

### 1 Introduction

- 1.1 The NDA is committed to the highest possible standards of openness, transparency, probity and accountability. As outlined in our Code of Conduct, the public is entitled to expect the highest standards of behaviour from all who work for NDA. In line with that expectation and our commitment it is important that any fraud, misconduct or wrongdoing by employees of the organisation are reported and properly dealt with. The organisation therefore encourages all individuals to raise any concerns that they may have about the organisation or the way in which the NDA is managed. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.
- 1.2 This policy applies to all employees of the NDA. Other individuals performing functions in relation to the NDA such as agency supplied workers and contractors, are also encouraged to use it.
- 1.3 The law provides protection for employees who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made in the public interest by an employee who has reasonable belief that:-
- an act could create a risk to health and safety
  - an act could cause damage to the environment
  - a criminal offence has been committed
  - the company isn't obeying the law (like not having the right insurance)
  - a miscarriage of justice has or may occur
  - someone is covering up wrongdoing
- 1.4 It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be committed – a reasonable belief is sufficient. Employees have no responsibility for investigating the matter – it is the NDA's responsibility to ensure that an investigation takes place.
- 1.5 This policy is for disclosures about matters other than a breach of an employee's own contract of employment or other complaints they may have. If any employee is concerned that their contract has been, or is likely to be, broken they should use the NDA's Grievance Policy, HRP18.

### 2 Principles

- 2.1 All employees should be aware of the importance of preventing and eliminating wrongdoing at work. Employees should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- 2.2 Any matter raised under this policy will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.
- 2.3 No employee will be victimised for raising a matter under this policy. This means that the continued employment and opportunities for future promotion or development of the employee will not be prejudiced because they have raised a legitimate concern.
- 2.4 Victimisation of an employee for raising a qualified disclosure will be a disciplinary offence and the NDA's Disciplinary Policy HRP14 will be used.
- 2.5 Maliciously making a false allegation is a disciplinary offence and will be dealt with accordingly under the NDA's Disciplinary Policy.

2.6 An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees should not agree to remain silent. They should report the matter to a director.

### 3 Raising Concerns

3.1 As a first step, concerns should normally be raised with the Employee's immediate Line Manager, Head of Department or Executive Director.

3.2 If these channels have been followed and there are still concerns, or if the Employees feel that the matter is so serious that the Employee cannot discuss it with any of the above, the NDA has appointed an independent company called **Safecall** which specialises in confidential reporting, through which Employees can raise their concerns. Employees will be able to raise their concerns by contacting **Safecall** on **0800 915 1571** or via the web address: [www.safecall.co.uk/report](http://www.safecall.co.uk/report) 24 hours a day, 7 days a week.

3.3 When an Employee contacts **Safecall** to raise a concern, **Safecall** will

- ask for the organisation the Employee works for,
- provide the Employee with a PIN number and password
- take hand written notes of the account of the Employee concern(s) during the call.
- if necessary agree a future contact time and date
- produce a report and send it securely to the NDA's HR Director and Head of Internal Audit provided the concerns raised have nothing to do with them directly or indirectly. If it does pertain to them the report will be sent to the relevant appointed Non Executive Director.

3.4 The HR Director, Head of Internal Audit or Non Executive Director will acknowledge receipt of the report and decide a course of action to deal with the issue. The NDA responsibilities will be to ensure that:

- the concern is treated seriously and in confidence
- there is an investigation and an objective assessment is made
- the person raising the concern is kept advised of progress
- necessary action to resolve the concern is taken

3.5 Employees requests for confidentiality and anonymity will be respected, but there may be cases where the NDA will not be able to act on a concern without the whistleblowers open evidence.

3.6 Employees names will not be revealed without their express consent unless the NDA was required to do this by law, however the NDA cannot guarantee that their identity may not be deduced by those implicated or by colleagues at the NDA.

### 4 How the NDA Will Respond

4.1 Once the NDA receives an Employee's concern, the NDA will look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. Where the concern involves conduct which is an offence or a breach of law, the unauthorised use of public funds, or possible fraud and corruption, then the NDA's Fraud Response Plan ADP04 will apply.

4.2 Within ten working days of a concern being received, the NDA will:

- acknowledge that the concern has been received
- indicate how it proposes to deal with the matter
- give an estimate of how long it will take to provide a final response

- inform the Employee whether any initial enquiries have been made
  - supply the Employee with information on staff support mechanisms e.g Employee Assistance Programme
  - inform the Employee whether further investigations will take place and if not, why not.
- 4.3 The purpose of this Policy is to enable the NDA to investigate possible malpractice and take appropriate steps to deal with it and the NDA will therefore provide as much feedback as it can. The NDA will also, if requested, confirm its response to the Employee in writing. However, the NDA may not be able to tell the Employee the precise action it has taken where this would infringe a duty of confidence owed by NDA to someone else.
- 4.4 The NDA will take steps to minimise any difficulties which the Employee may experience as a result of raising a concern. For instance, if the Employee is required to give evidence in criminal or disciplinary proceedings the NDA will arrange for the Employee to receive advice about the policy and any necessary support.
- 4.5 The NDA accepts that Employees need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the NDA will inform the Employees of the outcome of any investigation.
- 4.6 If on conclusion the employee reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:
- HM Revenue & Customs
  - the Financial Services Authority
  - the Office of Fair Trading
  - the Health and Safety Executive
  - the Environment Agency
  - the Director of Public Prosecutions, and
  - the Serious Fraud Office
- 5 References**
- 5.1 Information in this policy has been taken from:
- The Public Interest Disclosure Act 1998
- 5.2 Further information and free confidential advice can also be obtained from the organisation Public Concern at Work [www.pcaw.co.uk](http://www.pcaw.co.uk) or telephone 020 7404 6609.