

# **LOWER SEVERN (2005) INTERNAL DRAINAGE BOARD**

## **WHISTLE BLOWING POLICY**

### **Overall Policy Objective**

The overall objective of this policy is to maintain a working environment where people, whether they are employees of the Board, suppliers, contractors or members are able to raise concerns where they think there is misconduct or malpractice, and to know that their concerns will be taken seriously and investigated without fear of victimisation. The policy is intended to give confidence to employees to whistle blow and, as such, it incorporates statutory provision for protection under the Public Interest Disclosure Act 1998.

### **Our Commitment**

The Board attaches high priority to ethical standards and probity and is committed to taking appropriate action where misconduct or malpractice is identified. We are committed to being open, honest and accountable. The Board will protect staff from being penalised for raising concerns about misconduct or malpractice provided that allegations are made in good faith and without mischievous or malicious intent. The following are covered by this policy:

- Employees including part time, agency and temporary staff
- Board Members (except where allegations are made directly against a Board Member)
- Suppliers and those providing services under a contract whether working for the Board on Board premises or their own premises

For the purposes of this policy, everyone referred to above is to be treated as being an “employee”.

### **Introduction**

Employees are often the first to realise that there may be something seriously wrong within the Board. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Board. They may also fear harassment or victimisation. We encourage employees and others that we work with, who have serious concerns about any aspect of the Board’s work, to come forward and voice those concerns. It is recognised that most cases will be confidential. We wish to make clear that they can do so without fear of victimisation, subsequent discrimination or disadvantage. This ‘Whistleblowing – Confidential Reporting Code’ aims to encourage and make it possible for employees to raise serious concerns within the Board rather than overlooking a problem or ‘blowing the whistle’ outside the Board.

### **Aim and Scope of the Policy**

This policy aims to:

- Encourage employees to feel confident in raising serious concerns and to question and act on their concerns about practice
- Provide avenues for employees to raise those concerns and receive feedback on any action taken
- Make sure that employees receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- Reassure employees 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

There are existing procedures in place which make it possible for employees to lodge a grievance relating to their own employment. This policy is intended to cover major concerns that fall outside the scope of other policies and procedures.

### **What Types of Conduct are Covered?**

- Conduct which is against the law, a miscarriage of justice or fails to meet a legal obligation
- Health and safety risks, including risks to the public or to other employees
- Damage to the environment
- The unauthorised use of public funds
- Gross negligence
- Breaches of the Boards' governance arrangements (including Standing Orders or Financial Regulations) and policies
- Sexual, racial, physical or other abuse of service users or staff
- Other unethical conduct
- Actions which are intended to conceal any of the above
- *Unauthorised use of equipment*

This means that any serious concerns anyone has about any aspect of service provision or the conduct of officers or Members of the Board or others acting on behalf of the Board can be reported under this policy. This may be something that:

- Makes anyone feel uncomfortable in terms of known standards, their experience
- Or the standards they believe the Board subscribes to:
- Is against Financial Regulations, Board Procedure Rules or other governance arrangements
- Falls below established standards of practice

- Amounts to improper conduct

### **What is not Covered?**

This policy cannot be used to deal with serious or sensitive matters that are covered by other procedures. Such procedures include the following:

- Staff complaints about their employment. These complaints are dealt with through our Grievance Procedure
- Customers' complaints about our services and how we operate, *including complaints of improper conduct*. These complaints are dealt with through our Complaints Procedure
- Allegations against Board Members. Those wishing to complain about Member conduct should do so directly to the Principal Officer.

Additionally, the Board will not investigate allegations which are patently of a vexatious nature.

### **Safeguards**

The Board is committed to good practice and high standards and wants to be supportive of employees. It is recognised that the decision to report a concern can be a difficult one to make. If what is being reported is true, there should be nothing to fear because the person reporting will be doing their duty to the employer and those for whom they are providing a service. The Board will not tolerate any harassment or victimisation (including informal pressures) and will take suitable action to protect anyone when a concern is raised in good faith. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect staff.

### **Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal anyone's identity if they so wish. At the appropriate time however, you may need to come forward as a witness.

