

**Date: 8 March 2016**

**Item: Review of TfL's Independent Reporting Lines for Year Ended 31 December 2015**

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**This paper will be considered in public**

**1 Summary**

- 1.1 This paper provides an update on reports to the independent reporting systems SafeLine and CIRAS (Confidential Incident and Reporting and Analysis System) during 2015.
- 1.2 The number of reports received through SafeLine is lower than in 2014 but the rate to date in 2016 is the same as 2014.

**2 Recommendation**

- 2.1 **That the Committee note this paper.**

**3 Background**

- 3.1 Since 2004, arrangements have been in place to provide an external independent reporting mechanism for anyone who works for TfL to raise concerns within a safe environment. The external reporting line is operated by a contractor and branded as 'SafeLine'. The contract is managed within General Counsel and the contract manager is the first point of contact by the contractor once a report has been received.
- 3.2 Staff and contractors can raise concerns about any aspect of TfL's activities. This includes concerns about the safety of the public and/or staff, fraud or financial issues, harassment, bullying, or discrimination. Also covered would be any decisions, actions, conduct or communications that are unlawful, or in breach of TfL's policies or in significant breach of its core values.
- 3.3 The most common reasons for using a reporting line is that the issue is with the immediate manager of the reporter, is perceived by the reporter not to have been adequately addressed or because of a fear of reprisals.
- 3.4 Matters relating to health and safety for the rail industry and now for bus services can also be reported through the external CIRAS independent confidential reporting system.
- 3.5 The Safeline and CIRAS independent reporting mechanisms are in addition to normal reporting channels. TfL has committed to protect anyone who raises

such matters, provided the disclosures are made without malice and in good faith, regardless of whether the concern raised is upheld.

- 3.6 When the 2014 report was considered by the Committee on 9 March 2015 (Minute 09/03/15) Members requested that future reports would, where possible, include information regarding similar concerns and complaints raised through other means and provide benchmarking data compared to other similar size organisations. Section 4 on SafeLine now includes information on the number of similar concerns and complaints raised through other means. It also responds to the request for benchmarking data. Section 5 on CIRAS includes headline information on the total number of issues raised with CIRAS and the numbers raised with Network Rail and with the Train Operating Companies.

### **Operation of the SafeLine External Reporting Line**

- 3.7 The contract for the management of the external reporting line is held by Crimestoppers, an independent charitable company. The contract was awarded, following a competitive tendering process, for a three year period from 1 March 2014. TfL has an option to extend the contract by a further 12 months.
- 3.8 Staff and contractors can make reports to the SafeLine service by phone or by an online form. Details of how to report issues both internally and through the SafeLine service are included in the TfL Code of Conduct and on the TfL intranet. Information is also provided by posters placed in all offices. A further awareness raising exercise is about to take place, which takes account of the new internal style and branding guidance.
- 3.9 As part of the ongoing management of the system, the contract manager tests the resilience of the system and has regular meetings with the Crimestoppers commercial manager to provide regular review and assurance. In turn, Crimestoppers submit ad hoc test reports to ensure that reports are being received and sends a monthly summary of the reports received. The TfL and Crimestoppers tests have all yielded satisfactory results throughout 2015.

## **4 SafeLine External Reporting Line Reports in 2015**

- 4.1 SafeLine received 15 contacts during 2015 relating to 14 incidents (that is, one of the contacts was providing additional information on an existing reported incident). The number of reports received in 2015 is significantly lower than in 2014. However, the number of reports received in 2016, to date (seven), is significantly higher than for the same period in 2015 (two) and the same as in 2014 (seven).
- 4.2 All allegations reported are investigated, either by the appropriate officer in Human Resources or by the Internal Audit Fraud team. While investigations may not find any evidence to support the initial allegation, they may give rise to lessons to be learned and often serve as an opportunity to raise awareness of good practice.

4.3 The table below provides a summary of the nature of the issues involved.

<b>Category</b>	<b>2014 Reports</b>	<b>2015 Reports</b>
Integrity (including Fraud)	7	2
Health and Safety (H&S)	2	0
Human Resources	14	10
Total	23	12

4.4 In addition to the SafeLine reports, TfL is informed of relevant incidents reported to the main Crimestoppers number, which are sent to the police. In 2015, there were six incidents (up from four in 2014). These are also addressed below.

### **Integrity and Fraud**

4.5 Internal Audit includes a dedicated Fraud Team. The team regularly promotes integrity and fraud awareness and encourage staff to report all allegations via a dedicated phone line and secure email account. The fraud team investigated over 40 allegations of fraud, bribery and corruption in 2015. These related to alleged misconduct by staff, contractors, users of TfL services and by people attempting to defraud TfL. Of these 40, over 70 per cent were allegations made by staff members.

