



Whistleblowing: Annual Report 1 April 2017 to 31 March 2018

The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017

We are the Environment Agency. We protect and improve the environment.

We help people and wildlife adapt to climate change and reduce its impacts, including flooding, drought, sea level rise and coastal erosion.

We improve the quality of our water, land and air by tackling pollution. We work with businesses to help them comply with environmental regulations. A healthy and diverse environment enhances people's lives and contributes to economic growth.

We can't do this alone. We work as part of the Defra group (Department for Environment, Food & Rural Affairs), with the rest of government, local councils, businesses, civil society groups and local communities to create a better place for people and wildlife.

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1. Foreword

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Introduction

As part of the public interest disclosure legislation in England and Wales, commonly known as ‘Whistleblowing’, we have an obligation to act on third party disclosures made to us concerning malpractice on environmental matters. Workers, who wish to make a protected disclosure, which is in the public interest, about their employer, can choose to raise their concerns with the employer directly, or otherwise through a number of other routes (further guidance is given at the following web address: <https://www.gov.uk/whistleblowing>).

One of those routes is by disclosing concerns directly to us, as we are listed as a ‘prescribed person’ in the Public Interest Disclosure (Prescribed Persons) Order 2014. Matters which fall into the Environment Agency’s responsibilities are:

“acts and omissions which have an actual or potential effect on the environment or the management or regulation of the environment. This includes those relating to pollution, abstraction of water, flooding, the flow in rivers, inland fisheries and migratory salmon or trout.”

Reporting requirements

There is a duty on prescribed persons to report annually on the disclosures made and the action that was taken. In accordance with the reporting regulations and the guidance issued by the government, we have set out our annual report as follows.

The Environment Agency’s functions, objectives and statutory powers

We were established in 1996 to protect and improve the environment. We have around 10,600 employees. Our head office is in Bristol and we have another office in London. We have offices across England, divided into 14 areas.

Within England we are responsible for:

- regulating major industry and waste

- treatment of contaminated land
- water quality and resources
- fisheries
- inland river, estuary and harbour navigations
- conservation and ecology

We are also responsible for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.

Our priorities and objectives are to:

- work with businesses and other organisations to manage the use of resources
- increase the resilience of people, property and businesses to the risks of flooding and coastal erosion
- protect and improving water, land and biodiversity
- improve the way we work as a regulator to protect people and the environment and support sustainable growth

Read more about [our ambition to 2020](#). This is our ambition for how we plan to protect and improve our natural resources in years to come, alongside Defra's proposed 25-year environment plan. This document includes our vision, principles and purpose, and sets out our objectives to create a cleaner healthier environment which benefits people and the economy, a nation better protected against natural threats and hazards, and our commitment to work in partnership. We have also explained the metrics we will be measured against so we know when we are succeeding in our ambitions.

Statutory powers

Our principal statutory responsibilities for regulating and managing the environment are to:

- regulate industrial processes to prevent or minimise pollution to the environment as a whole;
- regulate the disposal of radioactive waste and the keeping and use of radioactive material and accumulation of radioactive waste;

- regulate the treating, keeping, movement and disposal of controlled waste to prevent pollution of the environment or harm to human health, in a manner which is proportionate to the threat posed;
- preserve or improve the quality of rivers, estuaries and coastal waters through its powers to regulate, prevent, mitigate or remedy pollution to water;
- take any necessary action to conserve, redistribute, augment and secure proper use of water resources;
- exercise a general supervision over all matters relating to flood defence; we also have powers to take certain flood defence measures as approved by Regional Flood Defence Committees;
- maintain, improve and develop salmon, trout, freshwater and eel fisheries;
- promote the conservation and enhancement of inland and coastal waters, and their use for recreation;
- maintain or improve non-marine navigation;
- regulate the remediation of contaminated land designated as special sites; and
- administer, in accordance with regulations on producer responsibility, registration of businesses and exemption schemes, and monitoring and enforcement of associated obligations.

2. Report

Number of qualifying disclosures made

Within the 1 April 2017 to 31 March 2018 reporting period, we received 28 from people, most of whom were anonymous. Some of these disclosures may have been made by ‘workers’ wishing to make qualifying disclosures about their employers or other third parties.

The following is a summary of the nature of the disclosures made to the Environment Agency, together with an explanation of whether the Environment Agency decided to take further action; and where it did, a summary of the type of action taken and a summary of how the information disclosed has impacted on the Environment Agency’s ability to perform its functions and meet its objectives. In line with the guidance, we have removed references to names or identifying employers and businesses who were the subject of the disclosures.

