

Natural England

Whistleblowing (Public Interest Disclosure) Policy and Procedure

Introduction

1. The policy is designed to comply with the Public Interest Disclosure Act 1998 (PIDA). The Act protects you in reporting concerns to your employer, to Prescribed Persons (such as the Inland Revenue and the Health and Safety Executive) or some other person in certain prescribed circumstances. In order to qualify for protection under the Act, you must make disclosures in good faith when reporting matters. This procedure covers raising and dealing with concerns about wrongdoing or malpractice relating to the running of Natural England or to the work related activities of members of staff. This practice is commonly known as "Whistleblowing".

Policy

2. Natural England is committed to the highest standards of openness and accountability; malpractice within Natural England is taken very seriously. It is your duty as an employee to speak up about genuine concerns in relation to the above, if you see them happening in the workplace. A disclosure to Natural England will be protected if you have an honest and reasonable suspicion that the malpractice has occurred, is occurring or is likely to occur. Individuals who raise concerns reasonably and responsibly will not be penalised in any way.
3. This procedure does not relate to concerns submitted by members of the public about the activities or interests of Natural England.
4. This procedure allows you to report in confidence genuine concerns you may have about any wrongdoing in Natural England without fear of reprisal. This procedure provides safeguards under which genuine concerns can be raised internally, in good faith, without fear of repercussions to the individual whilst seeking to balance this and the need to protect Natural England and other employees against uninformed or malicious allegations, which can cause serious difficulties for innocent individuals. This procedure will help us all to safeguard our standards of public service.
5. Since 2010 the disclosure of bribery has become of particular importance as , under the Bribery Act 2010, organisations will be criminally liable if they fail to prevent it. The offence of bribery captures the actions of employees, agents, and intermediaries performing services for or on behalf of the organisation.

Why have a "Whistleblowing" Procedure

6. Whistleblowing can be an effective early warning system. People on the front line usually know what is happening in their work area best. This procedure aims to encourage staff to resist the temptation to cover up suspected malpractice and may even stop a local difficulty becoming a larger disaster. It provides somewhere for people to turn to during time of "crisis" i.e. to provide a safe alternative to silence leading to less stress for worried employees, it promotes accountability throughout Natural England and provides management in Natural England with a chance to consider and address such issues. This leads to good management and better governance.

Who can use this procedure?

7. The procedure applies to you if you are employed on a permanent or fixed term contract of employment, on secondment to Natural England, on a temporary contract or agency contract worker, an independent consultant or a contractor or supplier to Natural England.

What concerns are covered by it?

8. Malpractice includes, but is not limited to:
 - unlawful or criminal offences which have been, are being or are likely to be committed, for example, fraud, corruption, bribery or blackmail;
 - failure to comply with a legal or regulatory obligation;
 - miscarriage of justice;
 - disregard of legislation governing health and safety at work;
 - unauthorised use of public funds;
 - endangering the environment;
 - concealment of information relating to any of the above.
9. Senior management will take issues raised through the Whistleblowing procedure seriously and will ensure that allegations are investigated properly. As this may involve a significant use of senior management time, it is your responsibility to ensure that the issue is genuine and material, and that it is correct and proper to use this Whistleblowing procedure. The disclosure must be made in good faith and not motivated by personal antagonism.
10. This procedure applies to your disclosure if you have reasonable grounds to believe that malpractice has occurred, is occurring or is likely to occur in Natural England (whether on the part of another employee or any other person or persons). Reasonable grounds for belief mean more than just a possibility or risk that malpractice has occurred, is occurring or is likely to occur.

Other concerns and complaints

11. You should use other procedures (see end of procedure) if your concern falls within the areas of Grievance, Diversity and Equality, Harassment or Bullying or Customer complaints. If those you contact believe another procedure is more appropriate they will suggest it.

How do I report a concern? Reporting – Stage 1

12. You should raise your concern with your own line manager or somebody within your line management chain e.g., Team Leader, Team Manager, Director or Executive Director.
13. Line managers will take your concern seriously, make a fair evaluation of its merits and deal with it in confidence. If the concern relates to the operation of a policy or procedure, which is “owned” elsewhere within Natural England, they will wish to seek advice from the appropriate area of expertise.
14. You are encouraged to put your name to any allegation. Concerns expressed anonymously are much less powerful and more difficult for the matter to be investigated. However, they will be considered against the seriousness of the issues raised, the likelihood of confirming the allegation from attributable

sources, Natural England's best interests and the protection of Natural England's assets and reputation.

