

# Whistleblowing

## 1. What is Whistleblowing?

Whistleblowing is defined as an employee, or ex-employee, who discloses information about serious malpractice by employees of their employer, or former employer, where the disclosure is made: without malice; in the reasonable belief that there is malpractice; and that this may be in the public interest.

## 2. When is it appropriate to use this procedure?

This procedure does not replace the arrangement for Civil Servants to report concerns in line with the Civil Service Code. Employees should feel able to use the Civil Service Code Procedures if they become aware of anything untoward and should only invoke the Whistleblowing Procedure if they feel they need the extra protection this route offers or when they believe that a concern they have already raised has not been resolved or dealt with satisfactorily. However, it is important to use the procedure which you feel most comfortable with, rather than remain silent.

## 3. Areas Covered by the Whistleblowing Procedure

Whistleblowing may cover any aspect of misconduct or malpractice, including:

- professional misconduct;
- breach of internal rules or procedures;
- crime or breach of rules of law;
- improper or unethical conduct;
- possible maladministration;
- failure to manage health and safety;
- damage to the environment; and/or
- bribery or attempted bribery.

It also includes attempts to cover up such matters and/or occasions where those who should be addressing the issue appear unconcerned or are themselves involved.

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 whether the issue can be dealt with may be affected by this.

The malpractice may be known to you directly or may have been made known to you by a third party. In either circumstance, you should report any malpractice you are aware of, rather than ignore it.

Please note that where making the disclosure is in breach of the Official Secrets Act, or another secrecy offence, the whistleblower will not be protected by Public Interest Disclosure Act.

## 4. Who can invoke the Whistleblowing procedures?

Any individual who is employed by, or used to be employed by, the Forestry Commission can use the Whistleblowing Procedure. However, under the Public Interest Disclosure Act, former employees can not be afforded the same protection as current employees.

## 5. Who should you inform of your concerns?

You should consider raising the matter with your line manager or someone else in your line management chain. If for any reason you find this difficult, you should report the matter to your Head of Division, Country Director, Director, Central Services or FCTU representative. If the circumstances make use of the above channels inappropriate, you can approach the Head of Internal Audit, Silvan House in confidence. Internal Audit staff may approach the Director HR in a similar capacity.

The person you approach will act as a point of contact and advice. Your concerns will be raised "in confidence" as opposed to being anonymous, as this makes the matter easier to investigate.

If circumstances arise where the reporting procedure above is not appropriate, or if these steps have been exhausted and you still have concerns, or you feel that it is the only course open to you owing to the seriousness of the concern, you can contact one of the external whistleblowing contacts listed on the Staff Handbook Whistleblowing page. For more information, please refer to section 9.

## 6. How to present your concern

Where possible you should raise your concern in writing, outlining:

- the nature, background and history to your concern, giving any relevant dates;
- the reason and/or grounds for your concern;
- the name of any individual(s) suspected of malpractice; and
- the extent to which you have personally witnessed or experienced the problem, providing any documentary evidence available.

You should be able to demonstrate that there are reasonable grounds for your concern.

You may want to discuss the matter with a colleague first. You may also find it easier to raise a matter collectively if there are two or more of you with the same concern.

If you raise the concern in person, you may wish to invite your trade union representative, or a colleague, to be present to help you raise your concern.

## 7. What will happen after you report your concern?

The person you report your concern to will discuss the matter with you to ensure that they have properly understood the nature and context of the concern. This information will help in assessing the next steps that need to be taken. Following this, the person will:

- acknowledge receipt of your concern;
- offer you advice and guidance on the process of handling the concern;
- let you know how to maintain contact with them throughout the investigation;
- indicate whether further assistance from you will be required during the investigation;
- reassure you of the Forestry Commission's concern and of the protection offered to you under the whistleblowing procedure (section 8);
- help you prepare a written statement of the facts and agree it with you;
- refer the matter and your statement of facts to the Head of Internal Audit in order to determine the next steps;
- inform you of who is to be appointed as the Investigating Officer; and
- maintain contact with the Head of Internal Audit during the investigation

You may wish to have a trade union representative, or a colleague, present with you at any interviews connected with the concerns you have raised.

## 8. What assurances can you expect from the Forestry Commission?

The Forestry Commission is committed to the principles and application of the Whistleblowing Policy and Procedure. It has introduced these measures to ensure that you feel confident about raising concerns about malpractice at an early stage, without risk to yourself.

Your identity will not be disclosed without your consent. However, it may be difficult to investigate a case thoroughly if your identity is not disclosed, particularly if evidence is needed in court. In the event that your concern cannot be addressed without revealing your identity, the Investigating Officer will discuss with you whether, and how, the case can proceed.

Providing you have acted in the public interest, you will be protected against unfair treatment, victimisation or any other detriment. It does not matter if you are mistaken. We will similarly protect those against whom claims are made if, following investigation, those claims are unfounded.

Anyone acting in a malicious or vexatious manner (i.e. not having genuine grounds for raising the concern) may be subject to formal disciplinary action.

The disclosure will not be protected if you commit a criminal offence in disclosing the information – for example, breaching the Official Secrets Act.

## 9. External contacts to report concerns or to take independent advice

It is important to exhaust internal avenues, including those provided within this procedure, before seeking assistance elsewhere. However, if after following the reporting procedures outlined in section 4 above you are concerned by the lack of response, or if you feel unable to talk to anyone internally for whatever reason, you may report your concern to one of the following external whistleblowing contacts listed on the Staff Handbook Whistleblowing page.

If you are unsure whether to use the Whistleblowing Procedure, or you want independent advice at any stage, you can contact your [FC Trade Union Representative](#). Alternatively, some of the external contacts may offer independent advice.

Depending on the circumstances, it may be possible to report the matter directly to an outside regulatory body (e.g. Health and Safety Executive) or the police, which are known as prescribed persons under the Public Interests Disclosure Act. You are protected by the Public Interests Disclosure Act if you contact a prescribed person where:

- you satisfy the test for raising your concerns internally;
- 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.