



Raising concerns in the public interest policy and procedure

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Introduction from Cathryn Ross, Chief Executive



All of us at one time or another may have concerns about what is happening at work. Usually these concerns can be easily resolved. However, when they are about possible unlawful conduct, fraud, risks to the public or the environment, or other malpractice, it can be difficult to know what to do.

I understand that some of you may feel uncomfortable about 'blowing the whistle' but raising your concerns promptly will help us put things right and prevent damage to Ofwat.

This policy provides you with a procedure for reporting any unlawful conduct at work and reassurance that you can be confident in exposing wrongdoing without any risk to yourself.

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1. Policy

1.1 Aim

Ofwat is committed to the highest standards of openness, probity and accountability. In line with that commitment, we recognise that an important aspect of accountability and transparency is a mechanism to enable our people to voice concerns about breaches or failures in a reasonable and effective manner.

This policy is intended to help people who believe they have discovered malpractice or impropriety and to protect them from victimisation and reprisal should they raise concerns in the public interest or 'blow the whistle'.

1.2 Scope

This policy applies to:

- Ofwat employees;
- secondees to Ofwat;
- temporary agency staff; and
- contractors.

1.3 Principles

This policy and procedure should be used when you have a concern about danger, or illegality in the workplace that it would be in the **public's interest** to have raised, as it could negatively affect others, such as customers, colleagues, or the public. This is also known as 'whistleblowing'.

A grievance is, by contrast, a dispute about your own employment position and has no additional public interest dimension. The '**Grievance resolution policy and procedure**' should be used to resolve these types of disputes.

This policy should not be used to reconsider any matters, which have already been addressed under grievance, disciplinary, or other procedures.

This policy will apply in cases where you genuinely believe that one or more of the following malpractices have occurred, is occurring, or is likely to occur. Examples of malpractices (but are not limited to):

- 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;
- a breach of the Ofwat code of conduct;
- bribery, corruption (including abuse of authority) or other forms of dishonesty;
- fraud or financial irregularities (including improper or unauthorised use of public funds);
- actions which are unprofessional, inappropriate or conflict with a general understanding of what is right and wrong, eg, actions which call into question the integrity of the work Ofwat undertakes; and
- deliberate concealing of information tending to show any of the above.

It is not necessary for you to prove the breach or failure you are alleging has occurred, or is likely to occur. You may simply raise reasonable suspicion.

If you make an allegation which is not confirmed by a subsequent investigation, no action will be taken against you. However, if it is discovered that you have made an allegation maliciously, disciplinary action may be taken.

Due to the varied nature of potential allegations, which may involve internal investigations and/or external bodies, it is not always possible to give precise timescales. However, a suitable Investigation Manager will be appointed who will ensure that the investigation is carried out as quickly as possible without affecting the quality and depth of the investigation.

Ofwat will treat all disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigations. You should be aware that sometimes the investigatory process reveals the source of disclosure and the person making the disclosure may need to provide a statement as part of the evidence required, for example, if police involvement is required.

Ofwat will not tolerate harassment or victimisation and will take action to protect our people when they raise a concern. Any harassment or victimisation will be treated as a serious disciplinary offence to be dealt with under the **'Disciplinary policy and procedure'**.

Anyone who is involved in raising concerns in the public interest will have access to confidential support from Ofwat's Employee Assistance Programme.

All records relating to disclosures, any subsequent investigation and action taken will be managed in compliance with the Data Protection Act 1998 and Ofwat's Retention and disposal policy.

Ofwat encourages people to put their name to any disclosure they make. Concerns expressed anonymously are not automatically disregarded but may be considered at the discretion of the General Counsel, Chief Executive or Audit Committee Chair. In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the issues raised; and
- the likelihood of confirming evidence for the allegation from reliable sources.

Ofwat recognises the lawful rights of people to make disclosures to prescribed persons such as the Health and Safety Executive and the National Audit Office, or, where justified, elsewhere. A full list of these prescribed bodies or persons can be found on the [direct.gov.uk](https://www.direct.gov.uk) website. See section 5.4 for further information on the most relevant prescribed bodies for Ofwat.

Responsibilities of our people

Ofwat people are responsible for:

- raising their concerns in writing as soon as they have a reasonable suspicion (see appendix 1 for the raising concerns pro-forma);
- providing a full account and evidence for their concerns;
- raising their concerns in good faith and maintaining confidentiality regarding their concerns.

3. Responsibilities of the People Hub

The People Hub is responsible for:

- providing advice and support to the people and Investigation Managers involved in this procedure;
- assisting in the appointment of a suitable Investigation Manager;
- investigating any allegations of harassment or victimisation experienced by the complainant if relevant; and
- reviewing this policy annually and specifically when there are changes to legislation.
- reporting all 'whistleblowing' cases to the Defra HR Policy Team inbox (DefraHRPolicyTeam@defra.gsi.gov.uk).

4. Responsibilities of the Investigation Manager

The Investigation Manager is responsible for:

- sending a written acknowledgment of the concern to the complainant;
- ensuring the complainant is aware of and understands the Raising concerns policy and procedure;
- protecting the identity of the complainant, where possible;
- ensuring the investigations are undertaken as quickly as possible without affecting the quality and depth of the investigation;
- keeping the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded; and
- reporting the outcome of the investigation to the complainant in writing and detail any actions proposed (excluding the outcome of any disciplinary process arising).

