

# Whistleblowing and Fraud Panel

## Terms of Reference

### Purpose

Provide strategic direction in the management of whistleblowing and fraud allegation cases presented to WMCA, to assess the basis of any evidence, and determine the appropriate level and prioritisation of action and resources required for each case.

To enable the panel to consider whether diverting or supplementing Internal Audit resources from the annual plan are justified and by the inclusion of the Chair of ARAC avoid any accusation of there being a conflict of interest in any decision made.

### Responsibilities

To undertake a preliminary triage of cases presented to WMCA as a Whistleblowing claim and Fraud allegation for onward management, investigation and resolution.

To consider the likely strength or weakness of any allegations and the findings of any initial enquiries made by WMCA staff and/or Internal Audit against each whistleblowing case and determine the appropriate next steps to be progressed.

Where there is evidence the concern raised is vexatious, is an inappropriate use of the whistleblowing facility, or where there are aggravating circumstances that warrant the claim being an abuse of the process, consideration be given to the purpose and validity of such a claim, prior to detailed investigations being agreed.

The triage will determine the type of complaint and whether it is a legitimate whistleblowing situation in line with policy and legislation. If deemed that the complaint is an employment related complaint by a current employee, this will be managed through the employee grievance procedure.

To instruct the most appropriate investigatory team to progress with a detailed review where the findings of the initial review demonstrates further investigations are warranted, judged against criteria to include the credibility of any allegations, any mitigating or aggravating circumstances, the potential seriousness of allegations and the potential for serious misconduct if proven.

To instruct the Investigator to close a case where insufficient evidence is available and/or reasonable enquiries have failed to substantiate a case.

Where it has been agreed to appoint Internal Audit to undertake further investigations, to authorise the appointment of additional resource and the associated costs for completion of detailed investigations.

To ensure the management of all whistleblowing claims are treated sensitively and follow the procedural arrangements as set out within the organisation's Whistleblowing policy.

Summarise decisions made by this panel to Audit, Risk and Assurance committee members and senior managers as required.

**Membership**

- Independent Chair of Audit Risk and Assurance Committee (ARAC)
- Finance Director / Section 151 Officer
- Monitoring Officer / Chief Audit Executive
- Head of Human Resources
- Head of Audit Services (Wolverhampton)

\*The Chair of ARAC will be the Chair for this Panel.

**Frequency**

This committee will meet on an as required basis.

Notification of meeting requirements will be provided to all members upon receipt of a whistleblowing claim.

**Quorum**

Chair of ARAC and a minimum of 2 other members including the Head of Audit Services (or their nominee) and at least one of the Director of Finance or Monitoring Officer from the WMCA.

**Reporting**

A record of each meeting will be maintained and filed in line with WMCA's Whistleblowing policy in meeting the needs of a secure record of all cases being maintained.

Reporting of all whistleblowing cases shall be reported to ARAC upon conclusion of any case within the private agenda of this committee.

**Review**

These Terms of Reference are to be reviewed annually and be approved by Audit, Risk and Assurance Committee.

Note: these meetings are informal Member/Officer meetings that are not open to the public and do not exercise any formal delegated decision-making powers.