

Whistle blowing policy

It is important that any fraud, misconduct or wrongdoing by staff or others working on behalf of the charity is reported and properly dealt with. We wish to enable and encourage employees to raise genuine concerns about possible wrongdoing at work without fear of reprisal and to reassure them that such matters will be dealt with seriously and effectively. This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

Background

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for workers who raise legitimate concerns about specified matters in the public interest. These are called 'qualifying disclosures.' A qualifying disclosure is one made by an employee who has a reasonable belief that any of the following is being, has been or is likely to be, committed:

- A criminal offence (including fraudulent or corrupt behaviour – theft, fraud, malpractice)
- The breach of a legal obligation.
- A miscarriage of justice.
- A danger to the health and safety of any individual.
- Damage to the environment.
- Deliberate attempt to conceal any of the above.

It is not necessary to have proof that such an act is being, has been, or is likely to be, committed – a reasonable belief is sufficient. A whistle-blower has no responsibility for investigating the matter – it is the charity's responsibility to ensure that an investigation takes place.

Principles

Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Staff and others working on behalf of the charity should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.

Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the person who raised the issue.

No employee or other person working on behalf of the charity will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.

Victimisation of an individual for raising a qualified disclosure will be a disciplinary offence.

If misconduct is discovered as a result of any investigation under this procedure, our disciplinary procedure will be used, in addition to any appropriate external measures. Maliciously making a false allegation is a disciplinary offence.

An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree to remain silent. You should report the matter to the director or the Chair of trustees.

Procedure

Stage 1

In the first instance, any concerns should be raised with the director, who will arrange an investigation of the matter. The investigation may involve you and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. Your statement will be taken into account and you will be asked to comment on any additional evidence obtained. The director will take any necessary action, including reporting the matter to the Chair of trustees and the board management committee, plus, if necessary, to any appropriate government department or regulatory agency. The director will also invoke any disciplinary action required. On conclusion of any investigation, you will be told the outcome and what the charity has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

Should your concerns regard the behaviour or activities of the director, you should contact the Chair of trustees directly at this stage.

All approaches will be dealt with in the strictest confidence.

Stage 2

If you are concerned that the director has failed to make a proper investigation or has failed to report the outcome of the investigations to the relevant person, you should escalate the matter to the Chair of trustees, who will arrange for a review of the investigation to be carried out, make any necessary enquiries and make his/her own report to the Board.

Stage 3

If on conclusion of stages 1 and 2 you reasonably believe that the appropriate action has not been taken, you should report the matter to the relevant body. This includes:

- HM Revenue & Customs
- The Health and Safety Executive
- The Serious Fraud Office
- The Charity Commission
- The Pensions Regulator
- The Information Commissioner
- The Financial Conduct Authority.

Disclosures to the press will not be considered a relevant body.

If, at any stage in the procedures, employees are unsure about what to do and would

like independent advice, they might like to discuss their concerns with someone at Protect (formerly Public Concern at Work). This body is an independent Charity staffed by lawyers, which offers confidential free legal and practical advice on how people can raise concerns about malpractice at work. They can also give advice on who else the worker may contact about what legal protection may be available. Protect can be contacted at: <https://protect-advice.org.uk/homepage/> or by phone on 020 3117 2520.

If workers bring information about a wrongdoing to the attention of their employers or a relevant organisation, they are protected in certain circumstances under the Public Interest Disclosure Act 1998. The law protects employees making a disclosure in the public interest, so people can speak out if they find malpractice in an organisation. A worker will have to show three things to claim PIDA protection:

- That he or she made a disclosure.
- That they followed the correct disclosure procedure.
- That they were dismissed or suffered a detriment as a result of making the disclosure.

Anonymous complaints

We hope that all employees should feel able to put their name to the allegations which they raise, as concerns expressed anonymously are more difficult to investigate. If employees raise a concern anonymously, depending upon the exact circumstances, it may nonetheless be possible for their identity to be deduced. If they then suffer reprisals, it may be difficult to show that this was as a result of them raising a concern, as it may not be possible to protect unidentified people. Should an employee feel they have no recourse but to make an anonymous complaint, they can do so using the web form found at <https://villagewater.org/whistle-blowing/>

Malicious complaints

If a complaint is found to be malicious, or if an employee lodges what are deemed, after investigation to be unfounded complaints on a regular basis, then appropriate disciplinary action, up to and including dismissal, will be imposed.

For general information on raising concerns about a charity, please visit <https://www.gov.uk/complain-about-charity>

Signed



Andrew Picken Chair of Board of Trustees

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