5. Procedure

5.1 How to raise a concern

You should raise your concerns in writing to the General Counsel. If the complaint is against, or in any way, related to the actions of the General Counsel, the complaint should be sent to the Chief Executive. If the complaint is against, or in any way related to the actions of the Chief Executive, the complaint should be raised with the Audit and Risk Committee Chair, Alison Munro, via email alison.munro@ofwat.gsi.gov.uk

If after reading this policy you are still unsure whether to use this procedure you may wish to speak to a member of the People hub. Your trade union or employee representative will also be able to provide advice on raising concerns.

You can also obtain independent legal advice through Public Concern at Work. This is an independent charity and is a leading authority on public interest whistle blowing. They can be contacted on 0207 404 6609 and at www.pcaw.demon.co.uk.

5.2 Timescales

The Investigation Manager will estimate likely timescales and notify them to all parties concerned.

5.3 Investigating procedure

The General Counsel, Chief Executive or Audit and Risk Committee Chair will decide whether an investigation is appropriate and, if so what form it should take. They can decide to take no action if the complaint appears to be trivial or vexatious.

The action taken will depend on the nature of the concern and may:

- be resolved by agreed action without the need for investigation;
- be investigated internally;
- be referred to the police;
- be referred to an external auditor; or
- form the subject of an independent inquiry.

Some concerns may be resolved by agreed action without the need for investigation. If this is the case all necessary employees will be involved in those discussions.

If an investigation is required, the General Counsel, the Chief Executive or Audit and Risk Committee Chair will appoint an Investigation Manager to investigate the concern. The appointed Investigation Manager must be a manager at an appropriate level for the matter under investigation. They must not have any conflict of interest with the people or issues concerned. Following this appointment, the Investigation Manager will:

- write to the complainant acknowledging that an investigation will be carried out;
- inform the person or people against whom the complaint is made as soon as possible and at a time that will not impede a thorough and full investigation. For example, in a case of alleged fraud where evidence may be tampered with. The individual(s) will be informed of their right to be accompanied by a colleague or trade union representative at any future interview or hearing held under the provision of these procedures;
- obtain full details and clarifications of the complaint;
- consider the involvement of Ofwat's auditors and/or the police;

- fully investigate the allegation with the assistance, where appropriate, of other individuals or bodies;
- conclude the investigation by writing a report containing the findings of the investigation, including conclusions as to the validity of the allegations and recommendations for further action;
- submit the report to the General Counsel, the Chief Executive or Audit and Risk Committee Chair to advise what course of action should be taken; and
- inform the complainant in writing of the outcome of the investigation and any action proposed.

When the process has concluded the relevant People Partner will notify the Defra HR Policy Team inbox (DefraHRPolicyTeam@defra.gsi.gov.uk).

5.4 How the matter can be taken further

If the complainant is not satisfied with the outcome of the internal procedure, they may report the matter to external individuals / bodies. The following are possible contact points:

- [Health and Safety Executive](#) – for matters relating to health and safety at work or health and safety matters relating to the public
- [National Audit Office](#) – for matters relating to value for money, fraud and corruption

- [Public Concern at Work](#) is the leading authority on public interest whistleblowing and can be contacted on 020 7404 6609 or email helpline@pcaw.co.uk
- The police

It is important that a disclosure or further complaint be made to the most relevant body or persons. Further information and a full list of these prescribed bodies can be found on the direct.gov.uk website.

5.5 Guidance on dealing with water company “whistleblowers”

From time to time Ofwat receives telephone calls from “whistleblowers” who wish to alert the regulator to “malpractices” within the companies we regulate. This guidance is to ensure that our people are clear what to do in the event that they receive a whistleblower call.

By nature, whistleblowers are normally unwilling to give their name and telephone number so the call needs to be dealt with immediately.

Please refer any whistleblower to the Case Management Office (0121 644 7725 or casemanagementoffice@ofwat.gsi.gov.uk), or where no-one is available, to the Director of Casework. Do not share any

details relating to the whistleblower or their allegations more widely, including more widely within Ofwat. The office will collect the necessary detail and commence liaison with the relevant policy teams to progress the issues raised.

Appendix 1: Raising concerns

pro-forma

Raising a concern in the public interest

To be submitted to the **General Counsel/Chief Executive / Audit and Risk Committee Chair**

For use by any individual wishing to raise a concern that is in the public interest. Please read the Raising concerns policy and procedure before completing this form. If you require assistance completing this form, please contact your resource manager, People Partner, trade union representative or work place colleague or friend.

Full Name **Job Title**.....

Please describe the nature of your concern:

(Please provide descriptions of your concerns including precise information such as dates of events, names of those involved, meetings or correspondence that have taken place, reference to relevant documents or policies).

Signature: **Date of submission:**.....

Signature.....

General Counsel / Chief Executive / Audit and Risk Committee Chair

Date of receipt.....

Appendix 2: Associated documents

Grievance resolution policy and procedure

Disciplinary policy and procedure

[Official Secrets Act 1989](#)

Document control

Version history

Version	Status	Date	Author	Summary of changes
0.1	Final	January 2015	Rachel Poole	New policy
0.2	Final	August 2016	Kate Hilditch	Changes to reflect new Audit and Risk Chair and updated job titles.