### **Anonymous Allegations**

This policy encourages anyone to put their name to an allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Board. In exercising this discretion the factors to be taken into account would include:

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

## **Untrue Allegations**

If an allegation is made in good faith, but it is not confirmed by the investigations, no action will be taken against the person concerned. If, however, they make an allegation frivolously, maliciously or for personal gain, disciplinary or other appropriate action may be taken.

## **How to Raise a Concern**

An employee should normally initially raise their concerns with their line manager. This depends however 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 the Principal Officer, or if the Principal Officer is absent or the complaint relates to the Principal Officer, the Chairman. Concerns may be raised verbally or in writing. Anyone who wishes to make a written report is invited to use the following format:

- The background and history of the concern (giving relevant dates)
- The reason why they are particularly concerned about the situation

The earlier the concern is expressed the easier it is to take action. Although no one is expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person being contacted that there are reasonable grounds for their concern. Advice and guidance on how to pursue matters of concern may be obtained from:

- The Principal Officer

It may be appropriate to consider discussing a concern with a colleague first and it may be easier to raise the matter if there are two (or more) of you who have had the same experience or concerns. Anyone may also invite their trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns they have raised. Unions and professional associations may also raise matters of concern on behalf of their members employed by the Board. If anyone prefers not to raise their concern through their line manager, they may report it directly to the Principal Officer.

## **How the Board will Respond**

The Board will respond to any concerns. Do not forget that testing out concerns is not the same as either accepting or rejecting them. Where appropriate, the matters raised may:

- Be investigated by management, internal audit or through the disciplinary process
- Be referred to the police
- Be referred to the external auditor
- Form the subject of an independent inquiry

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form should it take. The overriding principle which the Board will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for

example fraud or discrimination issues) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is carried out. Within ten working days of a concern being raised, a line manager, Principal Officer or the Chairman depending upon who has been approached, will write:

- Advising that the concern has been received
- Advising how we propose to deal with the matter
- Giving an estimate of how long it will take to provide a final response
- Advising whether any initial enquiries have been made
- Supplying information on staff support mechanisms where appropriate
- Advising whether further investigations will take place and, if not, why not

The amount of contact between the officers considering the issues and the person raising them will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Board will get further information from them. The Board will take steps to minimise any difficulties which may be experienced as a result of raising a concern. For instance, if it is necessary to give evidence in criminal or disciplinary proceedings, the Board will arrange for advice about the procedure. The Board accepts that individuals need to be confident that the matter has been properly addressed. Therefore, subject to legal constraints, we will tell them the outcome of any investigation.

Any investigations will follow the course of natural justice and will adhere to Articles 6 and 8 of the Human Rights Act 1998 (right to a fair hearing and right to private family life)

### ***The Responsible Officer***

*The Principal Officer has overall responsibility for the maintenance and operation of this policy. In the absence of the Principal Officer, the Chairman will act on his behalf. The Principal Officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger anyone's confidentiality) and will report as necessary to the Board.*

### **How the Matter can be Taken Further**

This policy is intended to provide the opportunity to raise concerns. If internal advice is required before starting action, you may talk to:

- An immediate line manager or the Principal Officer
- The local union branch

The Board hopes everyone will be satisfied with any action taken. If they are not, and feel it is right to take the matter outside the Board, the following are possible contact points:

- The Appointed Auditor

- UNISON Whistle blowers hotline 0845 355 0845 or GMB 029 2049 1260
- The local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- A relevant voluntary organisation
- The police
- The independent charity Public Concern at Work. Their lawyers can give free confidential advice at any stage about how to raise a concern about serious malpractice at work. The charity's contact details are: 020 7404 6604, 020 7404 6576, [www.pcaw.co.uk](http://www.pcaw.co.uk), [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk) (enquiries), [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk) (helpline), Public Concern at Work, Suite 306, 16 Baldwin Gardens, London, EC1N 7RJ.

If the matter is taken outside the Board, please make sure that you do not disclose confidential information. Check with the Principal Officer.

### **Whistle Blowing Do's and Don'ts**

#### **Do**

- Keep calm
- Think about the risks and outcomes before you act
- Remember you are a witness, not a complainant
- Phone Public Concern at Work for advice on 020 7404 6604

#### **Don't**

- Forget there may be an innocent or good explanation
- Become a private detective
- Use whistleblowing procedures to pursue a personal grievance
- Expect thanks

#### **Review**

This policy will be the subject of a formal review on a two-yearly basis