

**Date: 14 March 2017**

**Item: Review of TfL's Independent Reporting Lines for Year Ended 31 December 2016**

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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 CIRAS (Confidential Incident and Reporting and Analysis System) and SafeLine during 2016.
- 1.2 TfL is a member of CIRAS, an independent confidential reporting system for member organisations across the UK on matters relating to transport health and safety. CIRAS received a total of 67 reports for TfL in 2016, with 22 being for London Underground (compared to 43 in 2015) and 45 for buses. There were no reports relating to TfL's tram network. Network Rail received 69 reports and the Train Operating Community as a whole received 112 reports.
- 1.3 TfL also has its own arrangements in place to provide an external independent reporting mechanism for anyone who works for TfL to raise concerns within a safe environment. While this "SafeLine" mechanism can be used to report health and safety issues, it also covers fraud and integrity and Human Resource issues. In addition to SafeLine, a further source of information on potential wrongdoing is through reports received by Crimestoppers that are copied to us if they relate to TfL staff or our businesses. The number of reports received through SafeLine (including Crimestoppers) was significantly higher in 2016 (39), than in 2015 (16) but only slightly higher than those received in 2014 (36).

**2 Recommendation**

- 2.1 **The Committee is asked to note the paper.**

**3 Background**

- 3.1 There are two main mechanisms to enable people to make anonymous reports raising concerns about the operation of TfL.
- 3.2 Matters relating to health and safety can be reported through the external CIRAS independent confidential reporting system. Buses became members of CIRAS through the LU membership on 1 January 2016 and TfL Surface Operations became members through the same membership in May 2016.

- 3.3 The CIRAS and SafeLine independent reporting mechanisms are in addition to normal reporting channels. We have 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.

## 4 CIRAS (Confidential Incident and Reporting and Analysis System)

- 4.1 CIRAS is an independent confidential reporting system for matters relating to health and safety. The service is available for people working in the transport industry and its supply chain across the UK. CIRAS offers a corporate safety net that ensures safety, health or other concerns are captured internally and with CIRAS' help, investigated to a successful and satisfactory conclusion. CIRAS exploits the opportunity to learn from such events across the industry through their engagement programme, newsletters and website where they share any lessons learnt.
- 4.2 Both Network Rail and LU require all Sentinel (trackside/on or near the line) sponsors/organisations and all their employees to become direct subscribers of the CIRAS scheme. When we let other contracts we encourage organisations to be members of a confidential reporting system but do not mandate CIRAS.
- 4.3 CIRAS received a total of 67 reports for TfL in 2016 with 22 being for LU. Network Rail received 69 reports and the Train Operating Community as a whole received 112 reports. Please refer to the tables below.
- 4.4 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. A "satisfactory outcome" means both CIRAS and the reporter are content and the report had been closed. The outcomes of investigations are published in the Report Library on the CIRAS website and in the CIRAS newsletter, so that lessons can be learnt by the wider industry.
- 4.5 For London Underground, CIRAS received 22 reports. Of these, 20 cases have been responded to and closed and satisfactory outcomes recorded. There are two reports still under investigation. The table below provides a summary of the categories of incidents (several incidents had more than one primary categorisation).

<b>Category</b>	<b>2015 Reports</b>	<b>2016 Reports</b>
Communications	1	0
Equipment/Vehicles	7	1
Health & Wellbeing	2	1
Rostering	3	2
Rules & Procedures	17	13
Supervision & Management	7	3
Training and Briefing	3	2
Work Environment	3	0

- 4.6 For London Bus Services, CIRAS received 45 reports. 41 cases have been responded to and closed, and for all these satisfactory outcomes were recorded. Four reports remain open. The table below provides a summary of the categories of incidents (several incidents had more than one primary categorisation).