Reference	Date of qualifying disclosure	Summary of disclosure	Action taken	Impact on the Environment Agency
Disclosure 1 2017/18	05/09/2017	<p>Alleged non-compliance with permit conditions including mis-description of waste, acceptance of non-permitted wastes, mixing of non-compatible waste and hazard waste stored in unauthorised buildings.</p> <p>The Environment Agency received further contact from the ‘whistleblowers’ representative. We</p>	<p>Recorded by receiving officer as a NIRS and information also added to MEMEX. Site inspector informed.</p> <p>Inspection visit provisionally planned for October brought forward. Site visited on 18 September 2017 by two officers. One officer from outside of region to ensure impartiality.</p>	<p>Due to the nature of the permit compliance issues found during the unannounced visit on the operator, they were required to undertake further compliance work. The impact was to alert the Environment Agency of permit breaches earlier than a planned visit which had been scheduled for October 2017.</p>

		informed them that we had already been aware of some of the issues with the site concerned, although specific information provided by the 'whistleblower' had helped Environment Agency investigations.	After further work, Regulation 36 Notice was issued.	
Disclosure 2 2017/18	02/06/2017	Alleged unlawful movement of fish	There was a delay in the reported matter being passed on to an officer to respond to which meant that it would be difficult to gather evidence to prove an offence. It was also deemed that the officer required additional training.	We improved our incident handling process and addressed the on-going training needs of the Fisheries Enforcement Officer to improve their knowledge of CICS and the regulatory requirements.
Disclosure 3 2017/18	24/07/2017	Permit Breach concerning the collection and storage of effluent by an operator.	An Environment Officer investigated the disclosure on 4 August 2017 and confirmed that there was a lagoon filled with trade effluent from a fruit process. This had been ongoing for at least 10 years, thereby confirming the report from the whistle blower. The fruit farm operator is still under investigation and the	This has resulted in the Environment Agency being notified of permit breaches that has led to the operator being subject to enforcement investigations.

			Environment Agency is working with them to bring them into compliance.	
Disclosure 4 2017/18	12/10/2017	Land Contamination Incident was logged as an anonymous report and was dealt with in the usual manner. Officer called Guildford District Council as the depot was their responsibility. They were asked to liaise with the County Council over the question of whether the drains were blocked (as it was the District Council's responsibility).	Incident was dealt with by officer on duty desk and assessed as Category 3. No attendance required and once those that had responsibility were notified the incident was closed.	None
Disclosure 5 2017/18	01/12/2017	Reported burning of waste by operator	The Environment Agency wrote to the operator at the registered address as well as the site address with advice and guidance and asked them to contact the Environment Agency 8 December 2017 if they wished to discuss the matter further.	Becoming aware of an environmental risk and being in a position to contact the operator and ensure future compliance with environmental regulations.

			The informant was spoken to and updated as to our actions. The informant explained that they will not be in the area but others will report further burnings to the Environment Agency.	
Disclosure 6 2017/18	06/01/2018	Permit Breach	The report was anonymous so could not make any contact with the reporter to get further details. Found no previous incidents or sensitive receptors. There were no Environment Agency permitted sites in vicinity. The reported incident was closed down as there were no further details and actions the officer could take. The Environment Agency received no further reports so the matter was closed down.	N/A
Disclosure 7 2017/18	28/03/2018	Suspected Permit Breach	The site operator was advised of the report and responded to the allegations. The report was shared with our partners in the Local	None

			<p>Authority as some of the allegations related to activities under their regulatory powers.</p> <p>An inspection of the site was carried out. No evidence was found relating to the allegations made. The only non-compliance noted was in regards to control of dust (which was unrelated to the disclosure made by the anonymous reporter).</p>	
Disclosure 8 2017/18	15/03/2018	Illegal waste site	<p>Anonymous report about the presence of an alleged illegal waste site. The officer notified the Environmental Crime Team (ECT) under the local procedures for illegal waste site reports and an ECT officer was allocated. ECT officer undertook 'desktop research' in respect of land ownership without success. Intelligence information was recorded on Memex and the site was designated as an illegal</p>	<p>This involved minimal impact on the Environment Agency's functions. The Environment Manager fulfilled a routine incident role. Named companies and sites in the report are known to officers. Resource and prioritisation means that this site is awaiting further investigation.</p>

			waste site for follow up investigation.	
Disclosure 9 2017/18	21/03/2018	Illegal waste site	<p>An officer visited the site in response to the disclosure received.</p> <p>Illegal storage of waste was identified; however the operators responded that they had employed a consultant to lead on the application for a bespoke permit on their behalf.</p> <p>As a result, the Environment Agency currently has a case file with its Legal Services Department.</p>	No unusual impact given that the report of an illegal waste site is routine and is likely to lead to enforcement proceedings.
Disclosure 10 2017/18	15/06/2017	Water Pollution	An anonymous report was received. Unable to confirm if the drains referred to in the report were surface water or foul drains. Also unable to confirm when the 'incident' had taken place. No reports of pollution in that particular area or downstream of that location around that time so	No Impact – Normal incident response.

