

Whistleblowing and Raising a Concern

1. Introduction

- 1.1 This procedure outlines the process that you must follow when reporting a perceived wrong doing within the Forestry Commission (FC). This includes something you believe goes against the values in the Civil Service Code (the Code) i.e. integrity, honesty, objectivity and impartiality. It has been written in accordance with the process set out in the Civil Service Code and the Civil Service Management Code. Under the Code, you have a right and a responsibility to speak up and report behaviour that contravenes the Code's values.
- 1.2 A wrong doing reported under this procedure may be covered by the law concerning protected disclosures of information. Therefore, this procedure has been written with reference to the Public Interest Disclosure Act 1998 (PIDA), which offers protection to those who 'blow the whistle', in certain circumstances.
- 1.3 To ensure that the matter is dealt with correctly, it is important that this procedure is followed when raising any concern. Where a concern is properly raised under this procedure, you will be protected from any unfair or negative treatment. PIDA protection may also apply.

2. Who can use the Whistleblowing Procedure?

Any employee or former employee of the FC can use the Whistleblowing Procedure. However, under PIDA, former employees cannot be afforded the same protection as current employees.

3. What is a Relevant Concern?

- 3.1 If you are asked to do something, or you are aware of the actions of another, which you consider to be wrong doing/a breach of the values of the Code, you can raise this using this procedure.
- 3.2 Whistleblowing may cover any aspect of misconduct or malpractice, including:
 - breach of internal rules or procedures;
 - damage to the environment;
 - criminal offence;

- failure to comply with legal obligations;
 - any engagement in modern slavery or human trafficking;
 - improper or unethical conduct;
 - possible maladministration;
 - failure to manage health and safety; and/or
 - cover up of wrong doing.
- 3.3 The malpractice may be happening currently, have happened in the past, or be intended to happen in the future. There is no time limit on how long after the event a concern may be raised, although it may be difficult to investigate where a concern is raised long after the incident occurred. Therefore if you observe any wrongdoing in the workplace, it is important that you raise the concern immediately.
- 3.4 You should not act in bad faith or raise malicious, vexatious or knowingly untrue concerns. If you raise concerns of this nature in order to harm colleagues or the FC, you may be subject to disciplinary action.
- 3.5 You should not raise concerns of a HR or personal nature, for example, complaints relating to a management decision or terms and conditions of employment, under this procedure. These matters should be dealt with using the [HR Policy and HR Procedure - Grievance](#). Similarly, this policy would not apply to matters of individual conscience where there is no suggestion of wrongdoing by the FC but an employee is required to act in a way which conflicts with a deeply held personal belief.
- 3.6 If you are unsure whether a concern should be raised using the Whistleblowing procedure, the [HR Policy Manager](#) or a [Nominated Officer](#) will be able to advise you.

4. Raising a Concern

4.1 Raising a Concern Internally

- 4.1.1 It is important that a concern is raised with the person best placed to deal with the matter and with whom you feel most comfortable. You should raise a concern in the first instance with your line manager or someone else in your line management chain. There may be certain rare occasions, however, when this would be inappropriate because the concern:
- may implicate your manager in some way;
 - is about a senior manager within your line management chain or somewhere else in the FC; or

- is particularly serious and needs to be dealt with as a matter of urgency.

In such instances, you should report the matter to your Head of Division, Country Head/Agency Chief Executive, or [Director Central Services](#). If the circumstances of the concern make the use of these channels inappropriate, then you should approach a [Nominated Officer](#) in confidence.

- 4.1.2 Subsequently, where you have already raised a concern within your line management chain but feel that it has not been adequately addressed, you can raise the concern with a relevant Nominated Officer.

4.2 Taking Concerns Direct to the Civil Service Commission

- 4.2.1 If circumstances arise where the reporting procedure above is not appropriate due to the seriousness of the concern, or if these steps have been exhausted and you have not received what you consider to be a reasonable response, you can raise your concern with the Civil Service Commission (CSC).
- 4.2.2 The CSC is an independent body who can hear and determine complaints relating to the Code. For example, if you have been required to act in a way that conflicts with the Code, or observe that a colleague is acting, or has acted, in a way that conflicts with the Code.
- 4.2.3 Where appropriate, the CSC expects you to have raised concerns internally first. Therefore, if you have not done so, you will need to explain to the CSC why you think it is not appropriate in your case to raise the matter internally.