<b>Category</b>	<b>2015 Reports</b>	<b>2016 Reports</b>
Communications	n/a	0
Equipment/Vehicles	n/a	14
Health & Wellbeing	n/a	8
Rostering	n/a	11
Rules & Procedures	n/a	3
Supervision & Management	n/a	2
Training and Briefing	n/a	1
Work Environment	n/a	6

- 4.7 London Trams (LT) is a subsidiary of Transport for London and is responsible for the Croydon tram infrastructure. Tram Operations Limited (TOL) is a subsidiary of First Group and operate the trams on behalf of TfL. LT is a member of CIRAS through the TfL subscription. No issues were reported to CIRAS in 2016. TOL has its own independent confidential reporting system where staff can raise concerns (safety or any other topic) that then get investigated.
- 4.8 It is proposed that CIRAS will be invited annually to a meeting of the Safety Sustainability and Human Resources Panel to provide information on any trends in the reports received relating to TfL and to provide an update on any wider learning for other industries/transport sectors.

## **5 SafeLine External Reporting Line**

- 5.1 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.
- 5.2 Staff and contractors can raise concerns about any aspect of our 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 our policies or in significant breach of its core values.

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

- 5.3 The contract for the management of the external reporting line is awarded every three or four years following a competitive tendering process.

- 5.4 The current contract was awarded for a three year period from 1 March 2014, to Crimestoppers, an independent charitable company. In 2016, we exercised our option to extend the contract from 1 March 2017 by a further 12 months. A competitive tendering process will be run again later this year, ahead of the award of a new contract to the successful bidder from 1 March 2018.
- 5.5 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. Both TfL and the Crimestoppers' tests have yielded satisfactory results throughout 2016.
- 5.6 Staff and contractors can make reports to the SafeLine service by phone or via 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 our intranet. Details of the service are also provided by posters placed in all offices and depots. An awareness raising exercise was conducted in May 2016 by issuing new posters, incorporating new internal branding, and through a promotional item on the front page of the intranet.
- 5.7 Reports of alleged wrongdoing that relate to TfL that are sent directly to Crimestoppers are copied to us when they are passed on to the relevant investigating organisation (e.g. the police).

#### **SafeLine External Reporting Line Reports in 2016**

- 5.8 SafeLine sent us a total of 41 reports (about 34 incidents), during 2016. The number of reports from previous years is 16 in 2015, 36 in 2014 and 50 in 2013. The total number of 34 incidents, from the 41 reports, is as a result of two incidents generating two reports and a further incident generating six reports. The additional reports arise from either different people reporting the same incident or a person providing additional information.
- 5.9 The reports are received directly through our dedicated number and online form and those received directly by Crimestoppers and copied to us. The increase in the overall number reflects both an increase in the number of direct reports (22 against 12 in 2015) and reports from Crimestoppers (19 against 5 in 2015).
- 5.10 The previous paper to the Committee, covering the figures for 2015, provided a summary table of the number of incidents relating to integrity, health & safety and human resources from reports received directly from SafeLine. To provide a more accurate set of data on the issues raised, the figures for 2016 and future reports will cover both SafeLine and Crimestoppers reports. The total figure is higher than the number of incidents because some reports will fall into more than one category – for example alcohol abuse may be classified as Human Resources only for non-operational staff but would also be classified as Health and Safety for operational staff and may also be classified as criminal behaviour if the allegation includes “dealing”.

<b>Category</b>	<b>2015</b>	<b>2016</b>
Health and Safety (H&S)	0	6
Integrity (including Fraud)	2	5
Human Resources	10	21
Criminal behaviour not work related	n/a	4
Total	12	39

5.11 All allegations reported that relate to TfL 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.

5.12 A summary of the incidents raised under each of the headings is below.

**(a) Health and Safety**

5.13 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.

5.14 There were six H&S incidents reported. One related to unsafe work practices (lone working) and was dealt with to the satisfaction of the person raising the issue through the normal HR processes.