			the Environment Agency was unable to link it to any water pollution event.	
Disclosure 11 2017/18	16/06/2017	Permit Breach	<p>Anonymous report about a business. There had been no previous reports of permit breach. The Local Waste Team was informed.</p> <p>An officer communicated with the operator informing them of the allegation and asking them to check their facility/practices. The officer also provided the operator with further written Environment Agency guidance from its website.</p> <p>The officer phoned the reporter and told him what had been done.</p> <p>The operator also phoned the same to say that they used a waste contractor.</p>	As far as we are aware there has been no impact on the performance of the Environment Agency's functions.
Disclosure 12	11/08/2017	Land/Water Pollution	Anonymous report of disposal of chemicals down	Limited impact on the Environment Agency's given the

<p>2017/18</p>			<p>on site drains at operator's premises. The investigating officer established that another Environment Agency's team had attended site recently and following inspection had concluded that there was "washing out of independent bulk containers which had contained chemicals, but that this was being done in accordance with accepted practice and the washings disposed of to the foul drainage system."</p> <p>As a result, no attendance of an officer at that time was required and no further reports received. The anonymous nature of the report removed the option of contacting the reporter to more accurately establish the nature of the disclosure.</p>	<p>investigation was closed down after discussion with the operator.</p>
<p>Disclosure 13 2017/18</p>	<p>11/08/2017</p>	<p>Water Pollution</p>	<p>The Installations team have an inspection scheduled and will look at some of the surface water aspects.</p>	<p>There was no impact other than normal incident response.</p>

Disclosure 14 2017/18	12/09/2017	Water Pollution	Details of a reported fire risk were forwarded to Fire Service. Intelligence details were placed on Memex. Officers inspected the watercourse and found it to be clear of pollution. The incident was closed down as unsubstantiated.	There was no impact other than normal incident response.
Disclosure 15 2017/18	21/09/2017	Water Pollution	The Officer discussed the information we received concerning water pollution. A decision was made to add the information to our Intelligence Database (MEMEX) and to contact the water utility so they could take independent samples.	There has been no impact.
Disclosure 16 2017/18	14/11/2017	Water pollution	An anonymous report was made. The site not attended in accordance with Environment Agency procedure (which determines that officers do not attend a 'Category 3' incident unless there are exceptional reasons). The anonymous reporter was not aware as to	There was no impact other than normal incident response.

			<p>whether pollution was occurring (they did not have knowledge of the site's drainage arrangements).</p> <p>The officer discussed site drainage arrangements with a member of a water utility staff who had recently visited the site. They were informed by the site manager that the 'new wash bay' was connected into an existing collection pit, the contents of which were tankered away for disposal. The water utility member of staff had asked for water to be discharged via the wash bay whilst they checked for evidence of any discharge to the canal. They saw none.</p> <p>No further incident reports since the original report on 14 November 2017. If pollution was occurring then, given public access to the canal, the Environment Agency would have expected</p>	
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			further reports would have been received (which they have not).	
Disclosure 17 2017/18	04/12/2017	Illegal waste site	The information received in the report was added to our Memex intelligence systems.	The report was anonymous and we have received no further intelligence so we have not been able to build an intelligence picture that would justify putting further resource into this. It has, therefore, only had limited impact on the EA's ability to perform its functions and meet its objectives.
Disclosure 18 2017/18	09/01/2018	Illegal Disposal of Waste	The matter disclosed was not within the Environment Agency's remit, because it was an obligation on the waste carrier to inform the hotel of waste segregation. No attendance was required to the premises, the disclosure was closed as not being EA business.	No impact. A separate Environment Agency investigation was already being conducted into illegal landfilling operations within the car park area of the hotel.
Disclosure 19 2017/18	08/01/2018	Odour	Contacted the site in response to a report of potential pollution. Site not	There was minimal impact on the Environment Agency

			attended – Incident report closed down.	
Disclosure 20 2017/18	31/01/2018	Oil and chemical spills	A report was received relating to a metals sector facility. The incident report has been closed. The pollution report has not been substantiated. It was agreed to look into the operator as to whether an Environmental Permit would be required.	There was no impact other than normal incident response.
Disclosure 21 2017/18	12/01/2018	Suspected permit breach	An officer contacted the person making the disclosure who could not provide any further details than already provided to our National Customer Contact Centre. The site had been inspected on 8 January 2018 when breaches of the environmental permit had been identified and scored. Further photos were requested on 11 January 2018 which indicated site was non-compliant. Five further inspections were	The site was and is a poor performer and has had significant Environment Agency resource involved in regulation. The site has previously been served regulatory notices to improve compliance. Work is now focused on obtaining a suitable Fire Prevention Plan.

