



# **Water Management Consortium**

Lindsey Marsh Drainage Board

Isle of Axholme and North Nottinghamshire Water Level Management Board

Trent Valley Internal Drainage Board

## **WHISTLE BLOWING POLICY**

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## **1. Introduction**

1:1 The word 'Whistleblowing' in this Policy refers to the disclosure internally or externally by workers, of malpractice, as well as illegal acts or omissions at work.<sup>1</sup>

## **2. Policy Statement**

2:1 The Boards are committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of their practices. To achieve these ends, they encourage freedom of speech. They also encourage staff to use internal mechanisms for reporting any malpractice or illegal acts or omissions by their employees or ex-employees. The Boards expect and require employees to raise issues with the Boards through these internal procedures before disclosing the concerns to outside authorities/individuals.

## **3. Other Policies and Procedures**

3:1 The Boards have a range of policies and procedures, which deal with standards of behaviour at work; they cover discipline, grievance, equal opportunities and codes of conduct. Employees are encouraged to use the provisions of these procedures where appropriate. There may be times, however, when the matter is not about an individual's personal employment position and needs to be handled in a different way.

3:2 Examples may be:

- (a) A criminal offence has been committed, is being committed or is likely to be committed.
- (b) Suspected fraud.
- (c) Disregard for legislation, particularly in relation to Health and Safety at Work.
- (d) The environment has been, or is likely to be, damaged.
- (e) Showing undue favour over a contractual matter or to a job applicant.
- (f) A deliberate attempt to cover up any of the above.

3:3 The Boards will not tolerate any harassment or victimisation of a whistleblower (including informal pressures), and will treat this as a serious disciplinary offence, which will be dealt with under the Boards' disciplinary rules and procedures.

## **4. The Role of Trade Unions**

4:1 The Boards recognise that employees may wish to seek advice and be represented by their trade union officers when using the provisions of this Policy, and acknowledges the role the trade union officers play in this area.

## **5. How to Raise a Concern**

5:1 Employees should normally raise their concerns with their line manager, however, this will depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if they believe that management is involved they should approach

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<sup>1</sup> In accordance with The Public Interest Disclosure Act 1998 - See Section 12

the Chief Executive, or in the absence of or if the complaint relates to the Chief Executive, the Chairman or the Internal Auditor. Concerns may be raised verbally or in writing. You will be required to give the detailed background and history of the concern (giving relevant dates) and the reasons underpinning it.

5:2 If you are a contractor, supplier, or member of the public, you should raise your concern directly with the Chief Executive, Chairman or Internal Auditor.

## **6. The Investigation**

6:1 The investigation will be carried by an Appointed Officer, the Chairman or Internal Auditor and may need to be carried out under the terms of strict confidentiality, i.e. by not informing the subject of the nature of the complaint until, or if, it becomes necessary to do so. This may be appropriate in cases of suspected fraud. In certain cases, however, suspension from work may need to be considered immediately. Where appropriate, matters may:

- (a) be investigated by management, internal audit, or through the disciplinary process
- (b) be referred to the police
- (c) be referred to the external auditor
- (d) form the subject of an independent inquiry

6:2 The Investigating Officer will keep the whistleblower informed about the investigation and its outcome.

6:3 If the result of the investigation is that there is a case to be answered by any individual, the disciplinary rules and procedure will be used.

6:4 Where there is no case to answer, but the individual held a genuine concern and was not acting with malicious intent, the Investigating Officer should ensure that the individual suffers no reprisals or victimisation.

6:5 Only where it is proved, following investigation, that false allegations were made maliciously, will it be considered appropriate to act against the whistleblower under the terms of the appropriate legal and/or Boards' rules and procedures.

## **7. Inquiries**

7:1 If the concern raised is very serious or complex, an inquiry may be held. The Boards recognise the contribution that trade unions can make to an inquiry and agree to consult with the trade unions about the scope and detail of the inquiry including the implementation of the recommendations of the inquiry if appropriate. The Boards recognise that it may be desirable that a trade union representative be appointed to the inquiry panel.

## **8. Following the Investigation**

8:1 The Whistleblower will be informed of the outcome by the Investigating Officer. Should the whistleblower not be satisfied with the outcome of the investigation, the Boards recognise the lawful rights of employees and ex-employees to make disclosures to prescribed persons, such as the Health and Safety Executive, the Boards' Auditors, or where justified, elsewhere.

8:2 The wider disclosure of concerns to outsiders and thus under the Public Interest Disclosure Act 1998, must be made with good reason, such as:

- (a) The concern was raised internally or with a prescribed regulator but has not been properly addressed.
- (b) The concern was not raised internally or with a prescribed regulator because the whistleblower reasonably believed he or she would be victimised.
- (c) The concern was not raised internally because the whistleblower reasonably believed that a cover-up was likely.
- (d) The concern was exceptionally serious.

## **9. The Law**

9:1 This Policy and procedure is in accordance with the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the provisions of the Act. The Act is incorporated into the Employment Rights Act 1996, which already protects employees who take action over or raise concerns about health and safety at work.