

# EXTERNAL WHISTLEBLOWING POLICY

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## Purpose and scope

The Water Industry Commission for Scotland (“the Commission”) is a prescribed body under the Public Interest Disclosure Act for whistle blowing matters relating to the water and sewerage industry in Scotland.

This whistle blowing policy is for workers, who are not employed by the Commission, who want to report concerns that are relevant to the functions of the Commission. It sets out our procedures for reporting concerns. If a concern is a qualifying disclosure for the purposes of the legislation, the worker may, subject to the relevant statutory conditions being satisfied, qualify for certain protections against detriment from their employer because of making the disclosure.

## Relevance

Whistle blowing refers to situations where a worker raises a concern about something they have witnessed at their workplace. If you are a water customer with a concern, it will generally be most appropriate for you to contact your water company directly and follow their complaints procedure. Should you not be satisfied with the outcome, please contact the **Scottish Public Services Ombudsman on 0800 377 7330**.

This policy applies to a worker, most likely employed or engaged by a water or sewerage company, who wishes to raise an allegation of malpractice about the supply of water and the provision of sewerage services in Scotland which is in the public interest. If you are a worker employed or engaged by a water or sewerage company in Scotland and you are concerned about believed malpractice relating to the water and sewerage industry in Scotland, it may be appropriate to disclose to us under this policy.

The whistle blowing legislation under which we are a prescribed body is designed to give protection to workers from detriment from their employers as a result of making the disclosure. Therefore, if you are not employed or engaged by an organisation in the water and sewerage industry in Scotland, it is highly unlikely that this policy is relevant to you. If in doubt, we recommend that you contact **Protect** (details on this organisation are provided at the end of this policy) or take independent legal advice regarding who to report your concern to.

We take malpractice very seriously. We are committed to conducting our business with honesty and integrity and we expect all staff to maintain high standards too.

It does not matter if an individual who raises a concern is mistaken about it—it is not necessary to prove the allegation being made but the individual must reasonably believe that the disclosure is made in the public interest and that the information they have tends to show some malpractice.

## When to use this policy

Whistle blowing is where an individual has a concern about a danger or illegality that has a public interest aspect to it about the supply of water and the provision of sewerage services in Scotland, for example because it threatens customers, third parties or the public generally.

## Malpractice covered by this policy

Whistle blowing, as defined in this policy, is the reporting of suspected malpractice, wrongdoing or dangers relating to the water and sewerage industry in Scotland. To be covered by whistleblowing law, the disclosure must be a ‘qualifying disclosure’. This is any disclosure of information which, in the reasonable belief of the worker making the disclosure, is made in the public interest and tends to show that one or more of the following has occurred, is occurring or is likely to occur:

- A criminal offence (this may include, for example, types of financial impropriety such as fraud);
- a breach of a legal obligation;
- a miscarriage of justice;
- danger to the health or safety of any individual;
- damage to the environment; or
- the deliberate covering up of wrongdoing in the above categories.

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## Our commitment

We are committed to the principles set out in this policy. We understand that a person raising concerns can often be anxious and distressed and that the two main barriers whistleblowers face are a fear of reprisal as a result of making a disclosure and the perception that no action will be taken if they do make the decision to 'blow the whistle'.

If an individual uses this policy to raise a concern, we will give them our assurance that we will not subject them to any form of retribution or detrimental treatment. We will treat their concern seriously and act according to this policy. If the individual believes they have suffered treatment at the hands of their employer following raising a complaint, then it is recommended that legal advice is taken on whistle blowing rights and protections.

If an individual asks for a matter to be treated in confidence, we will respect this request and only make disclosures to third parties or other staff with the individual's consent.

## Procedure for raising concerns

Any allegation of malpractice about the supply of water and the provision of sewerage services in Scotland which is in the public interest should be raised by telephone or in writing to the Commission. Any such concern in writing should be addressed to the Chief Executive. We have provided our contact details at the end of this document.

We cannot give legal advice as to whether it is the correct entity to blow the whistle to or whether a member of the public ought to consider also making disclosure to his or her employer and / or his or her legal advisor.