15. Concerns can be raised orally but it will be more effective for the concern to be in writing at an early stage to ensure that all the details are correctly understood. A written allegation should set out the background and history of the concern, providing names, dates and places where possible, and the reason why you are concerned about the situation.

How do I report a concern? Reporting - Stage Two

16. If you feel unable to raise your concern with your line managers, for whatever reason, you should contact one of the designated officers:

- Director of Organisational Development;
- Head of Internal Audit.

17. On receipt of the disclosure your concerns will be dealt with fairly and correctly and without bias. If you contact one of the designated officers, you will be provided with a formal acknowledgement within ten working days of raising the concern. This will let you know who is dealing with the matter, how Natural England intends to deal with it and the timing of any action. However if the issues raised require a criminal investigation, we will not be able to advise you of any action or progress until the matter is finally concluded. We will also advise you when the action is concluded unless contact with you is required during the course of the investigation.

18. One of the designated officers will offer to interview you in confidence as soon as practicable after the initial disclosure. A work colleague or trade union representative may accompany you at the interview. In addition to the designated officer who is holding the interview, Natural England will usually have another person present who will keep a record of the meeting.

19. You will need to demonstrate that there are sufficient grounds for concern and provide enough information to enable the matter to be taken forward. You will need to set out the background to your concern including dates, names and places and the reason why you are particularly concerned. You should state whether you also wish to submit a separate grievance if the matter affects you directly. Your concern will be dealt with in confidence (see **Assurances**). Alternatively, you may wish to contact one of the Designated Officers anonymously. However your concerns will be more difficult to address and we may not be able to preserve your confidentiality and keep you informed of progress.

20. If you do not submit a written allegation, the designated officer will write down your concerns and a copy will be sent to your home address or via your trade union representative to give you the opportunity to agree as a correct record.

How do I report a concern? Reporting - Stage Three

21. If you do not feel it is appropriate to discuss the matter with the designated officers you may contact the designated Natural England Board Member for further advice.

The current nominated Board Member is Nigel Reader. He may be contacted at nigelreader@aol.com or by telephoning 07885-259581.

How do I report a concern? Reporting - Stage Four

22. If you do not feel it is appropriate to discuss the matter with anyone within Natural England, you may contact Defra, our sponsoring Department, for further advice. The current Defra contact is Tanya Arkle, Deputy Director for of Sponsorship for Natural England, JNCC and Landscape and Recreation. She can be contacted at <mailto:tanya.arkle@DEFRA.GSI.GOV.UK> or on 07909-932273

Assurances – your safety and confidence

23. All concerns will be treated in confidence and we will attempt to protect your identity if you have asked us to. If investigation of a concern discloses a situation, which is sufficiently serious to warrant disciplinary action or police involvement, then your evidence may be important. Your name will not however be released as a possible witness until the reasons for its disclosure at this stage have been fully discussed with you. If you ask for your name not to be revealed we shall endeavour to respect your wish. However if the problem involves criminal matters and cannot be resolved without revealing your identity, for example because you are required to give evidence to a court, we will discuss with you how to proceed. If you decide to contact us anonymously we will not be able to keep you informed of action taken.
24. If you raise a genuine concern in good faith it does not matter if it becomes apparent that you are mistaken; you will not be penalised. The concern will be investigated in confidence and you will be protected from any victimisation or harassment, which may occur as a result. However, this protection does not extend to someone who maliciously raises a matter they know to be untrue, or who raises the matter outside the organisation without a good reason. This may lead to disciplinary action being taken. A good reason to reveal the matter outside the organisation can only be where the employee reasonably believes they will be victimised, or that the organisation will destroy or conceal evidence of the malpractice if the matter is raised internally. If you tell deliberate lies you will not be protected.
25. Any documentation (including electronic files) kept in relation to the matter will be kept secure. We will ensure that, as far as practicable, any documentation prepared will not reveal your identity. Where you involve a work colleague or trade union representative, you will be under an obligation to use all reasonable endeavours to ensure that the representative or work colleague keeps this matter strictly confidential except, as permitted under this procedure, as required by law or until such time as it comes into the public domain.
26. Where a disclosure is made, the person or persons against whom the disclosure has been made may receive the support and advice, which is appropriate in the circumstances.

