

WITHAM AND HUMBER DRAINAGE BOARDS

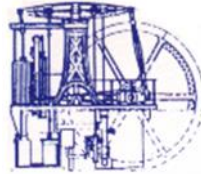
Four independent statutory Land Drainage and Flood Risk Management Authorities working in partnership.



Witham First District IDB



Upper Witham IDB



Witham Third District



North East Lindsey

www.witham3idb.gov.uk

Whistleblowing policy

1.0 Introduction

- 1.1 Witham and Humber Drainage Boards are committed to ensuring the highest standards of service and ethical standards. It is the responsibility of all employees of the Boards to report a situation where this objective may be compromised.
- 1.2 Anyone at one time or another may have concerns about what is happening at work. Usually these concerns are easily resolved. However, when they are about unlawful conduct, financial malpractice, fraud and corruption, or concerns about the quality of the service, it can be difficult to know what to do.
- 1.3 All staff have a duty to raise matters of concern including risks to life and if they do not raise these concerns and people are harmed, they could be held to be partly culpable.
- 1.4 The Boards have this policy to enable employees to raise concerns at an early stage and in the right way. It also assures employees that any concerns raised will be addressed appropriately. The Boards would rather that employees raised a matter when it is just a concern rather than wait for proof. This would be in the best interest of the service in the longer term. This includes not only employees but also contractors providing services, volunteers and students/trainees on work experience schemes.
- 1.5 Inherent within all practices, the Boards are committed to the principles of diversity, equality of treatment and equality of opportunity and believes that direct or indirect discrimination against any person is unacceptable.
- 1.6 Employees who are aggrieved about their personal or collective positions should use the Grievance Policy.

2.0 Definition

- 2.1 Whistleblowing is the name given to the act of the disclosure of information to the employer or the relevant authority by an individual who knows, or suspects, that the Boards or individuals are responsible for or taking part in some wrongdoing.
- 2.2 Those making qualifying disclosures are protected against dismissal or detriment by The Public Interest Disclosure Act 1998.

WITHAM AND HUMBER DRAINAGE BOARDS

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3.0 Qualifying disclosures.

- 3.1 Certain disclosures are prescribed by law as “qualifying disclosures”. A “qualifying disclosure” means a disclosure of information that the employee genuinely and reasonably believes is in the public interest and shows that the Board has committed a “relevant failure” by:
- committing a criminal offence
 - failing to comply with a legal obligation
 - a miscarriage of justice
 - endangering the health and safety of an individual
 - environmental damage or
 - concealing any information relating to the above.
- 3.2 These acts can be in the past, present or future. For example, a disclosure qualifies if it relates to environmental damage that has happened, is happening, or is likely to happen.
- 3.3 Employees must reasonably believe that the disclosure is “in the public interest”. Employees are encouraged to use the procedure to raise any such concerns.
- 3.4 The employee does not have to be able to prove the allegations but should have a reasonable and genuine belief that the information being discussed is true. Some allegations may prove on investigation to be unfounded, but we would prefer the issue or concern to be raised, rather than run the risk of not detecting a problem early on.

4.0 Purpose / Assurances of the Whistleblowing Policy.

- 4.1 The Whistleblowing policy is primarily for concerns where the interest of others or of the Board itself are at risk as a result of the actions of other staff and/or service provision.
- 4.2 If a member of staff is troubled by anything which they think the Boards should know or look into, they should use this policy. If in doubt, err on the side of caution and raise the issue.
- 4.3 When a member of staff, acting in the public interest, expresses a reasonable concern they will not be penalised in any way. Victimisation by other members of staff towards the employee will not be tolerated under any circumstances. Any such behaviour will be dealt with as a disciplinary offence (under the Boards’ Disciplinary Policy and Procedure) and could lead to dismissal.
- 4.4 The policy can also be appropriately used where concerns over staff safety, corporate governance or use of the Boards’ resources are an issue. The policy’s objectives include:
- The resolution of complaints at the lowest level possible to bring about a practical satisfactory solution.
 - The avoidance of breaches of confidentiality.
 - The avoidance of inappropriate actions which would damage the Boards’ ability to deliver a service.

WITHAM AND HUMBER DRAINAGE BOARDS

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This list is not exhaustive, and it includes attempts to cover negligence or occasions where those who should be addressing issues appear to be unconcerned or are themselves involved.

- 4.5 If an employee concerned about negligence wishes to seek independent and confidential advice from a lawyer about how the Public Interest Disclosure Act 1998 works, any information disclosed will be regarded as a Public Interest Disclosure and the member of staff will be protected from victimisation or loss of employment.

5.0 Confidentiality

- 5.1 The Boards recognise that an individual may wish to raise a concern in confidence under this policy. If asked to protect an employee's identity by keeping it confidential, the organisation will not disclose their name during an investigation without their consent. The situation may arise however where it is not possible to resolve the concern without revealing the person's identity (for instance because evidence is needed in court). In these circumstances the individual raising the concern will be informed prior to the disclosure occurring.
- 5.2 If the person chooses to remain anonymous this will make it more difficult for the organisation to assess if the concern is in the public interest and more difficult to investigate as the person raising the concern cannot be contacted or interviewed for further information. Accordingly, whilst anonymous reports will be investigated this policy is not intended to encourage concerns to be raised anonymously.

