



WHISTLE BLOWING POLICY

Accountable Officer:	Chief Executive
Approved by:	Board - 6th December 2011
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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.¹

2. POLICY STATEMENT

2:1 The Lindsey Marsh Drainage Board is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices. To achieve these ends, it encourages freedom of speech. It also encourages staff to use internal mechanisms for reporting any malpractice or illegal acts or omissions by its employees or ex employees. Unless the circumstances in clause 11 exist, the Board expects and requires employees to raise issues with the Board through these internal procedures before disclosing the concerns to outside authorities/individuals.

3. OTHER POLICIES AND PROCEDURES

3:1 The Board has 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 criminal offence has been committed, is being committed or is likely to be committed.
- Suspected fraud.
- Disregard for legislation, particularly in relation to Health & Safety at Work.
- The environment has been, or is likely to be, damaged.
- Showing undue favour over a contractual matter or to a job applicant.
- A deliberate attempt to cover up any of the above.

3:3 The Board 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 Board's disciplinary rules and procedures.

4. THE ROLE OF TRADE UNIONS

4:1 The Board recognises 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. DESIGNATED OFFICERS

5:1 The following persons have been nominated and agreed by the Board as the designated officer for concerns under this procedure. They will have direct access to the most senior person in the organisation.

¹ In accordance with The Public Interest Disclosure Act 1998 - See Section 12

- David Sisson - Engineer to the Board and Assistant to the Chief Executive.
- Simon Thackray - Director of Finance.

6. THE ROLE OF THE DESIGNATED OFFICER

6:1 Where concerns are not raised with the employee's line manager, one of the Designated Officers will be the point of contact for employees who wish to raise concerns under the provisions of this Policy. Where concerns are raised with a Designated Officer, they will arrange an initial interview, which will if requested be confidential, to ascertain the area of concern. At this stage, the whistleblower will be asked whether he or she wishes his or her identity to be disclosed and will be reassured about protection from possible reprisals or victimisation. He or she will also be asked whether or not he or she wishes to make a written or verbal statement. In either case, the Designated Officer will write a brief summary of the interview, which will be agreed by both parties as the true statement of the facts.

7. THE ROLE OF THE MOST SENIOR PERSON IN THE ORGANISATION

7:1 The Designated Officer will report to the most senior person in the organisation, who will be responsible for the commission of any further investigation.

8. COMPLAINTS ABOUT THE MOST SENIOR PERSON IN THE ORGANISATION

8:1 If the concern is about the most senior person in the organisation, the matter should be referred to the Chairman of the Board who will decide on how the investigation will proceed. This may include an external investigation.

9. THE INVESTIGATION

9:1 The investigation 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.

9:2 The Designated Officer will offer to keep the whistleblower informed about the investigation and its outcome.

9:3 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.

9:4 Where there is no case to answer, but the employee held a genuine concern and was not acting with malicious intent, the Designated Officer should ensure that the employee suffers no reprisals or victimisation.

9:5 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 disciplinary rules and procedures.

10. INQUIRIES

10:1 If the concern raised is very serious or complex, an inquiry may be held. The Board recognises the contribution that trade unions can make to an inquiry and agrees 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 Board

recognises that in many cases it will be desirable that a trade union representative will be appointed to the inquiry panel.

11. FOLLOWING THE INVESTIGATION

- 11:1 The most senior person in the organisation will brief the Designated Officer as to the outcome of the investigation. The Designated Officer will then arrange a meeting with the whistleblower to provide feedback on action taken. This will not include details of any disciplinary action which will remain confidential to the individual concerned. The feedback will be provided within time limits previously agreed with the whistleblower.
- 11:2 If the whistleblower is not satisfied with the outcome of the investigation, the Board recognises the lawful rights of employees and ex employees to make disclosures to prescribed persons, such as the Health and Safety Executive, the Board's Auditors, or where justified, elsewhere.
- 11:3 The wider disclosure of concerns to outsiders and thus under the Public Interest Disclosure Act 1998, must be made with good reason, such as:
- The concern was raised internally or with a prescribed regulator but has not been properly addressed.
 - The concern was not raised internally or with a prescribed regulator because the whistleblower reasonably believed he or she would be victimised.
 - The concern was not raised internally because the whistleblower reasonably believed that a cover-up was likely.
 - The concern was exceptionally serious.

12. THE LAW

- 12:1 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.