



Our ref: 719126
Your ref:

Via Email

@northumbria.ac.uk

Tim Reardon
General Counsel
Highways England
Bridge House
1 Walnut Tree Close
Guildford
GU1 4LZ

7th May 2015

Dear Dr. [REDACTED]

FREEDOM OF INFORMATION REQUEST

Thank you for your Freedom of Information request dated 9 April regarding the unauthorised disclosure of official information and whistleblowing. You requested:

(1) Please provide details of the number of individuals who have raised concerns regarding alleged breaches of the Civil Service Code in your organisation between the following dates: 01/01/2010 to 09/01/2010 and 01/01/2014 to 31/12/2014.

(2) in particular:

- i. Please provide details of whether each individual raised the concern on anonymous, confidential, or self-identified basis.*
- ii. Please indicate whether the concern was raised to a line manager or nominated officer (an individual tasked to receive whistleblowing concerns as identified in the Civil Service Code).*
- iii. Please provide a brief summary of the types of concerns raised.*
- iv. Please indicate whether or not the matter complained of was subsequently referred to the Civil Service Commission or a regulatory or enforcement organisation.*
- v. Please identify (if appropriate) whether any subsequent action was taken.*

Disclosure of Official Information without Authority.

(3) If instances of disclosures of official information without authorisation (commonly referred to as 'leaking' i.e. to a journalist or other any other individual outside of the organisation who should have access to the information in question) are recorded by your organisation, please disclose the number of instances of unauthorised disclosure between the dates: 01/01/2010 to 31/12/2014.

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**INVESTORS
IN PEOPLE**

- (4) Please disclose the number of inquiries conducted into disclosures of official information without authority between the dates: 01/01/2010 to 31/12/2014.*
- (5) Please disclose any policy guidance/ guidelines for the handling of instances of unauthorised disclosures*
- (6) If possible, please identify the number of employees in your organisation who have been subject to disciplinary action or dismissal for the disclosure of official information without authority.*

Confidentiality agreements

- (7) Please identify whether or not individuals working for your organisation are required to sign a confidentiality agreement. If so, please disclose a blank copy of this agreement.*

Official Secrets Acts

- (8) Please identify whether or not individuals working for your organisation are required to sign the Official Secrets Act(s). If, so please disclose a blank copy of this agreement.*

Authorisation to disclose official information.

- (9) If your organisation has policy guidance/ procedures for individuals (in particular employees or former employees of your organisation) to seek authorisation to disclose official documents (as indicated by s.7 Official Secrets Act 1989) please disclose this.*

Highways England does hold the information you requested, and our response to your requests are as follows:

The Civil Service Code (your requests 1 and 2)

In response to your requests, I should like to point out that the majority of whistleblowing allegations that Highways England (and its predecessor the Highways Agency) receive relate to its contractors, sub-contractors or other agents. Where individual members of staff are involved, the date on which the alleged incident occurred is not always recorded.

For the first period that you have requested information (01/01/10 – 09/01/10) we received no reports about the behaviour of staff involving an alleged breach of the Civil Service Code through our whistleblowing channels.

For the second period (01/01/14 – 31/12/14) we received 7 allegations / concerns relating to our employees. One was from a colleague (line manager); one from the police; one from a district authority counter fraud officer; two from named members of the public; and two were anonymous.

Although the complaints were not specifically about a breach of the Civil Service Code, because that Code requires integrity and honesty the nature of the reported concerns would, if proved, amount to a breach. The seven allegations involved the following: abuse of drugs, inappropriate use of social networks, a fraudulent sickness claim, misuse of work time, exaggeration of an injury compensation claim, inappropriate use of a supplier-provided vehicle and various claims relating to the conduct and alleged illegal activities of a staff member.

All concerns raised were routed through our whistleblowing channels and allocated to an appropriate individual to investigate. None has yet been referred to the Civil Service Commission, although one case is still under investigation.

Unauthorised Disclosure of Official Information (your requests 3 – 6)

In answer to your requests numbers 3 and 4 we are aware of four cases of an alleged unauthorised disclosure of official information that have been investigated under the disciplinary procedures between 01/01/2010 and 31/12/2014. None of these four cases were identified or notified via whistleblowing media.

In answer to your request number 6 of these one resulted in disciplinary action, a penalty, being issued.

In answer to your request number 5 Highway England has no specific policy guidance or guidelines about how instances of the alleged unauthorised disclosure of official information are dealt with. This forms part of our overall disciplinary procedure.

Confidentiality agreements (your request 7)

I enclose a blank copy of the confidentiality agreement which forms part of the employment contract for new joiners to Highways England Company Limited (this company taking over the functions of the Highways Agency from 1 April 2015).

The Official Secrets Act (your requests 8 and 9)

It is a condition of the contract of employment Highways England issues to its employees that they abide by the terms of the Official Secrets Acts 1911 -1989. There is no specific guidance to employees regarding the disclosure of information over and above that contained in the enclosed extracts from the Highways England staff handbook.

In keeping with the spirit and effect of the Freedom of Information legislation, all information disclosed to you is assumed to be releasable to the public unless exempt. We may therefore be publishing the information you requested, together with any related information that will provide a key to its wider context, via the [Gov.uk website](http://Gov.uk).



If you are unhappy with the way we have handled your request you may ask for an internal review. Our internal review process is available at:

<https://www.gov.uk/government/organisations/highways-england/about/complaints-procedure>

If you require a print copy of the process, please phone the Information Line on 0300 123 5000; or e-mail info@highwaysengland.co.uk. I would be grateful if you would contact me if you wish to have an internal review.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Should you have any queries about this letter, please contact me. Please quote our reference number above in any future communications.

Yours sincerely

A black rectangular box redacting the signature of Tim Reardon.

pp.

Tim Reardon

Email: tim.reardon@highwaysengland.co.uk

Tel: 0300 470 1224