

# Speak Out (Whistleblowing) Policy



Version 1.4

Owner: Head of Transparency, Ethics and Data Protection

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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
1.4	October 2020	Amends to section three, four, ten [section 5 in previous version] and eleven [section 6 in previous version]. Addition of sections five, six, seven, eight, nine and thirteen. References to 'Business Integrity Department' replaced with 'Counter Fraud and Investigation Services team'.

## 1. Introduction

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 provides a way for anyone to raise concerns about wrongdoing, 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 are expected to 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 any situation where you believe it is in the “public interest”<sup>1</sup> to do so.

This includes reporting:

- Anything that endangers the health and safety of an individual(s)
- 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
- A bullying or harassment culture (widespread across a team, as opposed to instances of bullying or harassment relating to an individual<sup>2</sup>)
- Attempts to hide, or assist others, in any of the above.

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

- Could it compromise health and safety?
- 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 raising your concerns at an early stage, you could prevent a safety incident, 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 and if you do speak out, then you can be confident that there will be no action taken against you for doing so. This is true even if your concern is not confirmed by subsequent investigation.

Network Rail may consider taking disciplinary action against anyone who has participated in the wrongdoing or made a malicious or 'joke' report.

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<sup>1</sup> “Public interest” – where a disclosure is made in the interests, wellbeing or welfare of the general public.

<sup>2</sup> If you need to raise bullying or harassment concerns that relate to an individual (as opposed to widespread bullying or harassment across a team), please see section seven of this policy.

## 4. How can I speak out?

You can speak out in the following ways:

- In the first instance, raise your concerns **through your line manager or another senior manager**<sup>3</sup>
- Use our **confidential reporting service, called ‘Speak Out’**, which is run on our behalf by an external third party called NAVEX. The service is available 24 hours a day, seven days a week. You can make a report anonymously, if you wish.  
To make your report, you can:
  - Speak to a call handler by phoning Speak Out on Freephone number 0808 143 0100
  - Leave a voicemail by phoning Speak Out on Freephone number 0808 143 0100; or
  - Make a report online via the web form ([www.intouchfeedback.com/networkrail](http://www.intouchfeedback.com/networkrail)).

After making a report, this will be sent to our internal Counter Fraud and Investigation Services team (previously the Business Integrity Department) for initial review. For more information about how concerns are handled, please see section ten of this policy.

- **Contact the ethics team** ([ethics@networkrail.co.uk](mailto:ethics@networkrail.co.uk))  
Where appropriate, the ethics team will pass your concern on to our Counter Fraud and Investigation Services team for initial review. In instances where this is not the most appropriate course of action, the ethics team will confirm any action taken and/or provide you with any necessary advice or guidance.
- **Contact the Director of Risk & Internal Audit or the Group General Counsel**  
Where appropriate, the Director of Risk & Internal Audit or Group General Counsel will pass your concern on to our Counter Fraud and Investigation Services team for initial review. In instances where this is not the most appropriate course of action, they will confirm any action taken and/or provide you with any necessary advice or guidance.
- If you do not feel able to raise your concerns internally, you can **contact the regulator, the Office of Rail and Road (ORR)** (Tel: 0207 282 2175 or email: [boardsecretariat@orr.gov.uk](mailto:boardsecretariat@orr.gov.uk)). For more information about raising your concerns to the regulator, please click [here](#).

**Please note:** Depending on the nature of your concern, some of the options listed above may not be the most appropriate channel to use. For more information, see sections five – seven.

## 5. Reporting Safety Concerns

For ‘live’ events:

Any ‘live’ events (e.g. something that you believe may cause imminent injury or damage to people or the railway) should be reported to the relevant control centre for the area or the National

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<sup>3</sup> If you’re a manager and someone has raised a concern to you, guidance on your next steps can be found via HR Direct.

Operations Centre (NOC) on 01908 723644 or 01908 723645, immediately. If you are unable to contact either you should contact the police on 999.

#### **For 'non-live' events:**

For 'non-live' events, please use Close Call (our designated, specialist safety reporting service), using any of the options below:

- Tel: 01908 723500
- Email: [CloseCallReporting@networkrail.co.uk](mailto:CloseCallReporting@networkrail.co.uk).
- App: Close Call app available on Network Rail mobile devices.

## **6. Reporting drug and alcohol concerns**

If you need to report a concern regarding drug and alcohol abuse, please contact either of the relevant services below:

- If someone reports to work and is, or is suspected to be, under the influence of drugs/alcohol, contact the National Operations Centre (NOC): 01908 723644 or 01908 723645
- If you believe someone may be struggling with a drug/alcohol problem but does not appear to be under the influence whilst at work, contact the Speak Out service: 0808 143 0100 or [www.intouchfeedback.com/networkrail](http://www.intouchfeedback.com/networkrail).

Network Rail employees are able to access a copy of the drugs and alcohol standards [here](#). Contractors are able to source a copy of the standard from [IHS, a global information company](#) or *SAI Global*.

## **7. Reporting individual grievances**

If you would like to raise a **grievance** or appeal the outcome of a grievance, you should **not** use the channels listed in section four of this policy. Instead, please see the [Individual Grievance Policy and Procedure](#). If you have any questions or require any support when raising a grievance, please refer to:

- 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.

## **8. Protection from victimisation**

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 as a result of doing so, you must make this known to the ethics team immediately.

Examples of behaviour constituting victimisation include negative treatment of any kind targeted at an individual, as a result of having raised their concerns. This could include:

- Trying to identify someone who has raised a concern
- Being left out of meetings or ignored by colleagues
- Disciplinary action being taken against someone on unfair charges.

## 9. Support

We understand that deciding to raise a concern can be a challenging time and we know it takes courage. If you need support throughout the process, the Employee Assistance Programme and trades unions can help.

For more information about the Employee Assistance Programme, please click [here](#).

For information about the trades unions, including contact details, please click [here](#).

## 10. How are concerns handled?

All concerns raised under this policy will be treated fairly and in complete confidence. Our internal Counter Fraud and Investigation Services team will conduct an initial review of the concerns raised and decide how the concern will be best investigated.

Sometimes, the Counter Fraud and Investigation Services team may decide that they are not the most appropriate team to investigate a particular concern, and may pass the concern on to another area of the business for investigation, work with other areas and individuals in the business to conduct an investigation or, where necessary, pass the case onto an external party. This will always be in the strictest confidence.

Where there is evidence to suggest a criminal offence has been committed, the police or relevant law enforcement agency will be informed.

If a concern would be better managed through an alternative service (e.g. Close Call), the concern will be re-allocated for 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 to raise your concerns, don't forget to use your unique case number to phone back or log in online to check whether the Counter Fraud and Investigation Services team have left any messages, or additional questions for you.

## 11. Confidentiality & anonymity

Raising your concerns confidentially means that you provide Network Rail with your details in confidence.

Raising your concerns anonymously means that you do not disclose your identity and Network Rail is unable to identify who has raised the concern.

We encourage you to raise your concerns confidentially by providing your name and contact details. Doing so makes it easier to assess the issue and to contact you for further information or clarify the information provided.

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

- the person has consented to their identity being revealed, in writing
- the disclosure of identity is required by law.

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, it may not be possible to initiate an investigation.

## **12. 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 the Speak Out service – a full report can be found [here](#).

## **13. Further help**

If you would like to discuss the contents of this policy or any of the issues it covers, please contact the ethics team at [ethics@networkrail.co.uk](mailto:ethics@networkrail.co.uk).