



The Coal
Authority

Whistleblowing Policy

Version 5.4, January 2024

Version & Date		Comments	Author	Approved by	Reviewed by
1.0	Mar 2017	Original policy	Jenny Lovett	ELT	Audit Committee
2.0	Mar 2018	Minor changes	Di Brown	ELT	Audit Committee
3.0	May 2018	Complete Revision	Richard Bond	ELT	Audit Committee
4.0	Jun 2018	Changes to section on Anonymity	Richard Bond	ELT	Audit Committee
5.0	Mar 2019	Updated contacts	Susan Ford	ELT	Audit Committee
5.1	Jun 2020	New template; no substantive changes.	Susan Ford	ELT	Audit Committee
5.2	June 2021	Updated for accuracy including Board Member changes	Susan Ford	ELT	ARAC
5.3	Mar 2022	Updated in the light of Board Member changes	Lindsey Twigg	ELT	ARAC
5.4	Jan 2024	Minor updates for accuracy	Ian Rabett	ELT	ARAC

- 1. What is this policy about?4
- 2. To whom does this policy apply?.....4
- 3. What is a whistleblower?4
- 4. What protection can a whistleblower expect to receive?5
- 5. How to whistleblow (make a qualified disclosure)?.....6
- 6. Anonymity8
- 7. Protection against victimisation, harassment or dismissal9
- 8. Deterring disclosures9
- 9. False allegations9
- 10. Interface with other policies and procedures.....9
- 11. Policy review9

1. *What is this policy about?*

- 1.1. The Coal Authority wants to ensure we operate an ethical and open environment, in which staff members feel safe and that they can speak out if they see wrong doing, without fear of reprisal.
- 1.2. Wrong doing can appear in all aspects of our business and the Board and Executive Leadership Team want to be able to take swift action to ensure that inappropriate activity or behaviour is stopped as soon as possible. So, the quicker they know about something, the quicker it can be combated. The whistleblowing policy ensures we uphold our [corporate values](#).
- 1.3. The Coal Authority has two key policies under which you can report wrongdoing: the Grievance Policy and the Whistleblowing Policy. The Whistleblowing Policy relates to matters which may affect the public and the Grievance Policy should be used to raise all other issues.
- 1.4. This policy outlines the protections given under the Public Interest Disclosure Act 1998 (supplemented by the Enterprise and Regulatory Reform Act 2013) and explains what to do if you feel that there is inappropriate activity or behaviour within the organisation.
- 1.5. You should read this policy in conjunction with the
 - [Code of conduct](#)
 - [Counter fraud policy](#)
 - [Grievance policy](#)

If you have a concern, we want to hear from you ...

2. *To whom does this policy apply?*

- 2.1. The protections given under the Public Interest Disclosure Act 1998 apply to:
 - All employees, including executive directors and those on short term contracts;
 - Agency workers and those on temporary contracts.

3. *What is a whistleblower?*

- 3.1. You are a whistleblower if you are an employee and you report certain types of wrongdoing.
- 3.2. You can raise your concern at any time about an incident that happened in the past; is happening now or you believe will happen in the near future.
- 3.3. The wrongdoing you disclose must be in the public interest. This means it must affect others, e.g. the general public.

3.4. You are protected by law, under the Public Interest Disclosure Act 1998, if you report any of the following:

What counts as whistleblowing?

- a criminal offence, e.g. fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the Authority is breaking the law
- you believe someone is covering up wrongdoing

What doesn't count as whistleblowing?

- Personal grievances (e.g. bullying, harassment, discrimination) unless your particular case is in the public interest - you should report such issues under the Authority's Grievance Policy

3.5. It is not necessary for you to have proof that such an act is being, has been or is likely to be committed – only a reasonable belief is sufficient.

3.6. It is important that you report an issue, rather than worry about what policy to use; so we would encourage you to speak to your line manager or, if they are implicated, speak directly to the People & Resources Director, or the Head of People and Organisational Development, or to a non-executive Board member (see section 5).