The contact details for the Civil Service Commission are:

Civil Service Commission
G/8 1 Horse Guards Road
London
SW1A 2HQ
E-mail: info@civilservicecommission.org.uk
Tel: 020 7271 0831

Further information on the Civil Service Commission can be found on the [Civil Service Commission website](#).

4.3 External Disclosures and Prescribed Persons

4.3.1 It is important that you raise concerns internally and at the earliest time possible. This will allow the FC the opportunity to address and resolve any concerns quickly and by the most appropriate means. The FC is confident that there are sufficient internal avenues available to deal with any concerns raised.

However, if after following the reporting procedure outlined in Section 4.1 above you are concerned that it has not been reasonably resolved, or if you feel unable to report your concern internally for any reason, you may report your concern to one of the following external whistleblowing contacts:

- [Public Concern at Work](#) - an independent Whistleblowing charity
- [National Audit Office](#)
- [Audit Scotland](#)
- Citizens Advice Bureau: [England and Wales](#); or [Scotland](#).

4.3.2 Depending on the circumstances, it may be necessary for you to report the matter directly to an outside regulatory body such as Health and Safety Executive, The Information Commissioner, or the Police, which are known as Prescribed Persons under the PIDA. You are protected by the PIDA if you contact a Prescribed Person where:

- your concerns are legitimate whistleblowing;
- you reasonably believe the information and any allegations are substantially true; and
- you reasonably believe that the Prescribed Person is responsible for the issue in question.

A full Prescribed Person list and details of their responsibility is available on www.gov.uk.

4.3.3 Raising a concern outside the prescribed routes listed in this procedure, for example, with the media, campaign groups, on social media or with political parties, is protected by PIDA only in very limited circumstances and could, if it amounts to an unauthorised disclosure, result in disciplinary action. It may also breach [HR Policy and HR Procedure – Conduct and Security](#) and/or [HR Policy and HR Procedure – Personal Use of Social Media](#). If you wish to raise a concern in this way, it would be advisable to seek legal advice.

5. External Support and Legal Advice

If you are unsure whether to use the Whistleblowing Procedure, or you want independent advice or support at any stage, you can contact your [FC Trade Union Representative](#). Alternatively, some of the external contacts listed in 4.3.1 may offer independent advice. In addition, you can seek legal advice from your private legal adviser, or access support through the FC [Employee Assistance Programme](#).

6. Information needed to raise a Concern

When raising a concern you should outline:

- the nature, and background to the concern, giving any relevant dates;
- the reason and/or grounds for concern; and
- the name of any individual(s) suspected of wrongdoing.

This information should demonstrate that there are reasonable grounds for the concern to be acted upon. It is important that you do not investigate matters yourself. Remember that proof is not required, only a reasonable, honest belief that wrongdoing, including breaches of the core values in the Code, has or is likely to occur.

If there are two or more of you with the same concern, you may find it easier to blow the whistle collectively.

It is better to raise concerns in writing. However, if you raise the concern in person, you may wish to invite your trade union representative, or a work colleague, to be present to support you while you raise your concern.

7. How the Concern will be Handled

- 7.1 The manager you raise a concern with will acknowledge receipt of the concern, and will arrange a meeting with you, ideally within two days of your submission. This meeting is held to ensure that they properly understand the nature and context of the concern, and to determine whether the concern falls under the whistleblowing procedure.
- 7.2 The manager will subsequently refer the matter and your statement of facts to the [Nominated Officer](#) assigned to your business area who will determine whether an internal inquiry or a formal investigation is required. Where the Nominated Officer for your business area is part of your line management chain or you do not feel

comfortable with their involvement, your manager will refer the matter to another Nominated Officer from across the wider FC.