What happens next/how the matter will be handled

27. Initial enquiries will be made into your concern to find out the facts of the matter. This may lead to a more formal investigation. If the concern can be dealt with more appropriately under another set of procedures e.g. personal matters under the grievance procedure, you will be informed as soon as possible.
28. You will be asked whether or not you have a personal interest in the matter. You may also be asked what the solution to the matter raised should be.
29. An anonymised record of your concern will be made containing the date your concern was received, the details of the concern and how it was dealt with. These records will be used to help monitor the effectiveness of the Whistleblowing policy as well as to further any investigations, which may be necessary. As soon as practicable, the designated officer will recommend what further steps are to be taken. Such recommendations may include:
- the matter be reported to the police;
 - the matter be reported to the Inland Revenue, the Health and Safety Executive or other appropriate public authority;
 - the matter be investigated further internally by Natural England or by external investigators appointed by Natural England.
30. A recommendation of no further action may be made if a designated officer is:
- satisfied after investigation that the malpractice has not occurred or is not likely to occur;
 - aware that the matter is already (or has already been the subject of proceedings) under one of Natural England's other procedures;
 - aware that the matter is already subject to legal proceedings or has already been referred to the police or Inland Revenue, the Health and Safety Executive or other public authority;
 - satisfied that you do not have reasonable grounds to believe that malpractice within the meaning of this procedure has occurred, is occurring or is likely to occur;
 - of the belief that you are not acting in good faith.
31. The designated officer will make any recommendations under this procedure to the Chief Executive or appropriate Executive Director. In any event, the allegations will be made without identifying you except as outlined in this policy. The recipient of the recommendations will implement the recommendations unless there are good reasons for not doing so. You will be informed of the steps taken or if no steps are taken, the reason.

External contacts and disclosure

32. You may also wish to contact your Trade Union representative for advice. A Trade Union representative will be able to accompany you at any interviews, which may be conducted as part of any investigation. If you are unsure whether to use this procedure, or if you want advice at any stage, and feel that you can only get the answers you need by disclosing information externally you may wish to consider obtaining legal advice:
- Independently from a lawyer (at your own expense);
 - From a lawyer at Public Concern at Work (PCaW). See links;
 - From a lawyer who is referred to you by your Trade Union representative. Your Trade Union representative will be able to advise

you on how proceed in general terms but will be unable to give you legal advice.

33. PIDA protects the disclosure of concerns to a number of appropriate public authorities, if having followed the internal procedure you are still not satisfied with the steps. The relevant public authorities will depend on the nature of your concerns but may include representatives of the Serious Fraud Office, the police or the Health and Safety Executive and there may be instances where you could properly report your concerns to such an authority. Public Concern at Work, your Trade Union representative or advice from an external lawyer (as noted above) will be able to advise on the circumstances in which you can report concerns directly to a public authority and who the right authority is. You may at any time disclose the matter to a professionally qualified solicitor for the purpose of taking legal advice.
34. You should also be aware that your disclosure will not be protected if you commit a criminal offence in disclosing it such as breaking the Official Secrets Act. So, if you make a disclosure to someone outside the internal Whistleblowing procedure and if what you say breaches the Official Secret Act, then you may be subject to criminal and/or disciplinary penalties.

What happens if you feel you are being victimised or harassed as a result of Whistleblowing?

35. Natural England recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the alleged or actual malpractice. If as a result of Whistleblowing you feel that you are being victimised or harassed, you should use the anti-bullying and harassment procedure. Natural England will take action to protect the individual disclosing the concern when it is raised in good faith. It will not tolerate any resulting harassment or victimisation and will treat this as a serious disciplinary offence, which will be dealt with under the appropriate procedures.

Links

Public Concern at Work. This is an independent charity and a leading authority on public interest whistleblowing. They can be contacted on their helpline 020 7404 6609 or at helpline@pcaw.co.uk . Their website is at www.pcaw.co.uk. Their lawyers can give you free confidential advice on how to raise a concern about serious malpractice at work.

Other Natural England Procedures

Grievance Procedure	EG N1W
Diversity and Equality Procedure	EG N1B
Anti-bullying and Harassment Policy and Procedure	EG N1V
Customer complaints	EG S3
Disciplinary and Dismissal Procedure	EG N1X