We want to hear about any wrongdoing, so please tell someone about your concerns

3.7. If you feel uncomfortable about discussing the matter internally, you can take independent advice (e.g. from the Citizen's Advice Bureau or the independent charity [Protect](#)). They will be able to advise if the issue you are concerned about falls within the Public Interest Disclosure Act.

4. What protection can a whistleblower expect to receive?

4.1. Any staff member making a report classified as whistleblowing (see section 3) will be protected from any unfair treatment, bullying, victimisation or harassment. A whistleblower has the legal right not to be dismissed, selected for redundancy or subjected to any other detriment (demotion, forfeiture of opportunities for promotion or training, etc.) for having whistleblown (i.e. making qualified disclosure).

4.2. To ensure you receive the maximum protection from this policy and under the law, it is important that you follow the process outlined in section 5 below.

5. How to whistleblow (make a qualified disclosure)?

How to report your concerns internally

- 5.1. The first point of contact should be your line manager (unless the disclosure concerns them). You can raise your concerns relating to matters of public interest either verbally or in writing.
- 5.2. If you feel unable to report this to your line manager, you should report the matter to one of the following:

<p>Tamara Pattman-Wilson– Head of People and Organisational Development Mobile: 07867 378315 Email: tamarapattman-wilson@coal.gov</p>	<p>James Lowth – People and Resources Director Mobile: 07341 500850 Email: jameslowth@coal.gov.uk</p>
<p>Jayne Scott, Non-Executive Board Member and chair of Audit and Risk Assurance Committee Mobile: 07768 198825 Email: jaynescott@coal.gov.uk</p>	<p>Jeff Halliwell, Chair of the Board Mobile: 07753 895645 Email: jeffhalliwell@coal.gov.uk</p>

Alternative places to make a ‘qualified disclosure’

- 5.3. You may also make protected disclosures to bodies such as:
 - the Health and Safety Executive;
 - the Commissioners for HM Revenue and Customs;
 - the Environment Agency;
 - the Serious Fraud Office.
- 5.4. If you decide to report a matter externally, then it is important that you take care not to disclose confidential information unless it is covered by the Public Interest Disclosure Act, as the Act does not provide for blanket disclosure.

What you should include in your disclosure

- 5.5. You should include:
 - The name(s) of the staff member(s) against whom allegations are being made
 - The nature of your concern and any evidence supporting your disclosure (if available)
 - Whether you wish to remain anonymous

What you can expect to happen if you have made a verbal disclosure

- 5.6. If you have told a manager, director or non-executive director verbally then it is important that they make a note of the information that you have given them.
- 5.7. The person receiving the disclosure will write up the details and give them to you within 5 working days so that you can check them, make any alterations as necessary and sign to confirm accuracy.

What happens next?

- 5.8. The receiving manager should report the matter directly to the People and Resources Director or the Head of People and Organisational Development (who will seek advice about whether your concern falls within the scope of the policy).
- 5.9. In the event that the disclosure concerns the People and Resources Director or the Head of People and Organisational Development, the receiving manager should report the matter to the Non-Executive Board Member who is chair of the Audit Committee.
- 5.10. The People and Resources Director or appropriate Non-Executive Board Member will then inform the Board.
- 5.11. Where appropriate, the Head of People and Organisational Development, Director or Non-Executive Board Member will appoint an investigation officer, who will contact the staff member to explain the process to be followed and to make arrangements to hold an investigative meeting with them.
- 5.12. The investigation officer will contact the staff member(s), who have had allegations made about them, to explain the situation and outline the process going forward. They will arrange to meet with them accordingly.
- 5.13. The staff member(s) involved will be given the opportunity to respond verbally and in writing to the claims being made against them and to consider any relevant evidence that has been provided to support the disclosure.
- 5.14. The investigation may involve seeking assistance from other agencies or bodies (e.g. the Department for Energy Security and Net Zero (DESNZ); the police; auditors) with interviewing witnesses to gather the facts and any documentary evidence.
- 5.15. The investigation officer will ensure that both you and those about whom the disclosure is made are kept regularly informed of the status of the investigation.
- 5.16. The Coal Authority aims to reach an outcome within 2 months of a disclosure being reported. If this timescale cannot be achieved then all concerned will be informed accordingly.