## Responding to concerns raised

We are committed to ensuring that all disclosures raised will be dealt with appropriately, consistently, fairly and professionally.

For non-anonymous disclosures, we may arrange a meeting to discuss the concern raised. We may ask the individual for further information about the concern raised, either at this meeting or at a later stage.

The concern raised will be formally recorded by the Commission and we will then decide how to respond. Usually this will involve making internal enquiries first, but it may be necessary to carry out an investigation at a later stage which may be formal or informal depending on the nature of the concern raised. External investigators may be brought in where necessary. We will endeavor to complete investigations within a reasonable time.

For non-anonymous disclosures, we will keep the individual who raised the concern informed of the progress of the investigation carried out and when it is completed, and give an indication of timings for any actions or next steps that we will take. We will not however, be able to inform the individual of any matters which would infringe any duty of confidentiality owed to others.

## Confidentiality

All concerns raised will be treated in confidence and every effort will be made not to reveal the identity of an individual who raises a concern, if that is their wish.

Although a concern may be made anonymously, we encourage individuals to put their name to their allegation whenever possible. If this is not done, it will be much more difficult for the Commission to protect the individual's position or to give feedback on the outcome of investigations.

Concerns that are expressed completely anonymously are much less powerful and are more difficult to investigate. We will consider each at its discretion, taking into account factors such as the seriousness of the issue raised, the credibility of the concern and the likelihood of confirming the allegation from other sources.

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## Further information and contacts

Further information and guidance can be found on the UK Government's website, here: <https://www.gov.uk/whistleblowing>. More useful contacts are outlined in the table below.

Organisation	Contact details
The <b>Water Industry Commission for Scotland</b> is the prescribed body under the Public Interest Disclosure Act for whistle blowing matters relating to the water and sewerage industry in Scotland.	Address: First Floor, Moray House, Forthside Way Stirling FK8 1QZ <b>Tel:</b> 01786 430200 <b>Email:</b> <a href="mailto:enquiries@watercommission.co.uk">enquiries@watercommission.co.uk</a> <b>Website:</b> <a href="http://www.watercommission.co.uk">www.watercommission.co.uk</a>
<b>Protect</b> is a charitable organisation which can provide independent and confidential advice to workers who are unsure whether or how to raise a public interest concern. Their advice line is managed by qualified lawyers with a wealth of experience in whistleblowing law and practice.	Address: The Green House 244-254 Cambridge Heath Road London E2 9DA <b>Tel:</b> 020 3117 2520 <b>Website:</b> <a href="https://protect-advice.org.uk">https://protect-advice.org.uk</a>
<b>Audit Scotland, the Accounts Commission, the Auditor General</b> and the firms they appoint are all 'prescribed persons' under The Public Interest Disclosure (Prescribed Persons) Order 2014. This means that whistleblowers (employees) can raise issues of concern (disclosures) with these organisations about fraud, corruption or wrongdoing within the public bodies they audit.	<b>Tel:</b> 0131 625 1500 <b>Email:</b> <a href="mailto:correspondence@audit-scotland.gov.uk">correspondence@audit-scotland.gov.uk</a> <b>Website:</b> <a href="http://www.audit-scotland.gov.uk">www.audit-scotland.gov.uk</a>
<b>The Scottish Environment Protection Agency</b> can be contacted about acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment, including those relating to flood warning systems and systems and pollution in Scotland.	<b>Email:</b> <a href="mailto:customerservices@sepa.org.uk">customerservices@sepa.org.uk</a>
<b>Water Services Regulation Authority (known as Ofwat)</b> is the economic regulator of the water and sewerage industry in England and Wales, and expects openness, accountability and honesty throughout the water sector.	Address: Ofwat Centre City Tower 7 Hill Street Birmingham B5 4UA <b>Tel:</b> 0121 644 7500 <b>Website:</b> <a href="http://www.ofwatcaseportal.org.uk/submitanenquiry">www.ofwatcaseportal.org.uk/submitanenquiry</a>