- 7.3 The Nominated Officer will appoint an appropriate person to investigate the concern. Depending on the circumstances, your line manager may be appointed as the investigator.
- 7.4 All investigations will be conducted sensitively and as quickly as possible. While the FC cannot guarantee that the outcome will be as you may wish, the matter will be handled fairly.
- 7.5 The Investigating Officer will communicate with you, either in person or by written correspondence, letting you know:
 - how to maintain contact with them throughout the investigation;
 - whether further assistance from you will be required during the investigation;
 - the FC's concern for your wellbeing and reassuring you of the protection offered to you under the whistleblowing procedure (section 10); and
 - the frequency in which you will receive updates on the concern that you have raised.
- 7.6 You may wish to be accompanied by a trade union representative, or a colleague who is not involved in the area of work to which the concern relates, to any meetings/interviews that you are invited for, whether in person or over the telephone.
- 7.7 The Investigating Officer will update you on the progress of the investigation at least every four weeks, where possible, until the investigation is concluded. Upon conclusion of the investigation, you will be informed of the outcome. Depending on the circumstances, it may not be appropriate to provide you with full details.
- 7.8 From the date you raise a concern, the timescale for concluding investigation and determining the outcome will be no more than six months.
- 7.9 The FC will publicise changes made as result of whistleblowing investigation outcomes, where appropriate.
- 7.10 Throughout any investigation into your concern, you will be expected to continue your role as normal, unless deemed inappropriate.
- 7.11 Upon conclusion of the investigation process, the relevant Nominated Officer or your line manager may contact you to request feedback on the effectiveness of the

process, your experience, and any suggestions for improving the whistleblowing process.

8. Confidentiality and Anonymity

- 8.1 The best way to raise a concern is to do so openly, as this makes it easier for the FC to investigate and provide you with feedback. Any disclosures made under this procedure will be treated in a sensitive manner. However, you may choose to raise a concern in confidence, i.e. raise a concern on the basis that your name is not revealed without your consent. The FC will respect any request for confidentiality as far as is possible, restricting your identity to a 'need to know' basis. However, a situation may arise where it is not possible to resolve the concern and guarantee confidentiality, particularly in matters of criminal law. If this is the case, you will be advised of this before investigation proceeds. The same considerations of confidentiality will be afforded to the employee(s) at the centre of the concern, as far as appropriate.
- 8.2 You may choose to raise concerns anonymously, i.e. without providing your name at all. However, doing this may mean that the concern cannot be properly investigated or validated. Also, raising a concern anonymously will prevent the FC from providing you with feedback of any outcomes. You are therefore encouraged to put your name to any concern you raise. However, raising a concern anonymously is preferred to silence about potentially serious wrongdoing. All concerns raised anonymously will be treated as credible, unless they are obviously a hoax, and investigated so far as possible. If you raise a concern anonymously, it is important that you are aware that sometimes the investigation itself may reveal the source of information.

9. Confidentiality Clause

The FC is committed to ensuring that employees are encouraged to raise concerns about wrong doing. There may be occasions where the FC will include confidentiality clauses in settlement or special severance agreements. However, no aspect of the confidentiality clauses will preclude or stifle an (ex)employee from raising concerns with a regulatory or other statutory body about wrong doing or poor practice in the FC, or give the impression that they affect the protection provided to an employee who acts as a "whistleblower" under the PIDA.

10. Whistleblower Protection

- 10.1 Provided you follow this procedure correctly, and you raise a concern in the reasonable belief that it is in the public interest, you will be protected against detrimental treatment or victimisation, as required by the Civil Service Code, even if following investigation it is decided that your concern is unfounded.
- 10.2 The FC will not tolerate victimisation and/or detrimental treatment of an employee for raising a concern, and will treat any such allegations as a serious matter. If you feel that you have been victimised or have suffered detrimental treatment by your line manager or any other colleagues for raising a concern, report this immediately to your Country/Central Services Head of HR, who will arrange for an investigation in line with the [HR Policy and HR Procedure – Grievance](#). Where allegations of victimisation involve HR colleagues, then you should report it to the Finance Director, England (FC England and Central Services employees) or the Head of Corporate Services, Scotland (FC Scotland employees).

Appendix 1

Whistleblowing Process Flowchart

