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| **WHISTLEBLOWING**  **September 2020** | P:\COMMUNICATIONS\NEW FOLDER STRUCTURE\3. Brand Marketing\Brand\Logos\SEPA logo\SEPA Gaelic logo wEnglish.jpg |

# What is Whistleblowing?

Whistleblowing is reporting certain types of wrongdoing that you have become aware of in your workplace. These reports need to be in the public interest and you must believe the report to be substantially true.

The Public Interest Disclosure Act 1998 names SEPA as a “prescribed person”. This means that in certain circumstances, you can report the wrongdoing directly to SEPA rather than having to report to your employer.

You are offered protection by employment law legislation against any detriment you suffer as a result of making a disclosure in accordance with the whistleblowing legislation. The protections offered by the whistleblowing legislation do not just apply to workers or former workers, but also to other individuals such as agency workers and contractors.

SEPA cannot provide you with legal advice as to whether or not your report is protected by the whistleblowing legislation. This is because this is a determination that can only be made by an Employment Tribunal if you believe you have suffered a detriment as a result of making a disclosure.

# When is it not whistleblowing?

When you do not work for the wrong doer-If you want to report wrongdoing or make a complaint about a situation in which you are not a worker.

When your disclosure is not in the public interest- for example, it relates to a personal grievance or an issue with your employment.

# When can you report wrongdoing directly to SEPA?

Your place of work may have its own whistleblowing policy that you can use to make a disclosure.

However, if you don’t feel comfortable reporting directly to your employer, or if you have already reported directly to your employer but the wrongdoing has continued, you can disclose directly to SEPA if the wrongdoing you want to report fits within SEPA’s remit.

# What sort of things can I disclose to SEPA?

You can report acts or omissions which have an actual or potential impact on the environment, or the management or regulation of the environment, including those relating to flood warning systems and pollution. If your information does not relate to the environment, we may not be the correct person to make a report to. Please consult this list if you are not sure who is the correct prescribed person:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

A “qualifying disclosure” means any disclosure of information which, in the reasonable belief of the worker making the disclosure, is made in the public interest and tends to show one of the following-

1. that a criminal offence has been committed, is being committed or is likely to be committed,
2. that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject,
3. that a miscarriage of justice has occurred, is occurring or is likely to occur,
4. that the health or safety of any individual has been, is being or is likely to be endangered,
5. that the environment has been, is being or is likely to be damaged, or
6. that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

This could include for example telling SEPA about pollution incidents, the breach of licences at waste sites or the disposal of radioactive waste.

# How can I report wrongdoing?

You can reach SEPA’s whistleblowing team:

By email: [whistleblowing@sepa.org.uk](mailto:whistleblowing@sepa.org.uk)

Your report will be acknowledged within five working days if you have provided an email address.

# Confidentiality

We will treat the information you provide to us and your identity with confidentiality. Without your consent, we will never explicitly reveal your identity to your employer. If you wish, you can request that the report is recorded anonymously.

Please be aware that despite SEPA’s commitment to confidentiality, your employer may still be able to identify that the information has come directly from you- for example if you have previously raised the same issue with them directly. For this reason, we recommend that disclosures are not made anonymously as this may cause issues in proving any detriment arose from the disclosure.

It is possible that the information you provide may result in criminal proceedings. In these circumstances, the whistleblowing team will endeavour to continue to protect your identity and will advise you in advance in the unlikely circumstance that SEPA is required to disclose your identity to the procurator fiscal.

# What information do I need to provide to SEPA?

1. Your connection to the employer- are you a current or former employee?
2. How you became aware of the wrongdoing
3. The location of the wrongdoing
4. Any key dates that might be helpful
5. The type of wrongdoing and who else knows about it
6. Any documents or supporting evidence
7. Whether the incident has been reported internally, and if so, what the response has been.

We **do not** require you to gather evidence to prove your claim, although we will accept any that you already have.

You do not have to give us your name or contact details and you can make a report anonymously. However, if you do give us your contact details, we will make every effort to protect your identity. Giving us your contact details may also mean that we are able to speak to you to gather further information, although you can ask that we do not do this.

# What action will SEPA take?

This will mostly depend on the nature of your disclosure.

Following your initial report, we will have a look at the information provided and see what our next steps should be.

Our next steps might include;

1. Contacting you with specific questions in relation to the information you have provided;
2. Looking to see if we hold any other relevant information about the employer, site or area you have made a disclosure about;
3. Beginning an investigation;
4. Engaging in compliance activities for an inspection of this site;
5. Contacting the operator of the site to discuss the matter with them;
6. Sharing the information provided to the procurator fiscal or the police if it is of a criminal nature;
7. Advising you that the disclosure is not for us to investigate, and signposting you to an alternative prescribed person by providing you with the list of prescribed persons.

# How will SEPA use the information I provide?

We will;

1. Record all the information in our secure internal systems
2. Create a secure folder which only select members of staff have access to
3. Contact you to acknowledge receipt of your report (if you have provided contact details)
4. Pass the details of the report (but not your personal details) to the relevant team to identify next steps
5. Use the information to help us
6. Contact you to provide feedback if appropriate or to ask additional questions

# Will I find out what happened as a result of my report?

SEPA will endeavour to provide you with feedback within 3 months of your report where this is permissible by law. The feedback you receive will depend on the information you have provided and the action that we have taken.

We are not able to commit to providing ongoing or interim feedback.

If you have any questions about this information or about SEPA’s role as a prescribed person, please contact us at whistleblowing@sepa.org.uk

For information on accessing this document in an alternative format or language please contact SEPA by email at [equalities@sepa.org.uk](mailto:equalities@sepa.org.uk)

If you are a user of British Sign Language (BSL) the Contact Scotland BSL service gives you access to an online interpreter enabling you to communicate with us using sign language.

<http://contactscotland-bsl.org/>

[www.sepa.org.uk](http://www.sepa.org.uk)

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