4.6 There were only two issues raised through SafeLine in 2015. One of the cases alleged that staff were reselling used Oyster cards. This was investigated but no evidence was found. The other case related to a claim that a member of staff was fraudulently claiming overtime. The matter was investigated but no member of staff with the name (or similar) to that reported was employed by TfL.

4.7 In addition to the SafeLine reports, there were two cases notified to TfL, along with the Metropolitan Police Service, directly by Crimestoppers. One was in relation to the selling of pirate DVDs. The other related to counterfeit tickets, where the person named was not identified as a TfL employee but the Fraud Team referred the matter to the British Transport Police.

4.8 As with all investigations into fraudulent activity, the opportunity is taken to remind staff of TfL policy and the Code of Conduct.

### **Health and Safety**

4.9 TfL takes its H&S responsibilities very seriously and publishes an annual TfL Health, Safety and Environment Report. H&S is a standing item on most management meeting agendas and there are robust processes within TfL for reporting breaches or concerns. Through TfL's Health Safety Environment Management System (HSEMS) staff are encouraged to make observations on local or wider HSE issues to their managers.

- 4.10 In London Underground, where the majority of staff are direct operational employees, health and safety representatives are elected to represent their members on HSE matters and to communicate and consult with the members they represent. (They may also represent non union members who they have agreed to be health and safety representatives for.) London Underground, working with the trades unions, has established a consultation framework that operates on a two level tier basis to enable regular consultation to take place at local, functional and company levels. This has been structured to allow trains, stations and other areas health and safety issues and concerns to be considered in the most appropriate way.
- 4.11 There were no health and safety issues raised through the SafeLine contract. Those reported through CIRAS are detailed below.

### **Human Resources**

- 4.12 TfL has robust Human Resources Policies and Procedures in place to investigate any breaches to the Code of Conduct. The Human Resources Business Partner and People Management Adviser teams work closely with the business to ensure a fair and consistent approach is applied when dealing with disciplinary and grievance cases.
- 4.13 The Human Resources issues raised through the SafeLine contract related to unfair and discriminatory employment practices, stress and inappropriate language.
- 4.14 These incidents were all been investigated in line with TfL's Policies and Procedures. Most were not substantiated but where issues had been raised previously the correct HR processes had been followed.
- 4.15 One claim of the use of sexist language by two senior staff at a meeting resulted in a note being issued to all attendees apologising for any offence caused.
- 4.16 In addition to the SafeLine reports, Crimestoppers received two reports about the same issue and these were sent to the Metropolitan Police Service and copied to TfL. The employee involved was arrested.

### **Benchmarking**

- 4.17 Benchmarking was discussed with the Crimestoppers account manager. The advice given was that accurate and meaningful benchmarking is difficult. Figures are affected by industry type (including the operational and office mix). The value attached to the figures is hard to quantify. A low number of reports may reflect a lack of awareness of the reporting service or discouragement of whistleblowing or, conversely, that the normal management processes for HR, Fraud and Integrity and Health and Safety are very effective.
- 4.18 The advice given was to benchmark against past performance within your own organisation, which is what this annual report seeks to do, with the addition of data on the number or reports/cases generated through internal processes.

- 4.19 TfL has just launched some revised internal communication guidance. Information to promote the reporting line is being amended to meet the new guidance. Posters promoting SafeLine will be issued to all offices and depots shortly, along with an awareness raising article on the front page of the intranet.

## 5 CIRAS

- 5.1 CIRAS is an independent confidential reporting system for matters relating to health and safety. In 2015, CIRAS processed 228 reports. Network Rail received 92 reports, the Train Operating Community as a whole received 86 reports and TfL (London Underground) received 24 reports.
- 5.2 Any issues raised are reported to TfL's Director of Health, Safety & Environment and are investigated. A response is then sent to CIRAS which is communicated back to the reporter and the outcome published in the Report Library on the CIRAS website.
- 5.3 For London Underground, CIRAS received 24 reports. In all cases a response was provided and satisfactory outcomes recorded. The table below provides a summary of the categories of incidents (several incidents had more than one primary categorisation).

<b>Category</b>	<b>2014 Reports</b>	<b>2015 Reports</b>
Communications	0	1
Equipment/Vehicles	5	7
Health & Wellbeing	2	2
Rostering	1	3
Rules & Procedures	4	17
Supervision & Management	1	7
Training and Briefing	5	3
Work Environment	4	3

- 5.4 From January 2016, the London Underground membership of CIRAS has been extended to include other areas of TfL and will also be extended to include London Bus Services.

**List of appendices to this report:**

None

**List of Background Papers:**

SafeLine and CIRAS Reports 2015

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