

CCWATER WHISTLEBLOWING POLICY

Document Control

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WHISTLEBLOWING POLICY

This Whistleblowing policy is contained within Section 2.7 of CCWater's Staff Handbook but applies to everyone (staff, members and consultants) engaged in CCWater activities.

This policy is intended as a general guide and should not be regarded as a complete or authoritative statement of the law. CCWater staff are encouraged to raise general concerns through the grievance procedure. However, the option to go down the whistleblowing route is available for staff to raise concerns, or give information about wrongdoing, risk, or malpractice. This revised Whistleblowing Policy includes the amendments contained within sections 17 to 20 of the Enterprise and Regulatory Reform Act 2013.

1. Introduction and General Principles

- 1.1 This whistleblowing policy forms part of an on-going commitment by CCWater to promote a culture of high ethical standards in the organisation.
- 1.2 The Public Interest Disclosure Act 1998 ("the Act") came into force in July 1999. The Act protects workers who "blow the whistle" about possible wrongdoing in the workplace. The Act allows workers to complain to an employment tribunal if they are dismissed or suffer any other form of detriment as a consequence of whistleblowing. Contractors can only complain if they have been subjected to a detriment where their contracts are terminated because they have made a protected disclosure.
- 1.3 A disclosure will qualify for protection if, in the reasonable belief of the worker making it, it tends to show that one or more of the following has occurred, is occurring or is likely to occur:
 - a criminal offence;
 - a failure to comply with a legal obligation;
 - a miscarriage of justice;
 - the endangering of an individual's health and safety;
 - damage of the environment; and
 - deliberate concealment of information tending to show any of the above.

The Act does not introduce a general protection for whistleblowers in all circumstances. Disclosures are not protected unless they are believed to have been made in the public interest. However, workers must not be subjected to detriment as a result of making the disclosure by fellow employees. This is covered in more detail at Section 2.

- 1.4 It is important to note that this policy is intended to assist members of staff who believe they have discovered malpractice or impropriety. It is not designed to question financial or policy decisions taken by CCWater, nor should it be used to reconsider any matter that has already been addressed through the grievance, disciplinary or other procedures. Separate policy documents, setting out their respective purposes are available.
- 1.5 Employees are encouraged and expected to raise concerns of which they become aware. It is the duty of management to investigate them. This policy sets out the procedure for handling such concerns.

2. Protection of staff

- 2.1 Individuals should ensure the accuracy of the information they disclose. If an individual makes an allegation in, which is not confirmed by subsequent investigation - no action will be taken against that individual. However, if the investigation shows, or it subsequently becomes clear, that the allegation has been made maliciously, disciplinary action may be taken against the individual.
- 2.2 The employment position of the member of staff will not be disadvantaged because they have made an allegation, provided that the allegation is made in the belief that the information they have disclosed shows malpractice or impropriety, and they have raised their concerns appropriately.

3. Confidentiality

- 3.1 CCWater will treat all disclosures made through the whistleblowing policy seriously, and in a confidential and sensitive manner. The identity of the individual making an allegation will be kept confidential as long as it does not hinder or frustrate the investigation. Staff should be aware that sometimes the investigatory process reveals the source of the disclosure and the individual making the disclosure may need to provide a statement as part of the evidence required, (if police involvement is required). In such instances, we would consult the individual making the disclosure and, where possible, obtain consent prior to any action that could identify someone.
- 3.2 Disclosures will still be accepted anonymously, but CCWater encourages individuals to put their name to any disclosures they make. Anonymous allegations are not automatically disregarded but, given the safeguards for those making the allegations under this procedure, it may be more difficult, or impossible to progress an investigation if the case cannot be easily understood, or further clarification cannot be obtained. However, anonymous disclosures are preferable to silence about wrongdoing.