5.15 The other incidents all related to allegations of being under the influence of drugs or alcohol while at work. The safety of employees and customers is of paramount importance. A major factor in this respect is the ability of those who work for us to carry out their jobs safely, effectively and to the best of their ability. Therefore TfL operates a zero-tolerance approach to drugs and alcohol to minimise any safety risks to customers and its employees. Standards have been set for employees detailing the requirements and responsibilities regarding drugs and alcohol, to ensure that work performance is not affected in any way by the consumption of either drugs or alcohol.

5.16 We are committed to supporting employees who come forward to the Drugs and Alcohol Assessment Treatment Service (DAATS) or to their line manager with a drug or alcohol related problem. However, if an employee fails to inform DAATS or their line manager before a breach of this policy, we are unlikely to afford any additional support and appropriate action will be taken through the disciplinary procedure. Failure to comply with this policy may lead to action being taken against them. Where such breaches are deemed to be gross misconduct, disciplinary action may result in dismissal.

5.17 Admission of a problem to DAATS under Occupational Health or to the appropriate manager before the disciplinary process is initiated, offers the employee the protection of the Misuse of Drugs and the use of Illegal

Substances Policy and the Alcohol at Work Policy. In addition, any breaches of this policy that result in disciplinary action, will take full account of any effort made by an individual to seek help with drugs or alcohol related problems.

- 5.18 The aim of the DAATS is to arrange appropriate treatment for employees with drug and alcohol problems and return employees back to their working routine as soon as possible by offering advice and support for employees and managers, drug and alcohol assessment, individual treatment plans for employees (where indicated by assessment) and after-care support and monitoring.
- 5.19 Where allegations of alcohol or drug use at work are raised, the member of staff will be stood down while they are investigated. Of the five incidents raised through the reporting lines: one was the employee of a contractor, to whom we passed the information; one person left us during the investigation, one person was tested and no evidence found and two staff were tested and put onto the DAATS Programme.
- 5.20 H&S issues raised through CIRAS are reported above.

#### **(b) Integrity and Fraud**

- 5.21 Internal Audit includes a dedicated Fraud Team. The team regularly promotes integrity and fraud awareness including staff online awareness training encouraging staff to report all allegations via a dedicated phone line and secure email account. The fraud team investigated over 30 allegations of fraud, bribery and corruption in 2016. These related to alleged misconduct by staff, contractors, users of TfL services and by people attempting to defraud TfL. Of these 30 cases, 70 per cent were allegations made by staff members.
- 5.22 There were five integrity and fraud issues raised through SafeLine in 2016. An allegation relating to the use of TfL equipment to create and then sell DVDs to colleagues was investigated and no evidence was found. An allegation of potential fraudulent activity in the letting of major contracts was investigated but no evidence was found. An allegation of theft from a LU warehouse was investigated but no evidence found. An allegation in relation to a TfL issued taxi badge being sold on eBay did not relate to a member of staff. The fifth report came through the Crimestoppers channel with a number of organisations copied in but did not relate to TfL activities.

#### **(c) Human Resources**

- 5.23 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.
- 5.24 The Human Resources issues raised through the SafeLine contract related to unfair and discriminatory employment practices, bullying and harassment and use of inappropriate language.

- 5.25 The incidents were all investigated in line with our Policies and Procedures. Where the allegation related to a contractor's employee, we contacted the relevant company to ensure that it investigated. In a couple of cases, the person named in the allegation was not identified as one of our staff and insufficient information was provided to identify if they were employed by a contractor.
- 5.26 Most allegations were not substantiated or related to matters already the subject of a formal HR process. Where incidents were identified (in full or in part) appropriate action was taken.

**(d) Crime**

- 5.27 There were four incidents relating to criminal activity. Two related to allegations of staff dealing (in addition to using) drugs. In one of these cases, it was not possible to verify if the person worked for a contractor but they were not directly employed by TfL. The second case is reported above under H&S, where the person resigned during the investigation. The other two incidents were investigated by the relevant authorities and no further action was taken.

**List of appendices to this report:**

None

**List of Background Papers:**

CIRAS and SafeLine Reports 2016

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