



Landfill Communities Fund (LCF) whistleblowing process

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Introduction

As regulator of the Landfill Communities Fund (LCF), ENTRUST is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect anyone who has serious concerns about any aspect of the operation of the LCF, Environmental Bodies (EBs) or projects to come forward and voice those concerns.

Often it is the employees of organisations who are the first to realise that there may be something seriously wrong within the organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to their organisation. They may also fear harassment, or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

This process makes it clear that individuals can report issues of concern regarding the LCF without fear of victimisation, subsequent discrimination, or disadvantage. This whistleblowing policy is intended to encourage and enable anyone to raise serious concerns about the operation of the LCF, EBs or projects with ENTRUST.

Aim

The aim of this document is to:

- Encourage individuals to feel confident in questioning and raising serious concerns about inappropriate practices, or misconduct in respect of the LCF;
- Provide information on how to raise concerns and receive feedback on subsequent action taken;
- Ensure individuals receive a response to their concerns and that they are made aware of how to pursue them if they are not satisfied with the outcome; and
- Provide assurances to individuals that they will be protected from possible reprisals or victimisation, if they have a reasonable belief that they have made any disclosure in good faith.

If any individual has any serious concerns regarding the services provided by ENTRUST or the conduct of members of the Board, colleagues, or others acting on behalf of the ENTRUST, these can also be reported under this process.

What will happen to you if you come forward?

Many people are understandably concerned about the consequences of raising concerns to appropriate authorities, especially if it relates to their employers. The Public Interest Disclosure Act 1998 (PIDA) was created specifically to protect employees who report serious concerns to the proper authorities. If you are concerned about possible wrongdoings in respect of the LCF or within an EB, PIDA may protect you if you raise your concerns with the relevant authorities either within your company or externally.

PIDA gives workers protection from mistreatment (such as unfair discrimination or dismissal) by their employer. PIDA also protects employees and contractors who contact the proper authorities with information which they reasonably believe tends to show one or more of the following matters is either happening now, took place in the past or is likely to happen in the future:

- A criminal offence;
- The breach of a legal obligation;
- A miscarriage of justice (for which the proper authority is the Chief Executive of the Criminal Cases Review Commission);
- A danger to health and safety of any individual (for which the proper authority is the Health and Safety Executive);
- Damage to the environment (for which the proper authority is the Environment Agency); or
- Deliberate covering up of information tending to show any of the above.

Any worker who approaches their employer in good faith with information on these matters qualifies for PIDA protection. PIDA also establishes a number of prescribed regulators as alternative contacts; workers who approach the prescribed regulator that they believe is responsible in good faith, with information they believe to be substantially true also qualify for protection.

You do not need to be certain that malpractice is occurring. PIDA protection applies if, at the time you raised your concern, you had a reasonable belief that malpractice was, was going to, or had been occurring (and that belief does not have to turn out to be correct).

Responsibilities

ENTRUST's Compliance Manager has overall responsibility for responding to concerns raised. The Compliance Manager will determine the procedures to be followed and the resources (internal or external) necessary to investigate the concerns.

The Compliance Manager will ensure that a record of the concerns and the outcomes of any investigations are reported to ENTRUST's Board.

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal an individual's identity. However, at the appropriate time, an individual may need to provide evidence to any investigation.

What concerns do ENTRUST deal with?

If you are an individual with information or concerns about any aspect of the way an EB is operating, a specific project or any matters relating to the LCF, you can contact us. We will treat any information sensitively and, as far as we are able, confidentially.

You should be aware that we may not be able to take action against an EB in all instances. The sorts of areas where individuals may have concerns include:

- Breach of Regulations;
- Misappropriation of LCF monies;
- Misappropriation of assets, purchased with LCF monies; and
- Conflicts of Interest.

How can you contact ENTRUST to report your concern?

We would encourage you first to use the Whistleblowing procedure in your workplace, if there is one. If there aren't any, or if you are not calling about your workplace or if you don't feel able to do so (for whatever reason) you can contact ENTRUST's Compliance Team by:

- Emailing – compliance@entrust.org.uk;
- Contacting ENTRUST's Compliance Manager by telephone on 01926 488 309; or
- Contacting the Confidential Whistleblowing Hotline on **01926 488 337**.

What information does ENTRUST need?

Initially, we will ask you to provide us with as much detail (including specific events) as you can, that will help us to understand your concern properly, and ensures we can take the appropriate action in response.

We may also ask you to submit any actual evidence you may have that substantiates your allegations, but this will not involve asking you to undertake any act that may be in breach of your employment or other laws.

Will you have to give your name?

This process encourages individuals to identify themselves when raising any concern. This is simply because concerns expressed anonymously are more difficult to investigate and resolve. However, it is important to note that any anonymous allegations will be investigated at the discretion of ENTRUST's Compliance Manager. In exercising this discretion the factors to be taken into account would include:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

What happens next?

We recognise that, due to the differing circumstances of each case, it may not always be possible or appropriate to follow the same procedure in every instance. However, we would expect the investigation to follow the steps set out below:

- After receiving a communication from a whistleblower, ENTRUST will endeavour to obtain full details of the allegation, as soon as possible. Where appropriate, this could involve further communication with the whistleblower, either by telephone or face-to-face meeting.
- When sufficient information has been gathered, ENTRUST will reach a conclusion on the validity of the allegations made, and decide what, if any, action to take. If no further action is to be taken, the whistleblower will be informed where possible.

We appreciate that you will be anxious to know what has happened, and we will endeavour to keep you informed, in general terms, of any progress. However, we will not disclose confidential information without lawful authority, and legal restrictions may prevent us giving detailed feedback in some cases.

How the matter can be taken further

This process is intended to provide you with options on how to raise concerns with ENTRUST and it is hoped that any action taken will be satisfactory to you. However, if this is not the case, and if you feel it is right to take the matter outside ENTRUST, you may wish to contact the following:

- Public Concern at Work, a registered charity whose services are free and strictly confidential. www.pcaw.co.uk or telephone 0207 404 6609
- The EB's external auditors; or
- The police.

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Stage 1 – Referring a Concern

If you are aware or concerned about misconduct taking place in respect of the LCF or an EB you should raise such concerns initially with ENTRUST's Compliance Team. This may be done orally or in writing.

Stage 2 – Response to the report

A Compliance Manager will take any necessary action and then decide how to respond to the disclosure, having regard to all the circumstances, including the evidence available. Where contact details have been provided a Compliance Manager will write to the person raising the concern within 10 working days.

Stage 3 –Investigation

Where the decision has been made to carry out an investigation, ENTRUST will gather the facts of the case, which is likely to require further involvement from the person raising the concern, establish whether there is a case to answer and recommend any further action.

Stage 4 – Deciding on further action

Based on the findings of the investigation and the evidence available, a Compliance Manager will decide whether any further action is necessary including undertaking a Compliance Inspection visit of an EB.

Stage 5 – Confirming the outcome

Where possible, the person raising the concern will be informed of the outcome of the investigation and any appropriate action that has been taken to resolve the matter. However, this will be subject to any legal or confidentiality constraints that may be in place.

Stage 6 – Unsatisfactory outcome

If the person raising the concern is not satisfied with the findings of the investigation or the proposed outcome, they can take their concerns further by raising it with bodies outside of ENTRUST.