4. Procedure for handling concerns

- 4.1 If an individual has a concern regarding malpractice or impropriety, they can raise it via several routes. They can report the allegation verbally or in writing to their line manager if appropriate. Alternatively, the allegation can be raised with a member of staff in HR. Or, the individual may write direct to the Chief Executive. If the matter concerns malpractice or impropriety where the Chief Executive is not considered an appropriate person by the individual considering a disclosure, the Chair of Audit and Risk Management Committee can be contacted.
- 4.2 To ensure separation of responsibility, Julie Hill, the Independent Member who is not the Chair of the Audit and Risk Management Committee will report on all matters concerning whistleblowing to the Board.
- 4.3 If you make a verbal whistleblowing allegation, the allegation will be written down and you will be asked to sign the statement as a true record. This will protect yourself and the organisation from any misinterpretation of the nature of the allegation. If you refuse to sign the statement, the Chief Executive and / or the Chair of the Audit and Risk Management Committee will consider the nature and context of the allegation before determining how to proceed.
- 4.4 The Chief Executive (or the Chair of the Audit and Risk Management Committee) will decide whether to investigate the allegations. In most cases, an investigation will be carried out and a senior manager will be appointed to investigate the allegation. The senior manager is responsible for ensuring that the investigation is completed as quickly as possible. If the Chief Executive or Chair of the Audit and Risk Management Committee considers it appropriate, they may appoint an external non-CCWater investigating officer.
- 4.5 The Chief Executive or Chair of the Audit and Risk Management Committee may consider that an investigation is inappropriate because there is no substance to the allegation; or the issue is trivial, or the normal grievance procedure is the appropriate way to raise the issue.
- 4.6 Due to the varied nature of the potential allegations under the whistleblowing policy, and the possibility of police involvement, it is not always possible to keep to a precise timescale. However, the investigator will ensure that the investigation is undertaken as quickly as possible without affecting the quality and depth of the investigation. The investigation will generally follow the steps set out below:
- the investigator obtains full details of the allegation;
 - the investigator informs the member of staff against whom the allegation is made as soon as it is practically possible and the evidence supporting it;
 - the member of staff is informed of their right to be accompanied by a trade union or other representative at any future interview as part of the investigation;
 - the investigator considers whether to involve CCWater's auditors or the police;
 - the allegations are fully investigated by the investigator with the assistance, where appropriate, of other individuals/bodies;

- the investigator concludes the investigation by writing a report setting out findings in relation to the allegation and containing a conclusion as to the validity of the allegation and a recommendation for further action. The report is then passed to the Chief Executive and Chair of the Audit and Risk Management Committee who will decide what action, if any, to take;
- the decision in relation to the allegation is set out in writing by the Chief Executive or the Chair of the Audit and Risk Management Committee and, if appropriate, a copy is passed to CCWater’s auditors for a review of the relevant procedures;
- the whistleblower is kept informed of the progress of both the investigation and of the final decision and any action recommended.

4.7 If the whistleblower is not satisfied that their concern is being properly dealt with by the investigator they may raise it in confidence with the Chief Executive or Chair of the Audit and Risk Management Committee.

4.8 Whistleblowers also have a lawful right to make disclosures to prescribed persons such as the Health & Safety Executive and the National Audit Office or, where justified, other bodies.

5. Guidance on dealing with water company “Whistleblowers”

5.1 From time to time CCWater staff receive telephone calls from “whistleblowers” who wish to alert the organisation to alleged malpractices within the water industry.

5.2 This guidance is to ensure that all CCWater staff are clear about what to do in the event that they receive a whistleblower call. By their nature whistleblowers are normally unwilling to give their details so the call needs to be dealt with immediately.

5.3 The normal practice should be to refer them to the Head of Policy and Research where details of the caller’s issues can be recorded and if possible responded to. If issues involve a number of policy areas the first point of contact should normally take details and arrange how any further clarification may be achieved if possible. The caller needs to speak to someone who understands the, often quite technical, issues that they raise. The policy manager is the best contact in most cases. A file note should be made recording the time and content of the conversation. Depending on the matter, the allegation will be discussed between the Chief Executive and Chair of the Audit and Risk Management Committee, to determine what further action, if necessary, is needed.

5.4 We should not simply refer whistleblowers calls to Ofwat as our role is of an independent consumer body representing water consumers. If the issue is one concerning regulation, then we should advise and signpost the individual to the relevant regulator.

6.0 Access to Independent Advice and Prescribed Persons

- 6.1 'Public Concern at Work' is a registered charity and independent organisation which provides independent advice and support on whistleblowing to both individuals and organisations. CCWater encourages those affected by its whistleblowing policy, and who are considering making a disclosure, to visit their website.

<http://www.pcaw.org.uk/>

- 6.2 Although CCWater would encourage an individual considering making a disclosure to refer the matter internally, you should refer to the following list of prescribed persons if you are considering making a disclosure to an external body.

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

- 6.3 If you are considering making a wider disclosure (i.e. to a non-prescribed person such as the media), you should understand the risks of doing so; and seek specialist, independent advice before making any such allegation.

7.0 Further Information

- 7.1 Further information about whistleblowing and the protection available can be found at Direct.gov.

- 7.2 CCWater has undertaken to ensure all current and future cases are reported by e-mail to the HR Policy Team inbox (DefraHRPolicyTeam@defra.gsi.gov.uk).

- 7.3 This is in order that Defra can provide Management Information and respond to PQs and FOI requests across the Defra network. Only limited information will be forwarded to Defra.

<https://www.gov.uk/whistleblowing/overview>