6.0 Responsibility

- 6.1 The Boards and their Chief Executive are committed to this policy and will ensure that the Director of Operations and Engineering Services and managers are aware of their responsibility to ensure all staff are familiar with and have access to this policy. They should always:
- take concerns seriously
 - consider them fully and sympathetically
 - recognise that raising a concern can be a difficult experience for some staff
 - seek advice from appropriate professionals (depending on the nature of the concern)
 - ensure that concerns are received in complete confidence
 - advise staff that they may wish to consult their Trade Union Representative
 - act promptly and notify the member of staff of the action taken
 - document all issues raised and action taken at all stages
 - ensure the whistle-blower has access to mediation, mentoring advice and confidential counselling should this type of support be required
 - communicate the provision of this policy and raise awareness of it. The Whistleblowing Policy does not affect existing procedures for the formal handling of complaints, grievances and disciplinary matters.

WITHAM AND HUMBER DRAINAGE BOARDS

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- 6.2 Everyone has an obligation to provide a high standard of service and to complain if concerns are not taken seriously, or if there is a serious problem with unsafe practice or misuse of a Board's resources.
- 6.3 Staff have a duty of confidentiality and loyalty to the Board and this should be encouraged. Staff will be given opportunities to contribute freely their views on all aspects of service provision. This can take place at team meetings, supervision sessions and staff development reviews (appraisal) or directly with managers. A culture where employees feel their legitimate views will be welcomed, appreciated and where appropriate, acted on positively should be created.

7.0 Procedure

- 7.1 The whistle-blowing procedure has the following steps
- Report the concerns either verbally or in writing to your immediate manager, making clear that other procedure opportunities have failed, and the issue is now being raised under the Whistle-blowing Policy procedure.
 - If the employee feels they cannot report the issue to their immediate manager, they should refer the case to a more senior manager.
 - If the employee feels that they cannot report the matter to their immediate or more senior manager, they may wish to raise the issue with someone outside of the normal line management structure and may raise this with a Board's Chairman (of their choice) within the group of Witham and Humber Drainage Boards. Employees wishing to pursue such an option should verbally contact and/or e-mail write in the first instance to the staff member or Board's Chairman, who will confirm the process.
- 7.2 In the event of the above steps failing or being inappropriate, the employee should write / e-mail to the Boards' Human resources Consultant.
- 7.3 The senior individual receiving the employee's concerns will:
- acknowledge receipt of the concern immediately in writing or by e-mail.
 - take the matter seriously and investigate thoroughly the issue(s) raised
 - where necessary, seek advice from other professionals and the Human resources Consultant.
 - respond in writing to the member of staff within 5 normal office working days, explaining the action being taken with the anticipated timescale for the action to be completed.
- 7.4 Employees may be represented in these matters by a person of their choice (apart from legal representation) and with that person's agreement.
- 7.5 The senior individual receiving the concern will discuss the matter with the appropriate senior manager with responsibility for the relevant area of work, who will prepare a written response to the employee(s). The response will explain, where appropriate, the reason(s) for the actions/situation giving rise to the concern and/or outline any plans that are in place to deal with / remedy the matter giving rise to concern.

WITHAM AND HUMBER DRAINAGE BOARDS

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- 7.6 If the employee remains unhappy about the speed or conduct of the investigation or the way in which the matter has been resolved, they should refer the matter further.
- 7.7 If any employee feels that they are being subjected to a detriment by any person within the organisation as a result of their decision to invoke this procedure, the individual must inform the Chief Executive immediately and appropriate action will be taken to protect them from any reprisals.
- 7.8 However, if it should become clear that the procedure has not been invoked in good faith, for example for malicious reasons or to pursue a personal grudge against another employee, this will constitute misconduct and will be dealt with through the Board's disciplinary procedures. The Board recognises there may occasionally be matters that cannot be dealt with internally and external authorities will need to become involved. Where this is necessary we reserve the right to make such a referral without the employee's consent.

8.0 Treatment by others.

- 8.1 Bullying, harassment or any other detrimental treatment afforded to a colleague who has made a qualifying disclosure is unacceptable. Anyone found to have acted in such a manner will be subject to the Boards' disciplinary procedure.

9.0 Monitoring, Review and Training.

- 9.1 Due to the confidential nature of whistleblowing, monitoring of this policy will be demonstrated through:

- Awareness training for staff and access via the Boards' websites.
- The provision of reports to the Board by the Chief Executive on the outcome of investigations where appropriate.
- The provision of reports to the Finance Manager from the Internal Auditor in relation to investigations undertaken concerning fraud and corruption
- Staff awareness of the policy will be monitored through staff meetings, supervision meetings.

- 9.2 This policy will be reviewed no later than three years from the date of its approval at September 2018 Board meetings, or sooner in the light of operating experience and/or legal developments.

- 9.3 The Whistleblowing Policy is an integral part of the Boards' induction programme and will feature in training workshops held on a regular basis each year.

10.0 Appeals.

- 10.1 The policy and process has been designed to ensure that openness, integrity and transparency are applied in all cases of Whistleblowing within the Boards. Therefore, it is hoped that a member of staff will have the confidence to use this policy and the terms contained within this to raise any concerns they may have, and that they can be confident in the professionalism and integrity with which any complaint is handled. However, in the event that a member of staff is dissatisfied with the process of a Whistleblowing

WITHAM AND HUMBER DRAINAGE BOARDS

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investigation, or the outcome of an investigation, they have the right to pursue their concerns.

Upper Witham IDB Approval: 17th September 2018.
Witham First DIDB Approval: 25th September 2018
North East Lindsey DB Approval: 18th September 2018
Witham Third DIDB Approval: 25th September 2018