Outcome of a disclosure

- 5.17. The investigation officer will advise both parties of the outcome of the investigation. This will happen verbally and in writing
- 5.18. The investigation officer may also provide any appropriate recommendations to change the Coal Authority's procedures, practices or policies to prevent a similar situation occurring in the future.
- 5.19. If you have made or been the subject of a whistleblowing disclosure, the Coal Authority will provide counselling support during the investigation and mediation support after the investigation if this is required.

What if I am unhappy with the outcome?

- 5.20. If you have raised a qualifying disclosure and you are unhappy with the outcome, you may contact the independent charity *Protect*. *Protect* lawyers can also give staff free confidential advice at any stage on how to raise a concern about serious malpractice at work.

Website: [Protect Advice line](#) via web based contact form

6. Anonymity

- 6.1. We hope you will feel able to raise your concern openly under this policy so it can be investigated effectively. However, if you want to raise your concern in confidence, we will make every effort to keep your identity secret. If it is necessary for others to know your identity, for example the person investigating the concern, or we think your identity will be exposed because of the investigation, we will discuss this with you.
- 6.2. We would prefer that you raise the concern anonymously, rather than not at all, but this may make it difficult for us to investigate. It may also be easier to ensure that you do not suffer any detriment in raising your concern if we are aware of your identity.
- 6.3. The Authority may be required by law to disclose some or all of the information obtained as part of any investigation to a third party, such as the police. It will normally be the case that we will inform you if such disclosures need to be made; however, there may be occasions when we cannot. You may also need to make a statement during the investigation.
- 6.4. If you report your concern to the media, in most cases you will lose your whistleblowing protections under the law.

7. *Protection against victimisation, harassment or dismissal*

- 7.1. The Coal Authority encourages staff members to report any concerns or malpractice internally.
- 7.2. Anyone who makes such a 'qualified disclosure' has the right not to lose their job, be subject to any other detriment or victimised because they made a disclosure.
- 7.3. Any staff member found to be victimising, harassing or subjecting any other staff member to any reprisal may be subject to disciplinary action. Depending on the seriousness of the case, an act of reprisal may be viewed as an act of gross misconduct warranting summary dismissal.
- 7.4. If you have been dismissed, selected for redundancy, or subjected to any other detriment for making a qualified disclosure you may complain to an employment tribunal.

8. *Deterring disclosures*

- 8.1. Deterring any staff member from reporting a legitimate concern is viewed as a serious offence.
- 8.2. Any staff member found to be deterring another staff member would be subject to disciplinary action.

9. *False allegations*

- 9.1. The reporting of false or malicious allegations is deemed to be a serious disciplinary offence. Any staff member found to have made a malicious or deliberately false allegation may be subject to disciplinary action, which could result in dismissal.

10. *Interface with other policies and procedures*

- 10.1. The Whistleblowing Policy is not designed to replace the Coal Authority's Grievance Policy, but evidence gathered may lead to other procedures such as the Disciplinary Policy being invoked and / or the Audit and Risk Assurance Committee instigating appropriate internal audit investigations.

11. *Policy review*

- 11.1. This policy will be updated in-year in line with any minor changes to guidance.
- 11.2. Any minor changes to this policy must be approved by the Chief Finance and Information Officer and more substantive changes must be agreed by the Executive Leadership Team.

- 11.3. The policy will be formally reviewed by Audit and Risk Assurance Committee annually or when any substantial changes are necessary.