steps in the investigation to ensure that confidentiality is maintained as far as possible and will endeavour to protect the identity of the person who raised the concern, unless:

- the person has consented in writing
- there is evidence to show that the person who raised the concern has participated in the wrongdoing, acted maliciously, or made a 'joke' report
- it is required by law or, for example in regulatory proceedings to do so
- it becomes necessary to investigate the underlying facts of the report
- it is on a strictly confidential basis to a professionally qualified lawyer for the purpose of obtaining legal advice.

In certain situations, however, you may choose to make an anonymous report (e.g. without disclosing your identity). If you wish to remain anonymous when raising your concerns, you

must provide as much detail as possible in your initial report. If details are vague, or insufficient, the Business Integrity Department may not be able to initiate an investigation.

7. Will I be updated on the outcome of my disclosure?

Details of investigations are kept confidential and shared on a need-to-know basis only, so it might not be possible to provide outcomes or detailed feedback on disclosures made.

The Ethics team report periodically on the volume and type of disclosures made to Speak Out – a full report can be found [here](#).