			undertaken between 9 March 2018 and 14 June 2018.	
Disclosure 22 2017/18	05/02/2018	Water pollution	<p>The incident was assessed as a Category 3 incident that warranted a non-urgent inspection. Report of contaminated water being disposed of to surface water drains at an industrial estate.</p> <p>An officer assessed the incident checking water utility mapping that showed the site to consist of a combination of combined sewer and surface water drains.</p> <p>An Environment Officer visited the site on 22 February 2018 and met with the operator's Technical Manager. The Environment Agency found drainage (both foul and surface) to the front of the premises. Surface water drainage at the front of the operator's unit was channelled to the rear of a</p>	No impact dealt with as routine incident response and management

			<p>factory and discharged into the River Aire.</p> <p>On the date of this visit white residues of product were evident around the manhole. On the date of this visit there was not any obvious contamination of the watercourse to the rear of the operator's unit.</p> <p>The operator's Technical Manager was advised to ensure that all waste was discharged to appropriate drains within the premises and not outside, He was advised to contact the water utility as he may need a Trade Effluent consent.</p> <p>The Environment Agency wrote to the operator reiterating our advice and guidance. The operator was asked for an action plan to be produced which was subsequently provided. The operator was recharged</p>	
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			for the Environment Agency time spent on the matter.	
Disclosure 23 2017/18	11/08/2017	Illegal Waste Site	Officer already aware of illegal activity on site. Information received from someone making a disclosure contributed to an ongoing investigation. The site operator was prosecuted and found guilty with sentencing due later this year. We are also pursuing a Proceeds Of Crime Act case.	The information contributed to an ongoing investigation and helped us to achieve the following objectives: <ul style="list-style-type: none"> - Protecting and improving the environment - Supporting healthier and safer communities.
Disclosure 24 2017/18	18/08/2017	Permit Breach	As a result of a disclosure received, a compliance inspection was conducted on 8 September 2017.	There was no impact on the Environment Agency's ability to perform its functions and meet its objectives, as the report was incorporated in a routine compliance inspection.
Disclosure 25 2017/18	04/09/2017	Water Pollution	As the reported location has an abstraction licence, an officer planned to complete a licence inspection whilst investigating the allegation of pollution. Unfortunately other incidents took priority and the officer was not able to	This report had a limited impact on resources. As there was insufficient evidence to suggest a direct impact to the environment, other more serious incidents were prioritised and investigated.

			arrange a visit. The allegation was not investigated any further, nor have any further reports been received of pollution.	
Disclosure 26 2017/18	07/01/2018	Water pollution	<p>As a result of someone contacting the Environment Agency, officers checked the site and spoke to the Manager and the Director. The on-site stream was clear, with no evidence of any yellow paint at all. There were no traces of yellow paint on the bund which runs along the stream behind the factory. All drains were clear and dry, with no paint visible in any of them.</p> <p>The site manager said that they had spilled a can of yellow paint but that it had been sucked up from the ground and was stored in a drum in a cordoned off area.</p> <p>On the basis that no offence had occurred, no further action was required.</p>	None. The disclosure was an incident report, which officers responded to in the normal risk based way.

			No feedback possible as report was anonymous.	
Disclosure 27 2017/18	15/03/2018	Water pollution/Suspected permit breach	As a result of contact being received, an officer contacted a water utility control who stated they would investigate. Discussions with the company suggested that there was no problem on site. No further action was taken by the Environment Agency	This report had a limited impact on resources. As there was insufficient evidence to suggest a direct impact to the environment, other more serious incidents were prioritised and investigated.
Disclosure 28 2017/18	15/02/2018	Illegal waste site	An officer responded to the report – and attended on a risk basis due to potential enforcement action/link with existing investigation. A site visit was undertaken and the person who reported the original incident reporter was contacted. Evidence was collected from site.	None. Disclosure was incident report. We responded in normal risk based way.

3. Glossary and Abbreviations

NIRS	National Incident Reporting System – the system used by the Environment Agency to log and record complaints and disclosures from members of the public regarding environmental incidents.
MEMEX	MEMEX is a database maintained by the Environment Agency for storing intelligence information.
Regulation 36 Notice	Enforcement Notice served on an operator to take specified steps in relation to a breach/anticipated breach of permit conditions issued pursuant to Regulation 36 of the Environmental Permitting (England and Wales) Regulations 2016.

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